

CRIMINAL CODE OF THE BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA

GENERAL PART

CHAPTER 1

BASIC PROVISIONS

Functions of the Criminal Legislation of the Brcko District of Bosnia and Herzegovina

Article 1

- (1) Criminal legislature of the Brcko District of Bosnia and Herzegovina (hereinafter: the Brcko District) protects fundamental rights and freedoms of men and citizens and other basic individual and general values established and guaranteed by the legal system.
- (2) This protection shall be exercised by determining which actions represent criminal offenses, prescribing sentences and other criminal sanctions for these actions, and pronouncing these sanctions to the perpetrators in procedures determined by law.

Basis and Limits of Criminal Justice Compulsion

Article 2

Criminal justice compulsion (Article 1, Paragraph 2 of this Code) shall be applied only when fundamental social values cannot be ensured otherwise, and only to the degree necessary to provide such protection.

Principle of Legality

Article 3

- (1) Criminal offenses and criminal sanctions are prescribed only by law.
- (2) No criminal sanction may be pronounced on a person for an act which, prior to being committed, had not been defined by law as a criminal offense, and whose legal qualifications had not been described and for which a criminal sanction has not been prescribed.

Mandatory Application of the Less Severe Law

Article 4

- (1) The law that was in effect at the time of committing a criminal offense shall be applied to the perpetrator of the criminal offense.
- (2) If the law has altered on one or more occasions after the criminal offense had been committed, the law that is less severe for the perpetrator shall be applied.

Criminal Sanctions and Conditions for Their Pronouncement

Article 5

- (1) Criminal sanctions are: punishments, suspended sentence, security measures and educational measures.
- (2) Punishment, suspended sentence and security measures that are pronounced along with these sanctions may only be pronounced to the perpetrator who is criminally liable.

Restrictions on Execution of Criminal Sanctions

Article 6

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

Applicability of the General Part of this Code

Article 7

Provisions of the General Part of this Code are applicable to all criminal offenses defined in laws of the Brcko District and laws of Bosnia and Herzegovina.

CHAPTER II

CRIMINAL OFFENSES AND CRIMINAL LIABILITY

1. GENERAL PROVISIONS ON CRIMINAL OFFENSE AND CRIMINAL LIABILITY

Criminal Offense

Article 8

A criminal offense is an illicit act prescribed by law as a criminal offense, whose characteristics are stipulated by law and for which a criminal sanction is prescribed by law.

Offense of Minor Significance

Article 9

An act which has characteristics of a criminal offense as defined by law, but due to the manner of its committing has little significance and results in the insignificant or absent harmful consequences, and entails negligible degree of criminal liability of the perpetrator, shall be considered an offense of minor significance.

Self-Defense

Article 10

- (1) An act committed in self-defense is not considered a criminal offense.
- (2) A defense is considered to be self-defense if it is essentially necessary for the defender to avert a coinciding illicit attack from oneself or from another, and which is commensurate to the attack.
- (3) If the perpetrator exceeds the limits of self-defense, the court may impose reduced sentence, and if he had exceeded the limits for the reason of extreme rage or fear caused by the attack, the court may decide to remit the sentence.

Last Resort

Article 11

- (1) An act is not considered a criminal offense if it is committed for the purpose of averting from oneself or from another the coinciding or immediate unprovoked danger which could not have been averted in any other way, provided the harm thereby done did not exceed the harm threatened.
- (2) The court may remit the sentence for the criminal offense if committed for the purpose of averting from oneself or another the coinciding or immediate unprovoked danger which could not have been averted in any other way, provided the harm done is equal to the harm threatened.
- (3) If in the case from Paragraph 2 of this Article the perpetrator was ignorant out of negligence of the mitigating circumstances rendering release from punishment by law, he shall be punished for committing a criminal offense out of negligence.
- (4) There is no last resort if the perpetrator was under an obligation to expose himself to the danger.

Force and Threat

Article 12

- (1) A criminal offense committed under irresistible force is not a criminal offense.
- (2) If the perpetrator has committed a criminal offense under a force that could have been resisted or under threat, the provisions of Article 11, Paragraphs 2 and 3 of this Code shall be applied, considering this force or threat as an unprovoked danger.

Criminal Liability

Article 13

- (1) A perpetrator is considered criminally liable if he is mentally competent and has been found guilty of committing a criminal offense.
- (2) The perpetrator is guilty if he has committed a criminal offense with premeditation.
- (3) A perpetrator is guilty of an act committed out of negligence only insofar as the law explicitly prescribes so.

Competence

Article 14

- (1) The person who has committed a criminal offense is not considered mentally competent if at the time of committing the criminal offense such person was incapable of understanding the significance of his act or controlling his conduct due to a lasting or temporary mental illness, temporary mental disorder, or mental retardation.
- (2) If the ability of the perpetrator to understand the significance of his act, and his ability to control his conduct was diminished due to one or all of the conditions referred to in Paragraph 1 of this Article, he may be punished less severely (reduced mental competence).
- (3) The perpetrator shall be considered criminally liable if, through use of alcohol, narcotics or in some other way, he has brought himself to a state of not being capable of understanding the importance of his actions or controlling his conduct, and the act itself was premeditated prior to his placing himself in such a state, or if he was negligent in relation to the criminal offense and the act in question is punishable by law if committed out of negligence.

Premeditation

Article 15

A criminal offense has been committed with premeditation if the perpetrator was aware of his deed and wanted to do it, or if he was aware that a prohibited consequence might have resulted from his action or restraining from action and consented to it.

Negligence

Article 16

A criminal offense is committed out of negligence if the perpetrator was aware that due to his acting or failing to act, a prohibited consequence might have occurred, but carelessly assumed that it would not occur or that he would be able to prevent it, or if he was unaware of the possibility that a prohibited consequence might have occurred, although, under the circumstances and by his personal characteristics, he should and could have been aware of that possibility.

Responsibility for Graver Consequence

Article 17

When a graver consequence has resulted from a criminal offense 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.

Factual Delusion

Article 18

- (1) A person is not criminally liable if at the time of committing the criminal offense he was not aware of some element thereof which had been prescribed by law, or if he has mistakenly believed that circumstances existed which, if they had actually existed, would render such conduct permissible.
- (2) If the person was deluded out of his negligence, he shall be criminally liable for the criminal offense committed out of negligence, when the law provides criminal liability also for such offense.

Legal Delusion

Article 19

The court may reduce the punishment or acquit the perpetrator of a criminal offense who had justifiable reasons for not knowing that his conduct was prohibited.

2. ATTEMPT OF A CRIMINAL OFFENSE

Attempt

Article 20

- 1) A person who intentionally commences the committing of a criminal offense, but does not complete his doing, shall be punished for the attempted crime only when the criminal offense in question is punishable by prison sentence of five years or more, and for other criminal offenses only where the law also explicitly prescribes the punishment for the attempt alone.
- 2) An attempted criminal offense shall be punished within the limits of the punishment prescribed for the same criminal offense, but may also be punished less severely.

Inappropriate Attempt

Article 21

A person who attempts to commit a criminal offense by inappropriate means or against an inappropriate object may be released from punishment.

Voluntary Abandonment of an Attempt

Article 22

- (1) The court may remit the punishment to the perpetrator who attempted to commit a criminal offense but has voluntarily desisted from its completion or prevented its completion.
- (2) In the case described under Paragraph 1 of this Article, the perpetrator shall be punished for those acts that constitute other separate criminal offenses.

3. COLLABORATION IN COMMITTING CRIMINAL OFFENSE

Accomplices

Article 23

If several persons, who jointly commit a criminal offense by participating in the act of committing or in some other way, each shall be punished as prescribed for the offense.

Incitement

Article 24

A person who premeditatedly incites another to commit a criminal offense shall be punished as if he had committed it.

Accessory

Article 25

- (1) Whoever premeditatedly assists another in committing a criminal offense shall be punished as if he had committed it, but can also receive a reduced sentence.
- (2) The following, in particular, shall be considered as assisting: giving advice or instructions on how to commit a criminal offense, supplying means for committing a criminal offense, removing obstacles for committing a criminal offense, and promising, prior to the committing of the criminal offense, to conceal existence of the criminal offense, to hide the perpetrator, the means used for committing the criminal offense, traces of the crime, or goods acquired by committing the criminal offense.
- (3) If the criminal offense was only attempted, the accessory shall be punished for the attempt.

Limitations as to Responsibility and Punishability of Accomplices

Article 26

- (1) The accomplice shall be considered criminally responsible within the limits set by his own intention or negligence, and the inciter and the accessory - within the limits of their own intention.

- (2) The court may refrain from pronouncing a punishment on the accomplice, inciter or accessory that has voluntarily prevented the commission of the crime.
- (3) Personal relations, characteristics and circumstances for which the law provides the exclusion of criminal liability, or permits or provides for the remission of punishment, its mitigation or aggravation, may be taken into consideration only if they are inherent to such perpetrators, accomplices, inciters or accessories.

4. SPECIAL PROVISIONS ON CRIMINAL LIABILITY FOR CRIMINAL ACTS COMMITTED THROUGH PRESS AND OTHER MEDIA

Criminal Liability of Editor in Chief

Article 27

- (1) Editor in Chief, or the person acting in such capacity at the time of publishing information, is considered criminally liable for criminal offenses committed through newspapers or other periodical press publication, through radio, television or film news, if:
 1. the author remained unknown by the time of completion of the main trial before the first instance court,
 2. the information was published without the author's consent.
- (2) The Editor in Chief or the person acting as such is not criminally liable if he had justifiable reasons for not being aware of some of the circumstances mentioned in Items 1 to 2 of Paragraph 1 of this Article.
- (3) The Editor in Chief or the person acting as such shall be punished within the limits of the sentence prescribed for the criminal offense, and may be punished less severely.

Criminal Liability of Publisher, Type-Setter and Manufacturer

Article 28

- (1) If conditions referred to in Article 27 of this Code exist, the following persons are criminally liable:
 1. publisher - for a criminal offense committed through non-periodical press publication, and - if there is no publisher - the type-setter who had the knowledge thereof;
 2. manufacturer - for a criminal offense committed by the means of phonographic record, tape recording, film for public and private display, as well as photographic slides, audio recording, video-clips, audio-clips or similar means of communication intended for a broader audience.
- (2) If the publisher, type-setter or manufacturer is a legal person or a government body, the person who is in charge of publishing, printing and production shall be held criminally liable.
- (3) The provisions from the Paragraph 3, Article 27 of this Code shall also be applied to the publisher, printer and manufacturer.

Application of General Provisions Concerning Criminal Liability

Article 29

Provisions on the criminal liability of persons referred to in Articles 27 and 28 of this Code are applicable only if those persons are not held criminally liable under general provisions on criminal liability defined in this Code.

5. METHOD, TIME AND PLACE OF COMMITTING A CRIMINAL OFFENSE

Method of Committing a Criminal Offense

Article 30

- (1) A criminal offense may be committed by performing an action or by non-performance of an action.
- (2) A criminal offense may be committed by non-performance of an action only if the perpetrator failed to perform an obligatory action.

Time of Committing a Criminal Offense

Article 31

Time of committing a criminal offense is the time when the perpetrator was acting or was under the duty to act, irrespective of the fact when the consequences of his act or failing to act occurred.

Place of Committing a Crime

Article 32

- (1) A criminal offense is committed both in the place where the perpetrator was acting or had a duty to act and in the place where the consequences occurred.
- (2) An attempt to commit a criminal offense is considered carried out both in the place where the perpetrator was acting and in the place where the consequences, according to his intention, should have or may have occurred.

CHAPTER III

PUNISHMENTS

1. PURPOSE OF PUNISHING, TYPES OF PUNISHMENTS AND CONDITIONS FOR PRONOUNCING PUNISHMENTS

Purpose of Punishments

Article 33

The purpose of punishment is:

- 1) preventing the perpetrator to commit criminal offenses and his rehabilitation;
- 2) the preventive influence on others not to commit criminal offenses,
- 3) developing and strengthening social responsibilities through pronouncing social condemnation of criminal offense and the necessity to abide by the laws.

Types of Punishments

Article 34

The following punishments may be pronounced to perpetrators of criminal offenses:

- 1) long-term imprisonment;
- 2) prison;
- 3) fine.

Principal and Subsidiary Punishments

Article 35

- (1) Long-term imprisonment and prison sentence may be pronounced only as principal punishments.
- (2) A fine may be pronounced both as a principal and as subsidiary punishment.
- (3) If several punishments are prescribed for a criminal offense, only one of them may be pronounced as the principal punishment.

Legality in Pronouncing Punishments

Article 36

- (1) The punishment pronounced to the perpetrator is the punishment prescribed for the crime committed, while a milder or more severe punishment may be pronounced only if the conditions set forth in this Code have been met.
- (2) For criminal offenses motivated by greed, a fine may be pronounced as subsidiary punishment even when that is not specifically prescribed by law, or in cases where the law prescribes that the perpetrator is to be punished by a prison sentence or a fine, and the court decides to pronounce the prison sentence as the principal punishment.

Long-Term Imprisonment

Article 37

- (1) Long-term imprisonment may be exceptionally prescribed in cases of committing premeditated grave criminal offenses.
- (2) Long-term imprisonment may not be prescribed as the only principal punishment for a particular criminal offense.
- (3) Long-term imprisonment shall be pronounced for the duration of twenty to forty years.
- (4) Long-term imprisonment may not be pronounced to a person who has not reached the age of twenty-one at the time of committing the crime, or to a pregnant woman.
- (5) If a long-term imprisonment sentence was pronounced, amnesty or pardon may be granted only after four fifths of the sentence have been served.
- (6) A person sentenced to long-term imprisonment shall not be granted release on parole.

Prison Sentence

Article 38

- (1) A prison sentence may not be shorter than thirty days, or longer than fifteen years.
- (2) A prison sentence is pronounced in full years and months and for sentences of up to six months also in full days.
- (3) When the court metes out and pronounces the prison sentence up to three months, it can concurrently decide that the sentence, with the consent of an accused, can be substituted with a fine, and exceptionally with community work at liberty.

Fine

Article 39

- (1) A fine may not amount to less than 500 KM. A fine may not exceed the amount of 20,000 KM, while for the criminal offenses motivated by greed it may not exceed the amount of 100,000 KM.
- (2) The sentence shall define the time limit for paying off the fine, which may not be shorter than fifteen days, or longer than three months, but in justified cases the court may allow instalment payments over a period not exceeding two years.
- (3) A fine cannot be collected forcibly.
- (4) If the fine or a part thereof, has not been paid within the time limit determined by the judgement, the court shall immediately pass the decision of altering the fine into prison sentence.
- (5) When converting a fine into prison sentence, the court orders a day of prison for each 50 KM of the fine, but in that case the prison sentence cannot exceed twelve months.

2. METING OUT OF PUNISHMENTS

General Rules of Meting out of Punishments

Article 40

- (1) The court shall mete out the punishment within the limits provided by law for a particular offense, having in mind the purpose of the punishment and taking into account all circumstances bearing on the severity of punishment (mitigating and aggravating circumstances), particularly: the degree of criminal liability, motives for committing the offense, degree of danger or injury to the protected object, circumstances under which the offense was committed, the past conduct of the perpetrator, his personal situation and the conduct after the committing of the criminal offense, as well as other circumstances related to the personality of the perpetrator.
- (2) When the court pronounces the punishment for the criminal offense in recidivism, it shall take into special consideration whether the previous offense is of the same type as the new one, whether both of the offenses have been committed out of the same motives, and the period of time which elapsed since the pronouncement of the previous punishment, or since the punishment has been served or pardoned.
- (3) In assessment of the fine the court shall take into account the situation of the perpetrator in terms of property, considering the amount of the salary, other incomes, property, and family obligations.

Mitigation of Punishment

Article 41

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

1. when the law provides the possibility of reducing the punishment;
2. when the court determines existence of such mitigating circumstances which indicate that the purpose of the punishment can be attained by a lesser punishment.

Limitations as to Mitigation of Punishment

Article 42

- (1) When the conditions for mitigation of punishment referred to in Article 40 exist, the court shall mitigate

the punishment within the following limits:

1. if a prison sentence of ten years or more is prescribed as the lowest punishment , it may be reduced down to five years of prison,
 2. if the period of five years of prison is prescribed as the lowest punishment, it may be reduced down to two years of prison,
 3. if the period of three years of prison is prescribed as the lowest punishment, it may be reduced down to one year of prison,
 4. if the period of two years of prison is prescribed as the lowest punishment, it may be reduced down to six months of prison,
 5. if the period of one year of prison is prescribed as the lowest punishment, it may be reduced down to three months of prison,
 6. if the prison sentence of up to one year is prescribed as the lowest punishment, it may be reduced down to thirty days of prison,
 7. if the prison sentence is prescribed without specifying the lowest limit, the court may pronounce a fine instead of prison,
 8. if a fine is prescribed for the criminal offense with the indication of the lowest limit, the punishment may be reduced down to the amount of 500 KM.
- (2) Adhering to the rules set forth under Paragraph 1 of this Article, in deciding on the extent of reducing punishments the court shall take into special consideration the lowest and the highest punishment prescribed for the particular criminal offense.

Release from Punishment

Article 43

- (1) The court shall release, or may release the perpetrator from punishment only when so specifically stipulated by law.
- (2) When the court has the authority to release the perpetrator of a criminal offense from punishment, it can reduce the punishment regardless of the limitations prescribed for mitigation of punishment.

Special Conditions for Releasing from Punishment

Article 44

- (1) The court may decide not to punish a person who has committed a criminal offense out of negligence, when the consequences of the committed act affect the perpetrator so severely that imposing a punishment would obviously not serve the purpose of punishing.
- (2) If the perpetrator, after committing of a criminal offense but before he learned that he was discovered, voluntarily removed the consequences of the offense or compensated the damage caused by the offense, he may be released from punishment.

Increasing Punishment in Case of Multirecidivism

Article 45

- (1) The court may punish premeditated crimes, for which the prison sentence is prescribed, more severely under the following conditions:
 1. if the perpetrator has been convicted of premeditated crimes in two or more instances to prison sentence of at least one year, and displays the tendency of performing criminal offenses;
 2. if the period of five years has not elapsed from the day of release of the perpetrator from serving the previously pronounced sentence to the day of committing a new criminal offense.

- (2) The more severe punishment may not exceed the doubled value of the prescribed sentence, or twenty years of prison.
- (3) When considering whether to pass a more severe sentence than the one prescribed by law, the court shall specifically take into consideration the similarity of the committed criminal offenses, motivation and circumstances of the criminal action, and the necessity of passing such sentence in order to accomplish the purpose of punishment.

Joinder of Criminal Offenses

Article 46

- (1) If the perpetrator has committed several criminal offenses by a single action or by several actions, and is tried for all of those offenses at the same time, the court shall first decide on punishments for each offense separately, and then pronounce the single punishment for all the offenses together.
- (2) The court shall pronounce the single punishment according to the following rules:
 1. if the punishment of long-term imprisonment is determined for one of the offenses, it will be the only punishment pronounced;
 2. if the court passes the prison sentence for each offense, the single punishment must be higher than any of the individual punishments, but it may not reach the sum of the determined punishments, or exceed fifteen years of prison;
 3. if each of the offenses is punished with three years of prison, the single punishment may not exceed eight years of prison;
 4. if fines alone are pronounced for joinder of criminal offenses, the single punishment may not exceed the sum of the pronounced fines, or the amount of twenty thousand KM, and in case of the offense committed out of greed it may not exceed the amount of a hundred thousand KM;
 5. if the court determines the prison sentence for some of the joinder offenses, and fines for others, the court shall pronounce the single prison sentence and the single fine according to Item 4 of Paragraph 2 of this Article.
- (3) The court shall pass subsidiary punishment if it is determined even for one of the joinder offenses, and if the court has determined several fines, it shall pass a single fine according to provisions in Item 4 of Paragraph 2 of this Article.
- (4) If the court has determined the prison sentences and the juveniles prison sentences for joinder offenses, it shall pass prison sentence as the single sentence in accordance with the rules stipulated in Paragraph 2 of this Article.

Meting out of Punishment to a Convicted Person

Article 47

- (1) If a convicted person is tried for the criminal offense committed before commencing serving the sentence under the previous punishment, or for the criminal offense committed while serving prison sentence or juvenile prison sentence, the court shall pass the single punishment for all criminal offenses in accordance with Article 46 of this Code, regarding the previously pronounced punishment as already set. The sentence or part thereof that the convicted person has served shall be included into the pronounced prison sentence.
- (2) For the criminal offense committed while serving the prison sentence or juvenile prison sentence, the court shall punish the perpetrator independently of the previously pronounced punishment in cases when the application of provisions of Article 46 of this Code would fail to accomplish the purpose of punishment, because of the duration of the unserved part of the previously pronounced punishment.
- (3) If the convicted person serving the prison sentence or juvenile prison sentence commits a criminal

offense for which the law prescribes a fine or prison up to one year, he shall be ordered a disciplinary punishment.

Credit for the Period of Custody and for the Previous Punishment

Article 48

- (1) The time spent in custody, as well as any deprivation of liberty in connection with the criminal offense, shall be included in the pronounced prison sentence, juvenile prison sentence or fine.
- (2) Prison sentence that the convicted person has served, or fine which he has paid for a misdemeanor, shall be included in the punishment pronounced for the offense the characteristics of which include characteristics of misdemeanors.
- (3) Security measure pronounced for the misdemeanour shall be included into the corresponding security measure pronounced for the criminal offense, whose elements include also the elements of a misdemeanor.
- (4) In each counting of the credit, one day of custody, one day of deprivation of liberty, one day of prison for juveniles, one day of prison, and the sum of fifty KM shall be deemed equal.

CHAPTER IV

SUSPENDED SENTENCE

Purpose of the Suspended Sentence

Article 49

The purpose of the suspended sentence is to ensure that the criminally liable perpetrator is not punished for the offense of minor significance when it is not necessary for criminal-legal protection and when it can be expected that the caution with the threat of punishment (suspended sentence) shall influence the perpetrator sufficiently not to repeat criminal offenses.

Suspended Sentence

Article 50

- (1) By suspended sentence the court defines and determines punishment for the perpetrator, and at the same time determines that the sentence shall not be executed unless the perpetrator commits another criminal offense in the period of time specified by the court, and which cannot be less than one or more than five years (probation period).
- (2) In the suspended sentence the court may specify that the sentence shall be executed even if, within the specified time limit, the convicted person fails to restore the material gain acquired through the criminal offense, or fails to fulfill other obligations prescribed in the criminal-legal provisions. The court determines the deadline for fulfillment of those obligations within the probation period.
- (3) Security measures, pronounced together with the suspended sentence, shall be executed.

Conditions for Suspended Sentence

Article 51

- (1) Suspended sentence may be pronounced when the perpetrator is sentenced up to two years in prison or to

pay a fine.

- (2) When deciding upon the suspended sentence, the court shall, on the basis of all relevant circumstances, consider whether the perpetrator can reasonably be expected not to repeat the criminal offenses even though the sentence which is to be pronounced is not executed.
- (3) If the perpetrator is sentenced to both prison and fine, the suspended sentence can be pronounced for both sentences or for the prison sentence only.

Revocation of Suspended Sentence Because of New Criminal Offense

Article 52

- (1) The court shall revoke the suspended sentence if the convicted person commits one or more criminal offenses during the probation period for which the prison sentence of two years or more is pronounced.
- (2) If the convicted person commits one or more criminal offenses during the probation period, for which the prison sentence of less than two years or a fine is pronounced, the court shall decide whether to revoke the sentence after taking into consideration all circumstances in connection with the offenses and the perpetrator, especially the similarity of the committed offenses, their significance and the motives. In passing such decision, the court shall be bound by a ban to pronounce the suspended sentence if the perpetrator should be sentenced to prison of two years or more for the criminal offenses specified in the suspended sentence, and for new criminal offenses (Article 51, Paragraph 1).
- (3) If the court revokes the suspended sentence, it shall, by applying the provisions of Article 46 of this Code, pronounce the single sentence for both new and previous criminal offense, regarding the revoked suspended sentence as already set.
- (4) If the court does not revoke the suspended sentence, it may pass the suspended sentence or a punishment for the new criminal offense. If the court decides that the new criminal offense should also be punished with the suspended sentence in accordance with the provisions of Article 46 of this Code, it shall determine the single sentence for both new and the previous criminal offense, and it shall determine a new probation period (Article 50, Paragraph 1), counting from the day when the new sentence becomes effective. If the court imposes a prison sentence for the new criminal offense, the period spent on serving of this sentence shall not be included into the probation period established in the suspended sentence for the previous criminal offense.

Revocation of Suspended Sentence Because of the Previously Committed Criminal Offense

Article 53

- (1) The court shall revoke a suspended sentence in case that, after the suspended sentence is pronounced, it determines that the convicted person has committed a criminal offense prior to the pronouncement of the suspended sentence, and it estimates that the suspended sentence would not have been pronounced had it been known of that criminal offense. In that case, Article 52, Paragraph 3 of this Code applies.
- (2) If the court does not revoke the suspended sentence, it shall impose the provision of Article 52, Paragraph 4 of this Code.

Revocation of Suspended Sentence Due to Failure to Fulfill Imposed Obligations

Article 54

If the suspended sentence specifies that the convicted person has to fulfil certain obligations in accordance with Article 50, Paragraph 2 of this Code, and he does not fulfil the obligation within the period specified in the sentence, the court may extend that period within the probation time, or it may revoke the

suspended sentence and impose the punishment determined in it. If it is found that for the justified reasons the convicted person cannot fulfil the imposed obligation, the court shall free him from fulfilling the obligation, or it may substitute it with another adequate obligation stipulated by law.

Time Limits for Revocation of the Suspended Sentence

Article 55

- (1) The suspended sentence may be revoked during the probation period. If the convicted person commits a criminal offense which entails the revocation of the suspended sentence during that period, and it is determined by the judgment after the expiration of the probation period, the suspended sentence may be revoked no later than one year from the day of expiration of the probation period.
- (2) If the convicted person does not fulfil certain obligation from Article 50, Paragraph 2 of this Code within the specified period, the court may order the execution of the punishment determined in the suspended sentence not later than one year from the expiration of the probation period.
- (3) The decision on the revocation of the suspended sentence must become effective in the period specified in Paragraphs 1 and 2 of this Article.

Suspended Sentence with Protective Supervision

Article 56

- (1) The court may order that the perpetrator who has received a suspended sentence should be put under protective supervision if, with regard to the circumstances of the committing of the criminal offense, personality of the perpetrator, his previous life, and conduct after the committing of the criminal offense, the court finds that the purpose of the suspended sentence and the social adaptation of the convicted person shall be accomplished more efficiently under supervision.
- (2) The protective supervision includes measures for help, care, supervision and protection stipulated by this Code, provided that the period of supervision may not be shorter than six months or longer than two years.

Content of Protective Supervision

Article 57

Protective supervision may include the following obligations:

1. medical treatment in the appropriate medical institution;
2. abstinence from consuming of alcohol and narcotics
3. visiting the recommended psychological and other counselling services, and acting pursuant to their instructions;
4. training for a particular occupation;
5. accepting the employment which corresponds to the qualifications and abilities of the perpetrator;
6. using the salary and other incomes or property appropriately, and in accordance with the marital or family obligations.

Ordering Protective Supervision

Article 58

- (1) Within the sentence, the court imposes one or more obligations from Article 57 of this Code, specifying in more detail what they include.

- (2) When selecting the obligations stated in Article 57 of this Code, the court shall take into special consideration the age of the perpetrator, his physical and mental health, the way of life, behaviour and habits at home, in school or at the workplace, motives for performing the criminal offense and conduct after the committing, previous life, personal and family circumstances, as well as circumstances related to the personality of the perpetrator which can be significant for the selection and duration of protective supervision measures.
- (3) Supervision may be repealed before the expiration of the specified period if the court concludes that the purpose of the measure has been fulfilled during the period of supervision.
- (4) If the perpetrator to whom the supervision is ordered does not fulfil the obligations determined by the court, the court may warn him, change the previous obligations with new ones, extend the period of protective supervision within the probation period, or it may revoke the suspended sentence.

CHAPTER V

SECURITY MEASURES

Purpose of Security Measures

Article 59

The purpose of security measures is to eliminate the situations or conditions which might influence the perpetrator to commit criminal offenses in the future.

Types of Security Measures

Article 60

The following security measures may be pronounced to perpetrators of the criminal offenses:

1. mandatory psychiatric treatment and stay in the medical institution;
2. mandatory psychiatric treatment at liberty;
3. mandatory medical treatment of drug addicts and alcoholics;
4. ban to perform the occupation, activity or duty;
5. ban to drive a motor vehicle;
6. confiscation of objects;
7. banishment of a foreigner from the Brcko District.

Imposing Security Measures

Article 61

- (1) The court shall pronounce one or several security measures to the perpetrator when the conditions stipulated by this Code are met.
- (2) Mandatory psychiatric treatment and stay in a medical institution, and mandatory psychiatric treatment at liberty shall be pronounced independently to a mentally incompetent perpetrator of the criminal offense. Ban to perform the occupation, activity or duty, ban to drive a motor vehicle, and confiscation of objects may be pronounced along with the above measures.
- (3) Mandatory medical treatment of drug addicts and alcoholics, ban to drive a motor vehicle and confiscation of objects may be pronounced if a sentence, suspended sentence, or remission from the punishment was pronounced to the perpetrator.
- (4) Ban to perform the occupation, activity or duty, and banishment of the foreigner from the country may be pronounced if a sentence or suspended sentence was pronounced to the perpetrator.

Mandatory Psychiatric Treatment and Stay in the Medical Institution

Article 62

- (1) To the perpetrator who has committed the criminal offense in the state of mental incompetence or diminished mental competence the court shall pronounce mandatory psychiatric treatment and stay in the medical institution if it establishes that the perpetrator might commit grave criminal offenses against life or body, sexual integrity or property if he is released, and the only way to prevent such danger is through medical treatment and custody in such institution.
- (2) The measure from Paragraph 1 of this Article shall be terminated when the court determines that the necessity for the medical treatment and custody of the perpetrator in the medical institution has ceased.
- (3) To the perpetrator who has committed the criminal offense in the state of diminished mental competence and who is sentenced to prison, the time spent in the medical institution shall be included in the total period of duration of the pronounced sentence. If that period is shorter than the period of duration of the pronounced prison sentence, the court may send the convicted person to serve the rest of the sentence or release him on probation. When deciding on the release on probation, the court shall take into special consideration the results of the medical treatment of the convicted person, health, period of time spent in the medical institution, and the rest of the sentence which has not been served.
- (4) The measure from Paragraph 1 of this Article pronounced together with the prison sentence may be longer than the latter.

Mandatory Psychiatric Treatment at Liberty

Article 63

- (1) To the perpetrator who has committed the criminal offense in the state of mental incompetence, the court shall order mandatory psychiatric treatment at liberty, if it finds that that the perpetrator might commit grave criminal offenses against life and body, sexual integrity, or property, and that treatment at liberty would suffice to avert such threat.
- (2) The measure mentioned in Paragraph 1 of this Article may also be pronounced to the incompetent perpetrator to whom the court ordered mandatory psychiatric treatment and stay in the medical institution when the court, upon the examination of the results of the treatment, finds that further treatment and stay in the medical institution is no longer needed, and the treatment at liberty alone shall be sufficient.
- (3) In accordance with the conditions stipulated in Paragraph 1 of this Article, the court may also pronounce mandatory psychiatric treatment on the perpetrator whose mental competence is diminished, or on the perpetrator who has been released on probation in accordance with Article 62, Paragraph 3 of this Code.
- (4) Mandatory psychiatric treatment at liberty may not exceed two years.
- (5) If in cases referred to in Paragraphs 1 to 3 of this Article the perpetrator fails to undergo the medical treatment at liberty, or terminates it of his own accord, or he becomes dangerous to his environment to such a degree, in spite of the treatment so that further treatment and custody in the medical institution prove necessary, the court may order mandatory psychiatric treatment and custody in the medical institution.

Mandatory Medical Treatment of Drug Addicts and Alcoholics

Article 64

- (1) The court may pronounce mandatory medical treatment to the perpetrator who has committed criminal

offense because of alcohol or drug addiction and if there is a danger of his further committing of criminal offenses due to that addiction.

- (2) The measure referred to in Paragraph 1 of this Article shall be executed in the institution authorised for executing the sentence, or in the medical or other specialised institution. The period of time spent in that institution shall be included in the sentence.
- (3) When the measure from Paragraph 1 of this Article is pronounced together with a fine, suspended sentence, or release from punishment, it shall be executed at liberty, provided that the total duration of the measures may not exceed two years. If the perpetrator fails to undergo the treatment at liberty without justifiable reason, or he terminates the treatment on his own account, the court may order the forcible execution of the measure in the medical or other specialized institution.
- (4) The court shall terminate the mandatory medical treatment of drug addicts and alcoholics when it determines that the necessity for such treatment has ceased, taking into consideration that the total period of executing the measure may not exceed two years.

Ban to Perform the Occupation, Activity or Duty

Article 65

- (1) The court may prohibit the perpetrator to perform a particular occupation, private business, and all or some of the offices dealing with disposition, using, managing or handling someone else's property entrusted to him for safekeeping, if the perpetrator has abused his position, occupation or duty in order to commit the criminal offense, and if it can be justifiably assumed that he might commit the criminal offense again if he is allowed to continue exercising such activity.
- (2) The court determines duration of the measure referred to in Paragraph 1 of this Article, and that period may not be shorter than one or longer than ten years, counting from the day of decision becomes effective. The time spent in prison or in the medical institution for custody and medical treatment shall not be included in the period of duration of the measure.
- (3) When pronouncing the suspended sentence, the court may order that such sentence shall be revoked if the perpetrator violates the ban to perform the occupation, business or duty.

Ban to Drive a Motor Vehicle

Article 66

- (1) The court may pronounce the ban to drive a motor vehicle of certain type or category, to the perpetrator of the criminal offense who has endangered the safety of the public traffic.
- (2) The court may pronounce the measure referred to in Paragraph 1 of this Article if it finds that the circumstances in which the criminal offense has been committed, or the perpetrator's previous violation of traffic regulations, indicate that it shall be dangerous to allow him to drive a motor vehicle of certain type or category. When deciding to impose this measure, the court shall also take into account whether the perpetrator is professional driver.
- (3) The court shall determine the period of duration of the measure referred to in Paragraph 1 of this Article, and that period may not be shorter than three months or longer than five years counting from the day the decision becomes effective. Time spent in prison or in the medical institution for custody and medical treatment shall not be included into the period of duration of the measure.
- (4) If the measure referred to in Paragraph 1 of this Article is pronounced to the person who owns a foreign driving licence, the measure shall include ban of its use on the territory of the Breko District for a period from three months up to five years.

- (5) The law may stipulate the mandatory imposing of this measure.

Confiscation of Objects

Article 67

- (1) Articles which have been used or were intended for use in a criminal offense, or have resulted from the committing of the offense may be confiscated if they are the property of the perpetrator.
- (2) Articles referred to in Paragraph 1 of this Article may also be confiscated even if they are not property of the perpetrator if so warranted by general safety interests, provided that the right of a third party to obtain damage compensation is not infringed.
- (3) The law may stipulate the mandatory confiscation of objects.

Banishment of a Foreigner from the Brcko District

Article 68

- (1) The court may pronounce a foreigner the banishment from the territory of Brcko District for a period from one up to ten years.
- (2) In deciding whether to pronounce the measure referred to in Paragraph 1 of this Article, the court shall take into account the motives for committing the criminal offense, the manner of the committing and other circumstances indicating that the further staying of the foreign citizen in the Brcko District is undesirable.
- (3) The period of banishment shall be counted from the day when the decision takes legal effect. The time spent in prison shall not be included in the period of duration of this measure.

CHAPTER VI

RULES ON EDUCATIONAL RECOMMENDATIONS, EDUCATIONAL MEASURES AND PUNISHMENT OF JUVENILES

Validity of Separate Criminal Provisions for Juveniles

Article 69

- (1) Provisions of this Chapter are valid for juvenile perpetrators of criminal offenses, while other criminal-legal provisions from other criminal-legal acts shall be applied to juveniles only if not in contravention of the separate provisions valid for them.
- (2) Separate provisions valid for juvenile perpetrators of criminal offenses shall also be applied, in accordance with the conditions stipulated in the provisions of this Chapter, to adults tried for the criminal offenses which they committed as juveniles. These provisions shall exceptionally be applied to the persons who have committed criminal offenses as junior adults.

Exclusion of Criminal Sanctions for Children

Article 70

Criminal proceedings may neither be conducted nor criminal sanctions may be applied to a juvenile (child) who has not reached the age of fourteen at the time of the committing the criminal offense.

1. EDUCATIONAL RECOMMENDATIONS

Purpose of Educational Recommendations

Article 71

The purpose of educational recommendations is to avoid the starting of the criminal proceedings against the juvenile perpetrator of the criminal offense, and by pronouncing the educational recommendations to influence the juvenile not to commit criminal offenses.

Conditions of Application of Educational Recommendations

Article 72

- (1) Educational recommendations may be pronounced to juvenile perpetrators for criminal offenses for which the law prescribes a fine or prison sentence up to three years.
- (2) The prosecutor or a juvenile judge may pronounce educational recommendations to juveniles.
- (3) Conditions for application of educational recommendations are the following: juvenile's confession of committing the criminal offense and his expressed willingness to make amends with the injured party.

Types of Educational Recommendations

Article 73

- (1) Educational recommendations are:
 1. personal apology to the injured party,
 2. compensation damage to the injured party,
 3. regular school attendance,
 4. work for a humanitarian organisation or local community,
 5. accepting the appropriate employment,
 6. accommodation in another family, home or institution,
 7. medical treatment in an appropriate medical institution,
 8. visiting educational, psychological and other counselling service,
 9. education in the field of traffic regulations
- (2) Educational recommendations referred to in items 1, 2, 3, 8, and 9, of Paragraph 1 of this Article, shall be pronounced by the Prosecutor, and educational recommendations referred to in items 4, 5, 6, and 7, of Paragraph 1 of this Article, shall be pronounced by a juvenile judge.

Selection of Educational Recommendations

Article 74

- (1) When selecting educational recommendations, a prosecutor or a juvenile judge shall take into account all interests of the juvenile and the injured party. They shall take special care that the pronounced educational recommendations do not jeopardise the juvenile's regular schooling or employment.
- (2) Educational recommendations may not last longer than one year.
- (3) Within the period of their execution educational recommendations may be substituted with other educational recommendations or be terminated.
- (4) The selection and application of educational recommendations shall be executed in co-operation with parents, guardians and social welfare agencies.

Criminal Sanctions against Juveniles

Article 75

- (1) To the juvenile perpetrator of a criminal offense the court may pronounce educational measures and certain security measures, and to the senior juvenile the court may exceptionally pronounce a juvenile prison sentence.
- (2) To the juvenile who has reached the age of fourteen but has not reached the age of sixteen (junior juvenile) at the time of the committing of the crime, the court may pronounce educational measures only.
- (3) To the juvenile who has reached the age of sixteen, but has not reached the age of eighteen (senior juvenile) at the time of committing the criminal offense, the court may pronounce educational measures under conditions stipulated by this Code, and exceptionally the court may pronounce the juveniles prison sentence.
- (4) Security measures may be pronounced to juveniles on conditions stipulated by this Code.

Purpose of Educational Measures and Juvenile Prison Sentence

Article 76

The purpose of educational measures and the juvenile prison sentence is to ensure education, rehabilitation and proper development of the juvenile perpetrators of criminal offenses, by offering them protection and help, by organising supervision and training, and by stimulating their sense of personal responsibility. In addition, the purpose of the juvenile prison sentence is to exercise an intensified influence on the juvenile perpetrators so as to prevent their committing of criminal offenses in the future, as well as to deter other juveniles from committing criminal offenses.

Types of Educational Measures

Article 77

- (1) Educational measures are: disciplinary measures, measures of intensified supervision and institutional measures.
- (2) Disciplinary measures shall be pronounced to a juvenile against whom the imposing of extensive educational measures is not necessary, especially if the criminal offense has been committed out of imprudence and levity.
- (3) Measures of intensified supervision shall be pronounced to a juvenile against whom it is necessary to undertake the measures of education, rehabilitation and medical treatment along with appropriate supervision, when the complete separation from the present social environment is not necessary.
- (4) Institutional measures shall be pronounced to a juvenile against whom it is necessary to undertake more permanent measures of education, rehabilitation and medical treatment and his complete separation from the social environment. These measures may not exceed the period of five years.

Educational Measures

Article 78

The following educational measures may be pronounced to juvenile perpetrators of criminal offenses:

1. disciplinary measures: court reprimand or committal to the disciplinary centre for juveniles;

2. measures of intensified supervision: on the part of parents, adoptive parents or guardians, in another family, or on the part of the competent agency of social welfare;
3. institutional measures: committal into the educational institution, correctional institution or some other institution for rehabilitation.

Selection of Educational Measures

Article 79

When selecting an educational measure the court shall take into consideration the age of the juvenile, degree of his mental development, psychological traits, affiliations, motives for committing the criminal offense, previous upbringing, social environment and living conditions, gravity of the offense, the fact whether the juvenile had previously been punished or ordered an educational measure, and all other circumstances which might be of importance for pronouncing the measure which would best attain the purpose of the educational measures.

Court Reprimand

Article 80

- (1) Court reprimand shall be pronounced if the court finds it sufficient only to reprimand the juvenile for the committed offense.
- (2) When pronouncing the court reprimand, the court shall indicate the harmful effects of his act and point out that the court shall pass another measure in case he commits another criminal offense.

Committal into the Disciplinary Centre for Juveniles

Article 81

- (1) The court shall send a juvenile into the disciplinary centre for juveniles when it finds necessary to influence his personality and behaviour with appropriate short-term measures.
- (2) The court may send the juvenile, to whom the measure mentioned in Paragraph 1 of this Article was pronounced, to the disciplinary centre:
 1. for a specified period of time during the holiday, four consecutive days at the most;
 2. for a specified number of hours during one day, in the period of one month at the most;
 3. for a continuous custody during the specified period of time, but not longer than twenty days.
- (3) When passing the measures mentioned in Paragraph 1 of this Article, the court shall take care that the juvenile does not miss regular classes or work due to the execution of these measures.
- (4) At the disciplinary centre, the juvenile shall be subject to utility labour commensurate to his age.
- (5) When passing the measure of committal into the disciplinary centre for juveniles, the court may order that juvenile be placed under intensified supervision of the competent agency of social care after the execution of this measure.

Intensified Supervision of Parents, Adoptive Parent and Guardian

Article 82

- (1) The court shall pronounce the measure of intensified supervision of parents, adoptive parent and guardian if the parents, adoptive parent or guardian are in the position to exercise such supervision but failed to do so.

- (2) When the court pronounces the measure referred to in Paragraph 1 of this Article, it can instruct parents, adoptive parent or guardian and impose certain obligations on them regarding the measures which have to be undertaken for education of the juvenile, his medical treatment and averting harmful influence upon him.
- (3) When pronouncing the measure referred to in Paragraph 1 of this Article, the court may order the agency of social welfare to supervise the execution of the measure and to provide help to the parents, adoptive parent, or guardian. The court shall subsequently bring the decision on termination of this period of supervision, and this period may not be shorter than one or longer than three years.

Intensified Supervision in a Foster Home

Article 83

- (1) If parents, adoptive parent, or guardian of the juvenile are not in the position to supervise him, or they cannot reasonably be expected to do so, the juvenile shall be handed over to another family which is willing to accept him, and which is in the position to perform intensified supervision over him.
- (2) The execution of the measure referred to in Paragraph 1 of this Article shall be terminated when it becomes possible for the parents, adoptive parent, or guardian to exercise an intensified supervision over him, or when the results of the rehabilitation process have proved that the intensified supervision is no longer needed.
- (3) When pronouncing the measure referred to in Paragraph 1 of this Article, the court shall impose the agency of social welfare to supervise the execution and to provide necessary help to the family to which the juvenile has been handed over.

Intensified Supervision of the Competent Agency of Social Welfare

Article 84

- (1) If the parents, adoptive parent, or guardian are not in the position to exercise the intensified supervision over the juvenile, and the conditions for his handing over to another family have not been met, the juvenile shall be put under the supervision of the competent agency of social welfare.
- (2) The court shall subsequently decide on termination of the measure referred to in Paragraph 1 of this Article, provided that this period may not be shorter than one or longer than three years. During the execution of this measure, the juvenile shall continue to live with his parents, adoptive parent or other persons who support him, and the intensified supervision over him shall be exercised by the authorised person appointed by the competent agency of social welfare.
- (3) The authorised person of the competent agency of social welfare shall take care that the juvenile continues schooling or employment, separate him from the environment that influences him in a harmful way, provide necessary medical treatment and work on improvement of his living conditions.

Special Obligations Connected to Measures of Intensified Supervision

Article 85

- (1) When pronouncing some of the intensified educational measures referred to in Articles 83, 84 and 85 of this Code, the court may determine one or several separate obligations to the juvenile, if that proves necessary for more successful execution of the pronounced measure, provided that these obligations must not exceed the period of duration of the educational measure.
- (2) The court may particularly impose the following obligations: personal apology to the injured party, compensation of the damage within the scope of his own capability, regular attendance of school,

training for the occupation which suits his abilities and interests, abstinence from consuming alcohol and narcotics, visiting a competent medical institution or counselling service, and avoiding the companionship of persons that have a harmful influence on him.

- (3) The court may subsequently repeal or change the obligations it has imposed.
- (4) In case that the obligations referred to in Paragraph 2 of this Article have not been fulfilled, the court may substitute the measure of intensified supervision it pronounced with another educational measure.
- (5) When determining the obligations referred to in Paragraph 2 of this Article, the court shall warn the juvenile about the consequences mentioned in Paragraph 4 of this Article.

Committal to Educational Institution

Article 86

- (1) The court shall order committal to the educational institution for the juvenile who has to be placed under continual supervision on the part of the trained educator in the educational institution for juveniles.
- (2) The juvenile shall stay in the educational institution during the period not shorter than six months or longer than three years. When pronouncing this measure, the court shall not determine the period of its duration. This period shall be determined subsequently (Article 89, Paragraph 2).

Committal to Correctional Institution

Article 87

- (1) The court shall send a juvenile who has to be submitted to the intensified measures of correction to a correctional institution for juvenile perpetrators of criminal offenses.
- (2) When deciding whether to pass the measure referred to in Paragraph 1 of this Article, the court shall take into special consideration the gravity and the nature of the committed offense, as well as whether educational measures or a juvenile prison sentence have been previously pronounced to the juvenile.
- (3) A juvenile shall remain in the correctional institution for a period not shorter than one or longer than five years. When pronouncing the measure referred to in Paragraph 1 of this Article, the court shall not determine the period of its duration. This period shall be determined subsequently (Article 89, Paragraph 2).

Committal to Another Institution for Rehabilitation

Article 88

- (1) To a juvenile whose mental or physical development is impeded, the court may pronounce the measure of committal to another institution for rehabilitation instead of the measure of committal to the educational or correctional institution.
- (2) A juvenile shall stay in an institution for correction as long as it is necessary for his medical treatment or correction, and when the juvenile reaches the age of eighteen (maturity) the court shall reconsider the necessity of his further keeping in such institution.

Termination and Modification of the Decision on Educational Measures

Article 89

- (1) If, after the measure of intensified supervision or an institutional measure has been pronounced, circumstances appear which have not existed or have been unknown at the time of passing of the decision and which would be of relevance on passing the decision, the execution of the mentioned

measure may be terminated, or substituted with another measure of intensified supervision or an institutional measure.

- (2) Except in cases referred to in Paragraph 1 of this Article, and unless stipulated otherwise for some of the measures, the measure of intensified supervision or an institutional measure may be, with regard to the results of the correction, terminated or substituted with another measure of the same type which shall accomplish the purpose of the educational measures more efficiently. As for the institutional measures, termination of their execution or their substitution with another measure shall be executed in accordance with the following restrictions:
 1. the measure of committal to an educational institution may not be terminated before the expiration of a six-month period, but before the expiration of this period it may be substituted only with the committal of the juvenile into the correctional institution or another institution for training;
 2. the measure of committal to a correctional institution may not be terminated before the expiration of the period of one year, but before the expiration of this period it may be substituted only with committal of the juvenile into the educational institution or another institution for training.
- (3) Exceptionally, the measure of committal to an educational institution, or the measure of committal to a correctional institution may be terminated or substituted with some other measure before the expiration of the periods referred to in Items 1 and 2, Paragraph 2 of this Article, if special circumstances relating to the personality of the juvenile clearly show that the purpose of these measures has been accomplished.

Reconsideration of Educational Measures

Article 90

- (1) The court shall reconsider the necessity for the execution of the measure pronounced if more than one year elapsed since the decision on this measure of intensified supervision or institutional measure took effect. In that case, the court may decide to execute the measure, not to execute the measure, or to substitute the measure with some other.
- (2) The measure of committal to a disciplinary centre for juveniles shall not be executed if the measure has not been executed six months after the decision ordering this measure took effect.

Punishing Senior Juveniles

Article 91

The court may punish only a criminally liable senior juvenile who has committed a criminal offense for which the law prescribes the punishment of more than five years in prison if it would not be justifiable to pronounce the educational measure because of the grave consequences of the criminal offense or high degree of criminal liability.

Juvenile Prison

Article 92

- (1) The duration of a juvenile prison sentence may not be shorter than one or longer than ten years, and shall be measured in full years or half-years.
- (2) When meting out a punishment to a senior juvenile for a particular criminal offense, the court may not pronounce a juvenile prison for the period longer than the prison sentence prescribed for that particular offense, but the court is not bound by the minimal measure prescribed for that offense.

Meting out a Juvenile Prison Sentence

Article 93

When meting out a juvenile prison sentence to a senior juvenile, the court shall take into account all relevant circumstances which may affect the decision on the duration of the sentence (Article 40, Paragraphs 1 and 2), taking into special consideration the degree of the juvenile's mental development and the period of time needed for his correction and training.

Ordering Educational Measures and Juvenile Prison for Joinder of Criminal Offenses

Article 94

- (1) For joinder of criminal offenses, the court shall pronounce the juvenile only one educational measure or only the sentence of juvenile prison when the legal conditions for the pronouncing of such a sentence are met, or when the court finds necessary to pronounce it.
- (2) The court shall also act according to Paragraph 1 of this Article in cases when it establishes that a juvenile had committed a criminal offense before or after it has pronounced the mentioned educational measure or the juvenile prison sentence.

Statute of Limitations on Execution of Juvenile Prison Sentence

Article 95

A juvenile prison sentence may not be executed after the lapse of the period of:

1. ten years from sentencing to juvenile prison for a period exceeding five years;
2. five years from sentencing to juvenile prison for a period exceeding three years;
3. three years from sentencing to juvenile prison for a period not exceeding three years.

Pronouncing Criminal Sanctions to Adults for Criminal Offenses They Committed as Juveniles

Article 96

- (1) An adult aged 21 or over cannot be tried for the criminal offense he committed as a juvenile.
- (2) If the adult has not reached the age of 21 at the time of the trial, he can be tried only for criminal offenses for which a more severe sentence than five years of prison is prescribed. The court may pronounce only an appropriate institutional educational measure to such person. When deciding on the pronounciation of this measure, the court shall take into account all circumstances relevant to the case, particularly the gravity of the committed offense, the period of time which has elapsed from the commission of the criminal offense, the conduct of the perpetrator and the purpose of the educational measure.
- (3) The court may pronounce an appropriate institutional educational measure to an adult who has committed a criminal offense as a senior juvenile, and if the conditions stipulated in Article 93 of this Code are met the court may pronounce a juvenile prison sentence. When deciding on the selection and pronouncing of these sanctions, the court shall take into account all circumstances relevant to the case, particularly the gravity of the committed offense, the period of time which has elapsed since the commission of the offense, the conduct of the perpetrator, as well as the purpose that should be accomplished by these sanctions.
- (4) As an exception to the provisions set forth in Paragraph 3 of this Article, the court may pronounce a prison sentence or a suspended sentence instead of a juvenile prison sentence to an adult who has reached the age of 21 at the time of the trial. With regard to the rehabilitation, deleting the sentence and legal consequences of the sentence, the prison sentence pronounced in this case has the identical legal effect as a juvenile prison sentence.

Pronouncing Educational Measures to Junior Adults

Article 97

- (1) The court may pronounce an appropriate institutional measure to a perpetrator who has committed a criminal offense as an adult person, but has not reached the age of 21 at the time of the trial, if, regarding the personality and circumstances in which he had committed the offense, it may reasonably be expected that an educational measure would accomplish the purpose identical to the pronouncement of a prison sentence.
- (2) Under conditions stipulated by this Code, the court may pronounce all security measures, except the ban to perform a certain occupation, activity or duty, to a junior adult to whom it has pronounced an educational measure.
- (3) The pronounced educational measure may last only until the perpetrator reaches the age of 23.

Security Measures for Juveniles

Article 98

- (1) Under conditions stipulated by law, the court may pronounce the security measures referred to in items 1-3 and 5-7, in Article 60 of this Code, to juvenile perpetrators of criminal offenses to whom educational measures or juvenile prison sentence have been pronounced.
- (2) The security measure of mandatory medical treatment of drug addicts and alcoholics may not be pronounced together with disciplinary measures, and the measure of banishment of the foreigner from the Brcko District may not be pronounced together with disciplinary measures or measures of intensified supervision.
- (3) The measure of mandatory psychiatric treatment and custody in a medical institution and the measure of mandatory psychiatric treatment at liberty may be pronounced independently to a mentally incompetent juvenile perpetrator of a criminal offense. The measure of confiscation of objects may be pronounced together with these measures.
- (4) Instead of the mandatory psychiatric treatment and custody in the medical institution, the court may pronounce the measure of committal into another institution for training, if that institution can provide the medical treatment and custody, and in that way accomplish the purpose of this security measure.

Impact of Punishment on Educational Measures

Article 99

- (1) If the court pronounces a juvenile prison sentence to a senior juvenile during the execution of an educational measure, the educational measure shall be terminated when the juvenile commences the serving of the sentence.
- (2) If the court pronounces a juvenile prison sentence or the prison sentence of at least one year to an adult during the execution of an educational measure, the educational measure shall be terminated when that person commences the serving of the sentence.
- (3) If the court pronounces a prison sentence of not more than one year to an adult during the execution of an educational measure, it shall decide in the verdict whether the execution of the pronounced educational measure shall be continued or cancelled after the served sentence.

Impact of Educational Measures and Juvenile Prison Sentence

Article 100

- (1) Educational measures and juvenile prison do not entail legal consequences consisting of the ban on

acquiring certain rights stipulated in Article 115, Paragraph 2 of this Code.

- (2) Provision of Article 99 of this Code shall also be applied to persons who serve the measure of committal to a correctional institution or a juvenile prison sentence.

Records on Pronounced Educational Measures

Article 101

- (1) Records on the pronounced educational measures shall be kept by the competent agencies of social welfare, based on regulations which are passed by the body of the Brcko District in charge of the social care.
- (2) The data on the pronounced educational measures may be revealed only to the court, the Prosecutor's Office, Police and agencies of social welfare, in connection with the criminal proceedings that have been undertaken against the person to whom the educational measures had been pronounced.

CHAPTER VII

GENERAL PROVISIONS ON EXECUTION OF SENTENCES

Purpose of Execution of a Sentence

Article 102

- (1) Execution of sentence accomplishes the purpose of punishment referred to in Article 33 of this Code.
- (2) During the serving of a sentence convicted persons must be treated humanely, their personal dignity must be respected and their physical and mental integrity protected.

Execution of Prison Sentence and Long-Term Imprisonment

Article 103

- (1) Prison sentence and juvenile prison sentence shall be carried out in closed, semi-open or open type institutions for execution of punishments.
- (2) Long-term imprisonment shall be carried out in closed type institutions for execution of punishments.

Limits as to the Execution of Punishments

Article 104

A person under the execution of punishment shall be deprived of his rights or have his rights restricted, pursuant to the law, only up to the limits essential to achieve the purpose of particular punishment.

Work of Convicted Persons

Article 105

- (1) Persons sentenced to prison, long-term imprisonment or juvenile prison, who are able to work, may be required to work.
- (2) If a convicted person requests or consents to work, he shall be allowed to work.
- (3) The work of convicted persons should be beneficial and should correspond as much as possible to the contemporary way of carrying out the same kind of work at liberty, as well as to professional and other

abilities of the convicted person.

Release on Parole

Article 106

- (1) A convicted person who has served one half of the sentence may be released from execution of the sentence upon the court decision, under the condition that he does not commit another criminal offense before the expiration of the sentence (release on parole).
- (2) The court's decision on release on parole shall be based on the reasonable belief that the convicted person shall behave well at liberty, and particularly that he will not commit criminal offenses in future. In determining whether the convicted person should be released on parole, the court shall take into account his behaviour during the serving of the sentence, the performance of assignments in connection with his working ability, as well as other circumstances indicating that the purpose of punishment has been attained.

Revocation of Parole

Article 107

- (1) The court shall order revocation of parole if the convicted person, while on parole, commits one or more criminal offenses punishable with a prison sentence exceeding one year.
- (2) The court may order revocation of parole if the convicted person, released on parole, commits one or several criminal offenses punishable with a prison sentence up to one year. In determining whether to revoke the parole, the court shall take into special consideration the similarity in the nature of the committed offenses, their significance, motives for committing it, as well as the other circumstances indicating the justifiability of revoking the parole.
- (3) When the court revokes the parole, it shall impose a sentence pursuant to the provisions of Article 46, and Article 47, Paragraph 2 of this Code, considering the previously imposed sentence as already fixed. The part of the punishment that the convicted person has already served under the earlier sentence, shall be credited toward new sentence and the period that he spent on parole shall not be credited.
- (4) The provisions under Paragraphs 1-3 of this Article shall also be applied when a person on parole is tried for an act committed prior to his releasing on parole.
- (5) If a person released on parole is sentenced to prison for a term up to one year, and the court fails to order revocation of the parole, the period of the release on parole shall be extended for a period of time the convicted person spent serving such prison sentence.

Execution of Juvenile Prison Sentence

Article 108

- (1) Senior juveniles shall serve a juvenile prison sentence in special correctional institutions where they may stay until they reach twenty-three. If until that time they fail to complete the serving of the sentence, they will be sent to a special correctional institution for adults. Exceptionally, a person who has reached the age of twenty-three can stay within a correctional institution for juveniles but only as long as it is necessary for completing his schooling or professional training.
- (2) Determination of duties to be assigned to convicted juveniles shall be made in accordance with their abilities and talents for specific duties, with the aim to provide the professional training for them in accordance with the circumstances existing in the correctional institution.
- (3) Working hours of convicted juveniles shall be determined in a manner as to enable their education and

professional training and to leave them sufficient time for physical exercise and entertainment.

- (4) A convicted person can be released on parole if he has served one third of the sentence, but not before he had spent one year in a correctional institution. During the parole the court may determine the measure of intensified supervision by the competent agency of social welfare. The provisions of Article 107 of this Code shall accordingly be applied for revocation of parole.

CHAPTER VIII

CONFISCATION OF PROPERTY GAIN OBTAINED BY CRIMINAL OFFENSE

Basis for Confiscation of Property Gain

Article 109

- (1) No person can retain the property gain obtained by committing a criminal offense.
- (2) The property gain, referred to in Paragraph 1 of this Article, shall be confiscated by the court decision determining that a criminal offense was committed, under the conditions stipulated in this Code.

Manner of Confiscating Property Gain

Article 110

- (1) Money, valuables and any other property gain obtained by committing the criminal offense shall be confiscated from the perpetrator, and if the confiscation is not feasible, the perpetrator shall be bound to pay an amount of money equal to the acquired property gain.
- (2) The property gain obtained by committing a criminal offense may be confiscated from persons to whom it has been transferred without compensation or with compensation which does not correspond to the real value, in cases when these persons knew or could have known the fact that the property gain had been obtained by committing the criminal offense. When the property gain has been transferred to close relatives, it shall be confiscated from them, unless they prove that they have compensated the real value.

Protection of Injured Party

Article 111

- (1) If the criminal proceeding resulted in awarding property claims to the injured party, the court shall order appropriation of material gain if it exceeds the awarded property claim of the injured party.
- (2) An injured party, who has been directed to initiate a civil litigation in the course of criminal proceedings regarding his property claim, may demand that he be reimbursed from the amount of the appropriated value, provided that the civil procedure is started within 6 months from the day of entering into effect of the decision directing litigation and if he demands to be compensated from the appropriated value within 3 months from the day when his claim has been legally established.
- (3) An injured party who did not report a property claim during the course of criminal proceedings may demand compensation from the appropriated value, if he has begun litigating his claims within 3 months from the day when he found out about the verdict which appropriates the property gain, but no longer than two years from the day when the decision on the appropriation of property gain took effect, and if within 3 months from the day when the decision by which his claim was established he demands compensation from the appropriated value.

Confiscating Property Gain from Legal Person

Article 112

If a criminal offense of a perpetrator has resulted in obtaining the property gain for an enterprise or other legal person, such gain shall be confiscated from the enterprise or other legal person.

CHAPTER IX

LEGAL CONSEQUENCES OF CONVICTION

Ensuing of Legal Consequences of Conviction

Article 113

- (1) Convictions for particular criminal offenses may have as legal consequence the cessation, loss of certain rights or ban on acquiring certain rights.
- (2) Legal consequences of a conviction may not ensue if the perpetrator has been punished with a fine, suspended sentence or when the perpetrator has been released from punishment.
- (3) Legal consequences of the conviction may be stipulated only by law and they ensue by force of the law in which they were set forth.

Types of Legal Consequences of Conviction

Article 114

- (1) Legal consequences of the conviction related to the termination or loss of certain rights are the following:
 1. termination of performing certain activities or functions within the governmental agencies, enterprises or other legal persons;
 2. termination of employment or performance of a particular profession, occupation;
 3. forfeiture of decorations.
- (2) Legal consequences of the conviction consisting of a ban on acquiring certain rights are as follows:
 1. ban on performing certain activities or functions within the governmental agencies, enterprises or other legal persons;
 2. ban on acquiring certain titles, occupations or professions or promotions in service;
 3. ban on acquiring certain licenses or permissions issued by the decision of the Brcko District agencies.

Commencement and Duration of Legal Consequences of the Conviction

Article 115

- (1) Legal consequences of a conviction shall ensue on the effective date of the judgment.
- (2) The legal consequences of a conviction consisting of bans on acquiring certain rights, shall not last more than 10 years from the date of served, pardoned or punishment fallen under the statute of limitations, unless the law prescribes shorter period of duration for particular legal consequences.
- (3) The legal consequences of a conviction shall cease to exist by deletion of the sentence.

CHAPTER X

REHABILITATION AND REQUIREMENTS FOR DISCLOSING INFORMATION FROM THE CRIMINAL RECORDS

Rehabilitation

Article 116

- (1) The sentence shall be deleted by rehabilitation and all its legal consequences shall cease, and the convicted person shall be deemed as never convicted.
- (2) The subsidiary punishment which has not been executed shall be terminated by the rehabilitation.
- (3) The rehabilitation is based either on the law itself (legal rehabilitation) or on the grounds of court decisions (judicial rehabilitation).
- (4) The rehabilitation does not infringe the rights of third parties based on the conviction.
- (5) After the sentence of imprisonment or juvenile imprisonment has been served, pardoned or fallen under the statute of limitations, the convicted persons shall enjoy all rights provided by the Constitution, the law or other regulations, and they may acquire all rights, except those restricted by the security measure which has been pronounced on them or by effectiveness of legal consequence of the conviction.
- (6) The provision of Paragraph 5 of this Article shall be applied also for the persons on conditional release, unless their rights are restricted by the special legal provisions on parole.

Legal Rehabilitation

Article 117

- (1) The legal rehabilitation may only occur only in relation to individuals who have not been convicted before or they are deemed as never convicted, in accordance with law.
- (2) The legal rehabilitation occurs in the following cases:
 1. The sentence releasing the convicted person from the punishment shall be deleted from the criminal record, after expiration of one year from the date of effectiveness of the court decision- under the condition that the convicted person does not commit a new criminal offense during that period.
 2. A suspended sentence shall be deleted from the criminal record after expiration of one year after the expiration of the probation period - unless the convicted person commits new criminal offense during that period.
 3. A sentence of a fine, prison sentence up to one year as well as the juvenile prison sentence shall be deleted from the criminal record after expiration of three years from the date the sentence has been executed, served, pardoned or fallen under the statute of limitations – unless the convicted person commits new criminal offense during that period.
 4. Prison sentences from one and to three years, shall be deleted from the criminal record after the expiration of five-year period from the date the sentence has been served, pardoned or fallen under the statute of limitations – unless the convicted person commits a new criminal offense during that period.
- (3) Sentences can not be deleted from the criminal record while the security measures are still in force.
- (4) When the requirements for deleting a sentence from the criminal record are met, stipulated by the above-mentioned provisions, it shall be considered that the sentence has been deleted at the moment of fulfilling these requirements.

Judicial Rehabilitation

Article 118

- (1) The judicial rehabilitation may be granted to a person convicted to prison sentence from three to five years, when eight years have passed from the date the sentence was served, pardoned or fallen under the statute of limitations and the convicted person has not committed a new criminal offense during that period.
- (2) In the case referred to in the previous Paragraph, the court may grant the rehabilitation if it finds the convicted person merits that by his behavior, and if it can be reasonably expected that he will not commit criminal offenses in future.
- (3) The court rehabilitation may not be granted when the security measures are still in force.
- (4) Exceptionally, the court may grant the rehabilitation even to the person convicted several times, in the case of the expiration of deadlines and fulfillment of other requirements stipulated in the previous Paragraphs of this Article, with regard to each crime the person was convicted for.

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

Article 119

- (1) The court may decide to terminate the security measures of ban to perform an occupation, activity or duty, and ban on driving a motor vehicle, if two years have passed from the date they were applied.
- (2) The court may decide to terminate the legal consequence of the conviction relating to the ban on the acquiring a certain right after two years expired from the day on which the sentence has been served, fallen under the statute of limitations or pardoned.
- (3) In deciding whether to order the termination of the security measure, or the legal consequence of the conviction, the court shall take into account the behavior of the convicted person after the conviction, his willingness to compensate the damage caused by the criminal offense, and to reimburse the property gain acquired through committing the criminal offense, as well as other circumstances which indicate the justifiability of the termination of the security measure, or legal consequence of the conviction.
- (4) The termination of legal consequence of the conviction shall not infringe the rights of the third parties deriving from the conviction.

Disclosing Information from Criminal Records

Article 120

- (1) Information from the criminal records may be given to the court, Prosecutor's Office and to the police, in connection with criminal proceedings conducted against a person who had been convicted before, to competent bodies in charge of the execution of criminal sanctions and competent bodies participating in the procedure of granting amnesty, pardon or deleting the sentence.
- (2) Information from criminal records may be given, upon the justified request, also to the governmental bodies, if certain legal consequences of the conviction or security measure are still in force.
- (3) Information on deleted sentence cannot be disclosed to anyone.
- (4) No person has the right to demand from a citizen to present evidence on whether he has been convicted or not.
- (5) At their request, citizens may be given information on whether they have been convicted or not, only if the information is necessary for acquiring their rights abroad.

CHAPTER XI

STATUTE OF LIMITATIONS

Statute of Limitations for Criminal Prosecution

Article 121

- (1) Unless otherwise stipulated by this Code, the criminal prosecution may not be undertaken if:
1. thirty-five years have expired from the day the criminal offense was committed for which the law provides long-term imprisonment;
 2. fifteen years have expired from the day the criminal offense was committed for which the law provides prison sentence of more than ten years;
 3. ten years have expired from the day the criminal offense was committed for which the law provides the prison sentence of more than five years;
 4. five years have expired from the day the criminal offense was committed for which the law provides the prison sentence of more than three years;
 5. three years have expired from the day the criminal offense was committed for which the law provides the prison sentence of more than one year;
 6. two years have expired from the date the criminal offense was committed for which the law provides the prison sentence up to one year or a fine.
- (2) If several punishments are prescribed for a criminal offense, the period for falling under the statute of limitations shall be determined according to the severest prescribed sentence.

Running and Interruption of the Time Set by Statute of Limitations for Criminal Prosecution

Article 122

- (1) The statute of limitations for criminal prosecution starts to run from the day the criminal offense has been committed.
- (2) The statute of limitations shall not run for the period in which the prosecution may not commence or be prolonged, in accordance with law.
- (3) The statute of limitations shall be interrupted by any procedural action which has been initiated in order to prosecute the perpetrator for the committed criminal offense.
- (4) The statute of limitations shall also be interrupted if the perpetrator commits an equally grave or graver criminal offense before the period of statute of limitations has elapsed.
- (5) Any interruption causes renewed commencement of the statute of limitations.
- (6) The statute of limitations of criminal prosecution occurs in any case after the elapse of double the time provided by law for the statute of limitations of the criminal prosecution.

Statute of Limitations for the Execution of Sentence

Article 123

Unless otherwise stipulated in this Code, the pronounced sentence may not be executed after expiration of:

1. thirty-five years from sentencing to long-term imprisonment;
2. fifteen years from sentencing to prison of more than ten years;
3. ten years from sentencing to prison of more than five years;
4. five years from sentencing to prison of more than three years;

5. three years from sentencing to prison of more than one year;
6. two years from sentencing to prison up to one year or a fine.

Statute of Limitations for Execution of Subsidiary Sentences and Security Measures

Article 124

- (1) Statute of limitations regarding the collection of a fine as a subsidiary sentence shall commence after the expiration of two years from the date of effectiveness of the judgment ordering that sentence.
- (2) Statute of limitations regarding the execution of the security measures of mandatory psychiatric treatment at liberty and confiscation of objects shall commence after the expiration of five years from the date of effectiveness of the judgment ordering these measures.
- (3) The statute of limitations regarding the execution of the security measures of a ban to perform an occupation, activity or duty and ban on driving a motor vehicle shall commence after the expiration of the period for which these measures were imposed.

Running and Interruption of Statute of Limitations Regarding Execution of Sentence

Article 125

- (1) Statute of limitations commences from the day when the judgment becomes effective, and if the suspended sentence was revoked it commences from the day the decision on revocation has become effective.
- (2) The statute of limitations shall not run for a period during which the law prevents the execution of the punishment.
- (3) The statute of limitations shall be interrupted with any action of a competent body, which is undertaken for the execution of that sentence.
- (4) The statute of limitations restarts after every interruption.
- (5) The statute of limitations shall occur in any case when double the time has elapsed as required by law for the statute of limitations regarding the execution of the sentence.
- (6) The provisions referred to in Paragraphs 2 to 5 of this Article shall also be applied accordingly to the statute of limitations regarding the execution of security measures.

Genocide and War Crimes as Criminal Offenses Not Subject to the Statute of Limitations

Article 126

Criminal prosecution and execution of a sentence are not subject to the statute of limitations for criminal offenses of genocide and war crimes. This statute of limitations cannot be applied also for the criminal offenses which, pursuant to international law, may not be subject to the statute of limitations.

CHAPTER XII

AMNESTY AND PARDON

Amnesty

Article 127

Persons covered by an act of amnesty shall be granted the release from the prosecution, or complete

or partial release from the execution of the punishment, the substitution of the pronounced punishment a less severe one, the deletion of the conviction or annulment of a particular legal consequence of the conviction.

Pardon

Article 128

- (1) By pardon, specifically designated persons shall be granted the release from prosecution, complete or partial release from the execution of a part of the punishment, the substitution of the pronounced sentence by a less severe one or by a suspended sentence, or the deletion of the conviction or shorter duration of a particular legal consequence of the conviction or security measure.
- (2) A pardon may establish revocation or shorter duration of the following security measures: ban to carry out a certain occupation, activity or duty, ban on driving a motor vehicle to the perpetrators who are professional drivers or banishment of a foreigner from the Brcko District.

Impact of Amnesty and Pardon on Rights of Third Parties

Article 129

Granting amnesty or pardon shall not affect the rights of third parties deriving from the conviction.

CHAPTER XIII

APPLICABILITY OF CRIMINAL LEGISLATION IN THE BRCKO DISTRICT WITH RESPECT TO PLACE OF COMMITTING CRIMINAL OFFENSE

Applicability of Criminal Legislation in the Brcko District on Anybody Committing Criminal Offense within the Territory of the Brcko District

Article 130

- (1) Criminal legislation in the Brcko District shall be applied to anybody who commits a criminal offense within the territory of the Brcko District.
- (2) Criminal legislation of the Brcko District shall also be applied to anybody who commits a criminal offense on the domestic vessel irrespective of the location of the vessel at the time the criminal offense was committed.
- (3) Criminal legislation of the Brcko District shall be applied to anybody who commits a criminal offense in a domestic aircraft during the flight irrespective of its location at the time the criminal offense was committed.
- (4) Criminal legislation of the Brcko District shall be applied to anybody who commits a criminal offense on the territory of the Federation of Bosnia and Herzegovina and Republika Srpska, if he happens to be within the territory of the Brcko District, unless otherwise stipulated by agreements between the Brcko District and the Federation of Bosnia and Herzegovina and Republika Srpska.

Applicability of Criminal Legislation of the Brcko District to a Citizen of the Brcko District for Criminal Offenses Committed Abroad

Article 131

Criminal legislation of the Brcko District shall be applied to a citizen of the Brcko District who commits a criminal offense abroad and happens to be within the territory of the Brcko District or is extradited.

Applicability of the Criminal Legislation of the Brcko District to a Foreigner for Criminal Offenses Committed Abroad

Article 132

- (1) Criminal legislation of the Brcko District shall also be applied to a foreigner who commits a criminal offense against the Brcko District or its citizen outside the Brcko District territory, if he happens to be within the territory of the Brcko District or is extradited.
- (2) Criminal legislation of the Brcko District shall also be applied to a foreigner who happens to be within the District territory and who committed a criminal offense against a foreign state or a foreign citizen while he was abroad, if the law of that state prescribes the prison sentence of five years or a more severe sentence for such offense. Unless this Code stipulates otherwise, in this case, the court may not pronounce a more severe sentence from the one prescribed by law of the state where the criminal offense was committed.

Special Requirements for Prosecution

Article 133

- (1) In cases referred to in Article 130 of this Code, the Prosecutor of the Brcko District shall decide whether the prosecution shall be undertaken if the criminal proceedings have been initiated but not finalized in another country.
- (2) In the cases referred to in Articles 131 and 132 of this Code, the prosecution shall be initiated only if the criminal offense is also punishable by the law of the country where the criminal offense was committed. Even in this case, the prosecution shall not be initiated if, in accordance with the law of that country, the prosecution should be undertaken upon the request of the injured party and such request has not been submitted.
- (3) The Prosecutor may initiate the prosecution referred to in Article 132, Paragraph 2 of this Code, regardless of the law of the country where the criminal offense is committed, if the criminal offense committed was considered as a criminal offense at the time it had been committed in accordance with the rules of international law.
- (4) In cases from Article 130 of this Code, the prosecution of foreigners may under the conditions of reciprocity be ceded to a foreign state.

Credit for Detention and Sentence Served Abroad

Article 134

The detention, deprivation of liberty in the course of an extradition procedure as well as the punishment served by the perpetrator upon a judgment of a foreign court, shall be credited towards the serving of the sentence enacted by a domestic court for the same criminal offense. If the criminal offenses are not of the same kind, the crediting shall be executed in accordance with the court's assessment.

CHAPTER XIV

MEANING OF TERMS AS USED IN THIS CODE

Article 135

- (1) The term "territory of the Brcko District" stands for the land and water surfaces within its borders, as well as the air space above it.

- (2) The term “criminal legislation of the Brcko District” stands for this Code and all criminal-legal provisions of other Brcko District laws.
- (3) The term “official person“ stands for: elected, appointed or nominated officials within bodies of the legislative, executive and judicial authority in the Brcko District and other governmental bodies, administrative organs and administrative institutions, or in administrative services exercising certain administrative, professional and other duties within the scope of rights and duties of the authorities that established them; persons who exercise full time or part-time official duty within the above mentioned administrative bodies or institutions; authorized persons within an enterprise or other legal entity which were assigned, by law or other regulation passed in accordance with law, to exercise public authorizations, and who exercise these activities within the scope of these authorizations; other persons exercising particular official activities in accordance with authorizations stipulated by law or other regulations passed on the basis of the law; a person appointed as an official by a foreign state; a person appointed as an official by an international organization whose member is Bosnia and Herzegovina; a person performing a judicial, prosecutorial or other official duty or function in international judiciary whose competence is recognized by Bosnia and Herzegovina.
- (4) When an official person has been designated as a perpetrator of a criminal offense, persons referred to in Paragraph 3 of this Article may be perpetrators of these crimes, unless some specific characteristics of the criminal offense or particular regulations indicate that the perpetrator can only be some of the mentioned persons.
- (5) The term “responsible person “ denotes a person working within an enterprise or other legal entity, who is entrusted, with regard to his function or on the basis of special authorization, with certain scope of work related to the execution of law or regulations passed on the basis of law or general act of the enterprise or other legal entity in managing and handling the property or related to the managing of process of production or other process; or referring to supervision over those processes. The term “responsible person” also denotes an official person as described in Paragraph 3 of this Article with regard to actions whose perpetrator is a responsible person, and those actions are not foreseen in provisions of the Chapter dealing with criminal offenses against official or other responsible duty, or they are not foreseen as criminal offenses of official persons in some other Chapter of this Code.
- (6) When an official or responsible person has been indicated as a perpetrator of a criminal offense, all persons referred to in Paragraphs 3 and 5 of this Article, may be perpetrators of criminal offenses, unless the legal characteristics of a certain offense or specific regulations indicate that the perpetrator may be only one of the specified persons.
- (7) The term ”legal person” stands for any form of an enterprise and all forms of incorporating enterprises, local community, institutions, funds, the Brcko District, and institutions for performing crediting and other banking activities, insurance of property and persons, as well as other financial institutions, political organizations and associations of citizens and other forms of associations which may acquire funds and use them, as well as any other institution or body who acquires and uses funds and which are legally recognized as legal persons.
- (8) A “document” denotes any object that is suitable or designed to serve as evidence of some fact relevant for legal relations. A registered information, which is a result of the electronic data processing, which cannot be obtained without using the technical means, is also recognized as a document.
- (9) The term “currency” denotes coins and paper banknotes which are legal tender in Bosnia and Herzegovina or in a foreign country.
- (10) The term “marks of value” stands also for foreign marks of value.
- (11) “Movable object” also includes any manufactured or collected energy used for giving light, heat, movement, and telephone and other impulses, as well as the registered result of the electronic data processing (computer data and program).

- (12) The term “force” also includes use of hypnosis or intoxicating substances for the purpose of bringing a person against his will into a state of unconsciousness or incapacity for resistance.
- (13) The term “motor vehicle” stands for any engine-powered means of transport used for the land, water and air traffic.
- (14) When an act of committing a criminal offense has been determined by the imperfective verb it shall be deemed that the deed has been committed if the act was done once or several times.
- (15) The term “perpetrator” stands for the perpetrator, accomplice, instigator and accessory.
- (16) The term “narcotics” stands for substances and medications that have been defined as narcotics by regulations.
- (17) The term “elections” stands for the elections for:
1. the members of the Presidency of Bosnia and Herzegovina;
 2. the President of the Federation of the Bosnia and Herzegovina and the Republika Srpska;
 3. the members of the House of Representatives of Bosnia and Herzegovina Parliament;
 4. the members of the Assembly of the Republika Srpska and the Federation of the Bosnia and Herzegovina;
 5. the members of the Brcko District Assembly.

SPECIAL PART

CHAPTER XV

CRIMINAL OFFENSES AGAINST THE STATE

Attack on Constitutional Order and the System Established by the Statute

Article 136

Any person who, by force or threat of force, or in some other illegal way attempts to change the constitutional order of Bosnia and Herzegovina or the system of the Brcko District established by the Statute or to overthrow its highest authorities, shall be sentenced to prison from three to fifteen years.

Endangering Territorial Integrity

Article 137

- (1) Any person who, by force or in some other unlawful way, attempts to secede a part of the territory of the Brcko District or Bosnia and Herzegovina or to annex a part of the territory thereof to another country, shall be sentenced to prison from three to fifteen years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on any person who attempts to change the borders of the Brcko District by force or in some other unlawful way.

Causing of Position of Subjugation or Dependence

Article 138

A citizen of the Breko District who attempts to bring the Breko District or Bosnia and Herzegovina into a state of subjugation or dependence in respect to any other state shall be sentenced to prison from three

to fifteen years.

Armed Rebellion

Article 139

- (1) Any person participating in an armed rebellion aimed to jeopardize the state system established by the Constitution, security of Bosnia and Herzegovina, or the system or security of the Brcko District established by the Statute or its highest authorities, shall be sentenced to prison from three to fifteen years.
- (2) The organizer or the ringleader of a rebellion shall be punished by the sentenced to prison from five to fifteen years.

Terrorism

Article 140

- (1) Any person who, with intent to destroy Bosnia and Herzegovina, its constitutional order or highest authorities, or the Brcko District, its system established by the Statute or its highest authorities, commits a kidnapping or some other act of violence, causes an explosion, sets fire or by some other generally dangerous action or generally dangerous means jeopardizes human lives or property of great value, shall be sentenced to prison from three to fifteen years.
- (2) If the criminal act referred to in Paragraph 1 of this Article resulted in death of one or more persons, the perpetrator shall be sentenced to a minimum of five years in prison.
- (3) If the perpetrator committed a premeditated murder of a certain person while committing the criminal offense referred to in Paragraph 1 of this Article, he shall be sentenced to a minimum of ten years in prison or to long-term imprisonment.

Espionage

Article 141

- (1) Any person who discloses, delivers or renders available confidential military, economic or official data or documents of Bosnia and Herzegovina to a foreign state, foreign organization or a person in their respective service, shall be sentenced to prison from three to fifteen years.
- (2) Any person who creates or manages an intelligence service for the benefit of a foreign country or organization to the detriment of the Brcko District or Bosnia and Herzegovina shall be sentenced to prison from five to fifteen years.
- (3) Any person who enters into a foreign intelligence service, gathers information or in any other way assists to its activities, shall be sentenced to prison from one to ten years.
- (4) Any person who obtains confidential information or documents with the intention of disclosing or delivering them to a foreign state, foreign organization or a person in the service thereof shall be sentenced to prison from one to eight years.
- (5) Such military, economic or official information and documents shall be considered as confidential which have been declared secret by virtue of law, some other regulation or decision of the competent body made on the basis of law and in accordance with law and if their disclosure would cause harmful consequences for the security and defense of the Brcko District or Bosnia and Herzegovina or economic interest of the Brcko District or Bosnia and Herzegovina.

Disclosing State Secret

Article 142

- (1) An authorized person who passes, delivers or makes available information or documents entrusted to him and which constitute a state secret of the Brcko District or Bosnia and Herzegovina to another person, contrary to law or regulation enacted on the basis of law, shall be sentenced to prison from one to ten years.
- (2) Whoever discloses to another information or documents while being aware that they represent a secret of the Brcko District or Bosnia and Herzegovina and which such person obtain in an illicit manner shall be sentenced to prison up to five years.
- (3) If the offense referred to in Paragraph 1 of this Article has been committed during a state of war or imminent danger of war or has endangered the security, economic power of the Brcko District or Bosnia and Herzegovina or has resulted in endangering the military power of Bosnia and Herzegovina, the perpetrator shall be sentenced to prison from three to fifteen years.
- (4) If the act referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be sentenced to prison from three months to three years.
- (5) The term “secret” stands for the information or documents which have been declared confidential by virtue of law, other regulation or decision of the competent body passed in accordance with law, and the disclosure of which has caused or might have caused harmful consequences for political and economic interests of the Brcko District or Bosnia and Herzegovina or might have had harmful consequences for military interests of Bosnia and Herzegovina.

Sending and Transferring Armed Groups, Weapons and Ammunition to the Territory of the Brcko District and Bosnia and Herzegovina

Article 143

A person who sends or transfers to the territory of the Brcko District or Bosnia and Herzegovina armed groups, terrorists, spies, saboteurs, weapons, explosive, poisons, equipment, ammunition or other material for the purpose of committing criminal offenses described in this Chapter, shall be sentenced to prison from one to ten years.

Inducing National, Racial or Religious Hatred, Discord or Hostility

Article 144

- (1) A person who publicly incites or fans national, racial or religious hatred, discord or hostility between constitutional nations and other residents of Bosnia and Herzegovina or the Brcko District, shall be sentenced to prison from one to five years.
- (2) If the act referred to in Paragraph 1 of this Article has been committed by coercion, molestation, jeopardizing of safety, exposing to derision of national, ethnic or religious symbols, damaging belongings of another, desecrating monuments, memorials or graves, the perpetrator shall be sentenced to prison from one to eight years.
- (3) A person who commits the act referred to in Paragraphs 1 and 2 of this Code through the abuse of his position or authority or if these acts resulted in disorder, violence, or other grave consequences for the joint life of constitutional nations and others living in Bosnia and Herzegovina or the Brcko District, shall be punished for the act referred to in Paragraph 1 of this Article, by prison from one to eight years, and for the act referred to in Paragraph 2 of this Article by prison from one to ten years.

Punishment for Preparation

Article 145

A person who forms an association for committing criminal offenses referred to in Articles 136, 137 and 138 or a person who obtains means for committing criminal offenses referred to in Articles 139, 140 and 141, Paragraphs 1 and 2 of this Code, shall be sentenced to prison from one to ten years.

Punishment for Gravest Criminal Offenses

Article 146

- (1) For the criminal offense referred to in Articles 136, 137, and 139 of this Code, which resulted in death of one or more persons, or caused danger to human lives, or was accompanied with severe violence or large-scale destruction, the perpetrator shall be sentenced to at least ten years of prison.
- (2) If the perpetrator premeditatedly deprived one or more persons of their lives while committing the offense referred to in Paragraph 1 of this Article, he shall be sentenced to prison of at least ten years or long-term imprisonment.

CHAPTER XVI

CRIMINAL OFFENSES AGAINST HUMANITY AND INTERNATIONAL LAW

Genocide

Article 147

A person who, with the intention to completely or partially destroy a national, ethnic, racial, or religious group, orders killings or serious bodily injuries, serious impairment of physical or mental health of members of a large group; or who orders a forced dislocation of the population, putting a large group in such living conditions resulting eventually in complete or partial extermination of a large group; or orders that measures be applied aimed at preventing births within a large group or that children be forcibly moved to another group, or whoever with the same intent commits one of the aforementioned acts, shall be sentenced to prison for not less than ten years or long-term imprisonment.

War Crimes against Civilians

Article 148

- (1) A person who, violating the Rules of International law applicable in time of war, armed conflict or occupation, orders an attack at civilian population, settlement, individual civilians or persons made unable to fight which results in the death, grievous bodily harm or serious impairment of people's health; who orders an attack without selecting a target by which civilian population gets hurt; that civilian population be subject to killings, torture, inhuman treatment, biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation, causing suffering or violation of bodily integrity or health; displacement or relocation or forced conversion to another nationality or religion; compelling to prostitution or rape; application of measures of intimidation and terror, taking hostages, pronouncing collective punishments, unlawful taking to concentration camps or other illegal detention, deprivation of rights to fair and impartial trial; compelling on service in enemy's armed forces or in its intelligence service or administration; forced labor, starvation of the population, property confiscation, marauding people's property, illegal and self-willed destruction or large-scale expropriation of property that is not justified by military needs, taking an illegal and disproportionate contribution or requisition, devaluation of domestic currency or the unlawful issuance of currency, or who commits one of the above mentioned, shall be sentenced to prison for at least five years or long-term imprisonment.
- (2) The sentence defined under Paragraph 1 of this Article, shall be pronounced on any person who in violation of Rules of International law applicable in the time of war, armed conflict or occupation,

orders: that an attack be launched against structures specifically protected by International law, as well as structures and facilities with dangerous power, such as dams, embankments and nuclear power plants; that by non-discriminatory attack civilian structures specifically protected by the International law, non-defended places and demilitarized zones are hit; long-lasting and large-scale environment devastation which may be detrimental to the health or survival of the population, or who commits some of the above mentioned acts.

- (3) Any person who in violation of Rules of International law applicable in the time of war, armed conflict or occupation, orders or carries out as an occupier the resettlement of parts of his civilian population into the occupied territory, shall be sentenced to prison for at least five years or long-term imprisonment.

War Crime against the Wounded and Sick

Article 149

A person who, in violation of Rules of International law applicable in the time of war or armed conflict, orders murders, torture, inhuman treatment of the wounded, sick, shipwrecked persons or medical or religious personnel as well as a person who orders the biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation, causing of extensive sufferings or serious injuries to the bodily integrity or health, unlawful or self-willed destruction or large-scale appropriation of material, means of medical transport and stocks of medical facilities or units not justified by military needs, or who commits some of the above mentioned acts, shall be sentenced to prison for not less than five years or long-term imprisonment.

War Crimes against Prisoners of War

Article 150

A person who, in violation of Rules of International law or armed conflict, orders murder, torture or inhuman treatment, biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation, causing of great sufferings or serious injuries to the bodily integrity or health of prisoners of war, compelling on service in the enemy's armed forces or deprivation of the right to a fair and impartial trial, or who commits some of the above mentioned acts, shall be sentenced to prison for not less than five years or long term imprisonment.

Organizing a Group and Instigating the Commission of Genocide and War Crimes

Article 151

- (1) A persons who organizes a group for the purpose of committing criminal offenses referred to in Articles 147 to 150 of this Code, shall be sentenced to prison from three to fifteen years.
- (2) A person who becomes a member of a group referred to in Paragraph 1 of this Article, shall be sentenced to prison from one to ten years.
- (3) A member of a group referred to in Paragraph 1 of this Article, who exposes the group before he committed a criminal offense as a member or on its behalf, shall be sentenced to prison for three years and may also be released from punishment.
- (4) A person, who calls or instigates the commission of criminal offenses referred to in Articles 147 to 152 of this Code, shall be sentenced to prison from one to eight years.

Unlawful Killing and Wounding the Enemy

Article 152

- (1) A person, who in violation of the Rules of International law in the time of war or armed conflict kills or wounds an enemy who has laid down arms or unconditionally surrendered or has no means for the defense, shall be sentenced to prison from two to fifteen years.
- (2) If the murder referred to in Paragraph 1 of this Article has been committed in a cruel or insidious manner, out of greed or from other base motives, or if more persons have been killed, the perpetrator shall be sentenced to prison for not less than ten years or long term imprisonment.
- (3) A person, who in violation of the Rules of International law in the time of war or armed conflict, orders that there be no surviving enemy soldiers or fights against the enemy on that basis, shall be sentenced to prison for not less than five years or long-term imprisonment.

Unlawful Appropriation of Belongings from the Killed or Wounded on the Battlefield

Article 153

- (1) A person who orders the unlawful appropriation of belongings from the killed or wounded on the battlefield, or who carries out such appropriation, shall be sentenced to prison from six months to five years.
- (2) If the act referred to in Paragraph 1 of this Article has been committed in a cruel manner, the perpetrator shall be sentenced to prison from one to ten years.

Using Forbidden Means of Warfare

Article 154

- (1) A person, who in time of war or armed conflict, orders the use of means or practices of warfare prohibited by the Rules of International law, or uses such means and practices, shall be sentenced to prison from one to fifteen years.
- (2) If several persons have been killed as a result of the act referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to prison for not less than five years or long term imprisonment.

Injuring the Negotiator

Article 155

A person who, in violation of the Rules of International law in time of war or armed conflict, insults, maltreats or detains the negotiator or his escort, or prevents them from returning, or in any way violates their privilege of inviolability, shall be sentenced to prison from six months to five years.

Piracy

Article 156

- (1) A crew member or a passenger on a private vessel or aircraft who commits an unlawful violence against other vessel or aircraft, individual or object on them, on the open sea or on the territory which is not under the jurisdiction of any country or retains or damages other vessel or aircraft or objects on them, shall be sentenced to prison from three to twelve years.
- (2) If one or several persons have been killed or the vessel or aircraft has been damaged or severe material damage occurred as a result of the act referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to prison from five to fifteen years.
- (3) If one or several persons have been killed with premeditation as a result of the act referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to prison for not less than ten years or

long-term imprisonment.

Cruel Treatment of the Wounded, Sick and Prisoners of War

Article 157

A person who, in violation of the Rules of International law, treats cruelly the wounded, sick or war prisoners, or impedes or prevents them from exercising the rights granted to them under International law, shall be sentenced to prison from six months to five years.

Destruction of Cultural and Historical Monuments

Article 158

- (1) A person, who in violation of the Rules of International law at the time of war or armed conflict, destroys cultural or historical monuments, buildings or establishments intended for science, art, education or humanitarian purposes, shall be sentenced to prison from two to twelve years.
- (2) If a clearly distinguishable object, which has been under special protection of the International law or people's cultural and spiritual heritage, has been destroyed by an act referred to in Paragraph 1 of this Article, shall be sentenced to prison from five to fifteen years.

Instigating an Aggressive War

Article 159

A person, who calls on or instigates an aggressive war, shall be sentenced to prison from one to ten years.

Abuse of International Emblems

Article 160

- (1) A person, who misuses or carries without authorization the flag or emblem of the Organization of the United Nations, or the emblem or flag of the Red Cross, symbols corresponding to them or other international symbols recognized as the protection of certain objects from military operations, shall be sentenced to prison up to three years.
- (2) A person, who commits the act referred to in Paragraph 1 of this Article, within a zone of war operations, shall be sentenced to prison from six months to five years.

Establishing Slavery and Transporting Enslaved People

Article 161

- (1) A person, who in violation of the Rules of International law, enslaves another person or puts him in similar position, or keeps him in such position, buys, sells or hands him over to another person, or mediates in buying, selling or handling over of such a person, or incites another person to sell his freedom or freedom of persons he supports or takes care of, shall be sentenced to prison from one to ten years.
- (2) A person who transports enslaved persons or persons in similar positions from one country to another shall be sentenced to prison from six months to five years.
- (3) A person who commits the act described in Paragraphs 1 and 2 of this Article against a juvenile shall be sentenced to prison from five to fifteen years.

International Terrorism

Article 162

- (1) A person who, with the intention of causing harm to a foreign country or International organization, kidnaps a person or commits some other violence, causes an explosion or fire, or by some generally dangerous activity or generally dangerous means jeopardizes human lives and property of a large value, shall be sentenced to prison from one to twelve years.
- (2) If the death of one or more persons occurred as a consequence of the act referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to prison from five to fifteen years.
- (3) If in the course of committing the act referred to in Paragraph 1 of this Article the perpetrator with premeditation deprived another of his life, he shall be sentenced to prison for not less than ten years or long-term imprisonment.

Endangering Persons under International Protection

Article 163

- (1) A person who kidnaps a person under international legal protection, or who commits some other violence against such a person, attacks his official premises, private apartment or means of transportation, shall be sentenced to prison from two to fifteen years.
- (2) If the death of one or more persons resulted from the commission of the act referred to in Paragraph 1 of this Article the perpetrator shall be sentenced to prison from five to fifteen years.
- (3) If in the course of the commission of the act referred to in Paragraph 1 of this Article the perpetrator with premeditation deprived another person of his life, he shall be sentenced to prison for not less than ten years or long-term imprisonment.
- (4) A person who jeopardizes the safety of a person referred to in Paragraph 1 of this Article by a serious threat to attack his business premises, private apartment or means of transportation, shall be sentenced to prison from one to ten years.

Taking Hostages

Article 164

- (1) A person who kidnaps a person or threatens to kill, hurt or keep such a person as a hostage, with the intention of forcing a country or international organization to do or not do something as an explicit or implicit condition for setting the hostage free, shall be sentenced to prison from one to twelve years.
- (2) If the death of the kidnapped person occurred as a consequence of the act referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to prison from five to fifteen years.
- (3) If in the course of the commission of the act referred to in Paragraph 1 of this Article the perpetrator deprives the kidnapped person of his life with premeditation, he shall be sentenced to prison for not less than ten years or long-term imprisonment.

CHAPTER XVII

CRIMINAL OFFENSES AGAINST LIFE AND BODY

Murder

Article 165

A person who deprives another person of life shall be sentenced to prison from five to fifteen years.

Brutal Murder

Article 166

- (1) The prison sentence of not less than ten years or long-term imprisonment shall be pronounced on a person who:
1. deprives another person of life in a cruel or utterly insidious manner;
 2. deprives another person of life and in doing so premeditatedly jeopardizes lives of other persons;
 3. deprives another person of life while acting ruthlessly and violently;
 4. deprives another person of life out of racial, national or religious reasons;
 5. deprives another person of life out of greed, in order to commit or cover up another criminal offense, out of the ruthless vengeance or out of other base motives;
 6. deprives a judge or prosecutor of life in relation to performing of their judicial or prosecutor's duties, or an official in the exercise of his security duties or while maintaining public order, apprehending a perpetrator of a criminal offense or guarding a detained person;
 7. deprives of life a child, juvenile or female person knowing that she is pregnant;
 8. commits two or more premeditated murders, except these stipulated in Articles 167 and 169 of this Code.
 9. deprives another of his life, and has previously been convicted of premeditated murder, except the ones stipulated under Articles 167 and 169 of this Code.
- (2) The punishment foreseen in Paragraph 1 of this Article shall be applied in cases when the murder was organized or ordered.

Homicide Caused by Irresistible Impulse

Article 167

A person who deprives another person of his life having been brought through no fault of his own into a fit of rage by an attack or serious insult by the murdered person, shall be sentenced to prison from one to ten years.

Negligent Homicide

Article 168

A person who deprives another person of life by negligence, shall be sentenced to prison from six months to five years.

Infanticide at Childbirth

Article 169

A mother who deprives her infant of life at birth or immediately after birth while the balance of her mind was disturbed by the reason of giving birth, shall be sentenced to prison from six months to five years.

Inducing to Suicide and Assistance in Suicide

Article 170

- (1) A person who induces another to commit suicide or assists him in committing suicide, so the suicide is actually committed, shall be sentenced to prison from three months to five years.
- (2) A person who commits the act referred to in Paragraph 1 of this Article against a juvenile who has reached age of fourteen or against a person whose capacity to realize significance of his actions or to control his actions was diminished, shall be sentenced to prison from one to ten years.
- (3) A person who commits the act referred to in Paragraph 1 of this Article against a juvenile who has not reached age of 14 or against a person incapable to realize the significance of his actions or control it, shall be sentenced to prison from five to fifteen years.
- (4) A person who brutally or inhumanely treats a person who is in some way subordinate to or dependent on him, as a result of which that person commits suicide, shall be sentenced to prison from six months to five years.
- (5) If acts referred to in Paragraphs 1 to 4 of this Code resulted only in an attempt of a suicide, the court shall punish the perpetrator by pronouncing a reduced sentence.

Illicit Abortion

Article 171

- (1) A person who in contravention with 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 sentenced to prison from three months to three years.
- (2) A person who performs or commences performing an abortion on a pregnant woman without her consent, if she has not reached age of 16, without written consent of her parent, adoptive parent or guardian, shall be sentenced to prison from one to eight years.
- (3) If a grievous bodily harm or a serious illness or death of the pregnant woman occurs as a consequence of the act referred to in Paragraphs 1 and 2 of this Article, the perpetrator shall be sentenced for the act referred to in Paragraph 1 of this Article to prison from six months to five years, and for the act referred to in Paragraph 2 of this Article he shall be sentenced to prison from two to twelve years.

Grievous Bodily Harm

Article 172

- (1) A person who inflicts grievous bodily harm upon another person or gravely impairs his health, shall be sentenced to prison from six months to five years.
- (2) A person who commits the act referred to in Paragraph 1 of this Article to his spouse, cohabiting partner, or to the parent of his child with whom he does not cohabit, shall be sentenced to prison from one to five years.
- (3) A person who inflicts a 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 and to a substantial degree impaired, or if the injured person was made permanently unable to work, or if permanent and grave damage to his health or disfigurement took place, shall be sentenced to prison from one to ten years.
- (4) A person who commits the act from Paragraph 1 of this Article out of racial, national or religious reasons, shall be punished with a sentence from Paragraph 3 of this Article.
- (5) If injuries referred to in Paragraphs 1 to 4 of this Article result in death of the injured person, the

perpetrator shall be sentenced to prison from one to twelve years.

- (6) A person who commits the act referred to in Paragraphs 1 to 3 of this Article out of negligence, shall be sentenced to prison up to three years.
- (7) A person who commits the act referred to in Paragraphs 1 to 4 of this Article by irresistible impulse, while under a fit of rage due to an attack or rude insult by the injured person, shall be sentenced for the act referred to in Paragraphs 1 to 3 of this Article to prison from three months to three years, and for the act referred to in Paragraph 4 of this Article, he shall be sentenced to prison from six months to five years.

Participation in a Brawl

Article 173

- (1) A person who participates in a brawl which resulted in the death of a person or in inflicting of a grave bodily injury to another person, shall be sentenced for participation itself to prison from three months to three years.
- (2) A person who in a brawl takes a hold of a weapon, dangerous article or some other object that can cause grievous bodily harm or a serious health impairment, shall be fined or sentenced to prison up to one year.

Exposure to Danger

Article 174

- (1) A person who abandons another without assistance in the state or circumstances dangerous to life or health, caused by himself, shall be sentenced to prison up to three years.
- (2) If the act referred to in Paragraph 1 of this Article resulted in grievous bodily injury or grave impairment of health of the helpless person, the perpetrator shall be sentenced to prison from one to five years.
- (3) If the act referred to in Paragraph 1 of this Article resulted in death of the abandoned person, the perpetrator shall be sentenced to prison from one to eight years.

Abandonment of a Helpless Person

Article 175

- (1) A person who abandons a helpless person, entrusted to him or under his care, without assistance in circumstances dangerous for life and health, shall be sentenced to prison from three months to three years.
- (2) If the act referred to in Paragraph 1 of this Article resulted in grievous bodily injury or grave impairment of health of the abandoned person, the perpetrator shall be sentenced to prison from one to five years.
- (3) If the death of the abandoned person occurred as the result of the offense from Paragraph 1, the perpetrator shall be sentenced to prison from one to eight years.

Failure to Render Aid

Article 176

- (1) A person who fails to render aid to a person whose life is in imminent danger, although he could have

done so with no danger to either himself or others, shall be fined or sentenced to prison up to one year.

- (2) If the act referred to in Paragraph 1 of this Article resulted in a grievous bodily injury of the person whose life was in imminent danger, the perpetrator shall be fined or sentenced to prison up to two years.
- (3) If the act referred to in Paragraph 1 of this Article resulted in the death of the person whose life was in imminent danger, the perpetrator shall be sentenced to prison up to three years.

CHAPTER XVIII

CRIMINAL OFFENSES AGAINST LIBERTY AND RIGHTS OF CITIZENS

Infringement of the Equality of Citizens

Article 177

- (1) A person who, on the basis of differences in race, color of the skin, religion, sex, language, political or other belief, national or ethnic background, possessions, birth or social origins, education, social status or some other differences, denies or restricts the liberty or civil rights as provided by the Constitution and laws of Bosnia and Herzegovina, Statute and laws of the Brcko District or ratified international agreement, or whoever on the basis of these differences grants privileges or favors to the citizens contrary to the Constitution and laws of Bosnia and Herzegovina, Statute and laws of the Brcko District or ratified international agreement, shall be sentenced to prison up to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be pronounced also on a person who prosecutes persons or organizations for their advocating of the equality of people.
- (3) An official person who commits the act referred to in Paragraphs 1 and 2 of this Article by abuse of official position or authorization, shall be sentenced to prison from six months to five years.

Violation of Right to Use Language and Alphabet

Article 178

- (1) A person who restricts or denies a citizen the right to use his language or alphabet guaranteed by the Constitution and laws of Bosnia and Herzegovina or the Statute or laws of the Brcko District or by a ratified international agreement, shall be fined or sentenced to prison up to one year.
- (2) If the act referred to in Paragraph 1 of this Article has been committed by an official person by abuse of an official position or authority, he shall be fined or sentenced to prison up to two years.

Abduction

Article 179

- (1) A person who commits abduction of a person in order to make him or someone else do or not do something, or suffer, shall be sentenced to prison from one to ten years.
- (2) A person who commits the act referred to in Paragraph 1 of this Article against a juvenile or who threatens to deprive the abducted person of life or to inflict a grievous bodily injury upon him in order to achieve goals of the abduction referred to in Paragraph 1 of this Article, or in some other particularly serious way, shall be sentenced to prison from three to fifteen years.
- (3) The sentence defined in Paragraph 2 of this Article shall be pronounced against a person who commits the act defined by Paragraph 1 of this Article because of racial, national or religious reasons.
- (4) If the perpetrator of the act referred to in Paragraph 1 of this Article is a parent of the child who has been

deprived from parental right, or the child has been given to care and education to the other parent or another person, he shall be sentenced to prison from three months to three years.

- (5) The perpetrator of the acts referred to in Paragraphs 1 to 3 of this Article, who voluntarily releases the abducted person before fulfillment of the purpose of committing the abduction, may be punished less severe or may be released from punishment.

Duress

Article 180

A person who uses force or serious threat of force to compel another to do something, not to do something, or to suffer, shall be sentenced to prison up to three years.

Prevention of Return of Displaced Persons and Refugees

Article 181

- (1) A person who uses force, serious threat or other unlawful means or in other unlawful way prevents a displaced person, refugee or any other person from returning to his dwelling place in the Brcko District or from using his property, shall be sentenced to prison from one to eight years.
- (2) A person who participates in a group which commits the act referred to in Paragraph 1 of this Article, shall be sentenced to prison from three to twelve years.
- (3) The ringleader of a group which commits the act from Paragraph 1 of this Article, shall be sentenced to prison from five to fifteen years.

Unlawful Deprivation of Liberty

Article 182

- (1) A person who unlawfully imprisons another person, keeps him imprisoned or otherwise restricts his freedom of movement, shall be fined or sentenced to prison up to one year.
- (2) The attempt of the offense from Paragraph 1 of this Article shall be punished.
- (3) If the unlawful deprivation of freedom lasted for more than fifteen days or if the manner of execution was cruel, or if such treatment of the person who was illegally deprived of freedom caused grave impairment of his health or if some other serious consequences occurred, the perpetrator shall be sentenced to prison from three months up to five years.
- (4) If an official person commits the act referred to in Paragraphs 1 and 3 of this Article while on duty, he shall be sentenced for the act referred to in Paragraph 1 of this Article to prison from three months to five years, and for the act referred to in Paragraph 3 of this Article he shall be sentenced to prison from one to eight years.
- (5) If a person unlawfully deprived of freedom loses his life as a result of a committed act, the perpetrator shall be sentenced to prison from three to fifteen years.

Extraction of Statements by Duress

Article 183

- (1) An official person who, while exercising his duties, uses force, threat or other prohibited ways or means

in order to extract information or some other statement from the accused, witness, court expert or other person, shall be sentenced to prison from three months to five years.

- (2) If the extraction of information or statement has been accompanied by grave violence or if the grave consequences occurred for the accused in the criminal proceedings, the perpetrator shall be sentenced to prison from one to ten years.

Abuse while Performing Duties

Article 184

An official person who, while performing his duties, abuses another person, inflicts grave physical or mental anguish, frightens or insults that person, shall be sentenced to prison from three months to five years.

Endangering Safety

Article 185

- (1) A person who endangers safety of another by serious threat that he will deprive him or a closely related person of life, inflict a serious bodily injury, deprive him of liberty or kidnap him, do harm by setting fire, explosion or by some other action or means generally known as dangerous, shall be fined or sentenced to prison up to six months.
- (2) If the offense under Paragraph 1 of this Article was committed against an official in connection with performing of his official duties, or against several persons, or this offense has caused serious disturbance of citizens, or was committed by a group or a criminal organization, the perpetrator shall be sentenced to prison from three months up to five years.
- (3) A person who by sneaking, frequent following, or by disturbing, or in other way endangers safety of the spouse, cohabiting partner, or parent of his child, or any other person with whom he has or in the past had a close relationship shall be fined or sentenced to prison up to one year.

Breach of Inviolability of an Apartment

Article 186

- (1) A person who enters without authorization into the apartment or closed premises of another person or refuses to abandon the premises upon the request of an authorized official, shall be sentenced to prison up to three years.
- (2) If the act referred to in Paragraph 1 of this Article has been committed by an official on duty, he shall be sentenced to prison from three months to three years.
- (3) An attempt to commit the acts referred to in Paragraphs 1 and 2 of this Article shall be punished.

Unlawful Search

Article 187

- (1) An official person who, in performance of his duties, conducts an unlawful search of an apartment, premises or persons, shall be sentenced to prison from three months to three years.
- (2) The attempt of the offense from Paragraph 1 of this Article shall be punishable.

Breach of Secrecy of Letters or Other Consignments

Article 188

- (1) A person who without permission opens a letter, telegram or any other sealed filing or consignment or in any other way breaches their confidentiality, as well as the confidentiality of a fax, or who withholds, conceals or destroys them without an authorization, or who delivers a sealed letter, telegram, fax, closed filing or consignment to another person, shall be fined or sentenced to prison up to six months.
- (2) A person who without authorization enters a computer database containing personal data or uses such data without authorization or makes them available to another, shall be fined or sentenced to prison up to six months.
- (3) A person who commits the act referred to in Paragraphs 1 and 2 of this Article to gain a benefit for himself or someone else, shall be sentenced to prison up to three years.
- (4) If the acts referred to in Paragraphs 1 and 2 of this Article have been committed by an official on duty, he shall be sentenced for the act referred to in Paragraphs 1 and 2 of this Article to prison from three months to three years and for the act referred to in Paragraph 3 of this Article he shall be sentenced to prison from six months to five years.

Unauthorized Tapping and Sound Recording

Article 189

- (1) Who without authorization uses special devices to tap or record a conversation or statement which was not intended for him, or enables an uninvited person to hear the conversation or statement that was obtained by unauthorized tapping or recording, shall be sentenced to prison up to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be pronounced on the person who records the statement intended for him to hear without knowledge or authorization of the person who provided the statement, aiming to abuse the statement in question or to enable an uninvited person to learn of that statement.
- (3) If the act referred to in Paragraph 1 of this Article has been committed by an official by misuse of his official position or authorizations, he shall be sentenced to prison from one to five years.

Preventing or Disturbing of Public Gatherings

Article 190

- (1) A person who uses force, serious threat, deception or in any other way prevents or disturbs calling or holding of a public gathering to which citizens have the right granted by law, shall be sentenced to prison up to three years.
- (2) If the act referred to in Paragraph 1 of this Article has been committed by an official through the abuse of his position or authorization, he shall be sentenced to prison from six months to five years.

Violation of the Right to File Legal Means

Article 191

- (1) A person who prevents another from using his right to file an appeal, complaint, objection or any other legal means or motion in order to achieve his rights, shall be fined or sentenced to prison up to one year.
- (2) If the act referred to in Paragraph 1 of this Article has been committed by an official who has abused his position or authorization, he shall be sentenced to prison from three months to three years.

Preventing the Printing and Dissemination of Printed Materials and Broadcasting

Article 192

- (1) A person who unlawfully prevents printing, sale or distribution of books, magazines, newspapers or other printed material, or producing and broadcasting of radio and television program, shall be fined or sentenced to prison up to one year.
- (2) If the act referred to in Paragraphs 1 and 2 of this Article has been committed by an official through the abuse of office or authority, he shall be fined or sentenced to prison up to two years.

Violating the Freedom of Religion and Practising Religious Services

Article 193

- (1) A person who deprives or limits the freedom of religion or practising of the religion, shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall be pronounced on a person who deprives the religious community, acting in accordance with law, of the right on equality with other religious communities, or who denies the freedom to another religious community to hold religious services publicly.

Violating the Freedom of Expressing the National Background

Article 194

- (1) A person who prevents another from expressing his national or ethnic background or his national or ethnic culture, shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall be pronounced on a person who compels another to express his national or ethnic background.
- (3) If the act referred to in Paragraphs 1 and 2 of this Article has been committed by an official who has abused his position or authority, he shall be fined or sentenced to prison up to two years.

Violation of the Freedom to Express an Opinion

Article 195

- (1) A person who denies or limits the freedom of speech or public addresses, establishing institutions for public information, freedom of the press or other means of public information, shall be fined or sentenced to prison up to one year.
- (2) The sentence from Paragraph 1 of this Article shall be pronounced on a person who orders or implements censorship, denies or limits access to information or freedom of information, unless due to state or official secret.

Violating the Right to Associate and Politically Organize

Article 196

A person who by violating the law or by some other illicit action denies or prevents citizens from organizing in political organizations or trade unions or other organizations, or who prevents functioning of their political organizations, trade unions or other organizations or associations of citizens, shall be fined or sentenced to prison up to one year.

CHAPTER XIX

CRIMINAL OFFENSES AGAINST ELECTION RIGHTS

Preventing Elections and Voting

Article 197

- (1) A person who uses force, serious threat or in some other unlawful way hinders or prevents holding of elections or voting, or who in the same manner hinders or prevents determination or announcing of voting results, shall be sentenced to prison up to three years.
- (2) If the act referred to in Paragraph 1 of this Article has been performed in an organized manner or in two or more electoral units, the perpetrators shall be sentenced to prison from six months to five years.

Violation of the Right to Run in Elections

Article 198

A person who by violation of the law or other regulations or in some other unlawful manner prevents or denies nomination of the candidate at the elections, shall be fined or sentenced to prison up to one year.

Violation of the Right to Vote

Article 199

- (1) A person who with intent to prevent another from exercising the voting right, unlawfully fails to enter the name of the person into the voters list, deletes it from the list or in some other unlawful way denies the person to exercise his right to vote, shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be pronounced on the person who, with the intention to enable another person to vote, unlawfully enters his name into the voting list or in any other unlawful way enables him to vote although he has no such right.

Violating the Free Decision of Voters

Article 200

- (1) A person who uses force, serious threat, deceit or in some other unlawful way coerces another person or influences him during the elections or voting to vote for or against a certain candidate, election list or proposal, not to vote at all or to vote in a particular way, shall be fined or sentenced to prison up to one year.
- (2) If the act referred to in Paragraph 1 of this Article has been committed by a member of the election board, election commission or some other person performing duties related to elections or voting, shall be sentenced to prison from three months to three years.

Abuse of the Right to Vote

Article 201

- (1) A person who during the elections or voting votes instead of another person under his name or if he votes or tries to vote again after having voted once at the same voting, he shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be imposed on a person who participates in the elections or voting despite his knowledge that he has no voting rights.

Bribery at the Elections or Voting

Article 202

- (1) A person who offers, gives or promises a reward, gift, property gain or any other benefit to the voter in order to induce him to vote for or against certain candidate, election list or proposal, not to vote at all or to vote in a particular way, shall be fined or sentenced to prison up to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be pronounced to the voter who requests, accepts a gift or a promise of a gift or any other benefit for himself or another in order to vote for or against certain candidate, electoral list or proposal, not to vote at all or to vote in a particular way.
- (3) The reward, gift or other property gain given shall be confiscated.

Violating Confidentiality of Voting

Article 203

- (1) A person who during the elections or voting, violates the confidentiality of voting, shall be fined or sentenced to prison up to six months.
- (2) If the act referred to in Paragraph 1 of this Article has been committed by a member of the election board, election commission or another person performing duties related to elections or voting, the perpetrator shall be sentenced to prison up to three years.
- (3) The sentence referred to in Paragraph 2 of this Article shall also be imposed on a person who uses force or serious threat, or who uses official, professional or economic dependence or in some other way makes another person disclose whether or how such person voted.

Election Fraud

Article 204

- (1) A person who adds, subtracts or deletes votes, or in some other way falsifies election or voting results, shall be sentenced to prison up to three years.
- (2) The attempt is punishable.

Destroying the Electoral and Voting Documents

Article 205

- (1) A person who, at the elections or voting, destroys, damages, conceals, falsifies or unlawfully takes away any document on elections or voting, or any object that is used for elections or voting, shall be fined or sentenced to prison up to one year.
- (2) If the act referred to in Paragraph 1 of this Article has been committed by a member of the election board, election commission or another person performing duties related to elections or voting, shall be sentenced to prison from three months to three years.

CHAPTER XX

CRIMINAL OFFENSES AGAINST SEXUAL INTEGRITY

Rape

Article 206

- (1) A person who compels another person to sexual intercourse by use of force or by threat of direct attack

on life and body of that person, or life and body of somebody close to that person, shall be sentenced to prison from one to ten years.

- (2) If the offense referred to in Paragraph 1 of this Article resulted in pregnancy of the female, grievous bodily injury, serious impairment of health or death of the injured party, or if the offense was committed by several persons, or in an extremely brutal or humiliating way, the perpetrator shall be sentenced to prison from three to fifteen years.
- (3) A person who commits the criminal offense referred to in Paragraph 1 of this Article because of differences in ethnic or national origin, race, religion or language, shall be sentenced in accordance with Paragraph 2 of this Article.

Forced Sexual Intercourse

Article 207

A person who forces another person to sexual intercourse by use of serious threat of revealing something which would harm the honour or reputation of that person or somebody close to that person, or by use of threat of doing some other serious harm, shall be sentenced to prison from six months to five years.

Sexual Intercourse with a Helpless Person

Article 208

- (1) Whoever performs a sexual intercourse on another person by taking the advantage of the person's mental illness, mental retardation, mental disorder, helplessness or some other state of that person which makes him incapable to oppose, shall be sentenced to prison from one to eight years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in grievous bodily injury, serious impairment of health or death of the injured party, or if the offense has been committed by several persons, or in an extremely brutal or humiliating way, the perpetrator shall be sentenced to prison from three to fifteen years.

Sexual Abuse of a Juvenile

Article 209

- (1) A person who performs a sexual intercourse on a juvenile under fourteen, shall be sentenced to prison from six months to five years.
- (2) A person who commits the offense referred to in Paragraph 1 of this Article to a helpless juvenile under fourteen, or by use of force or by threat of direct attack on life and body, shall be sentenced to prison from three to fifteen years.
- (3) If the offense referred to in Paragraphs 1 and 2 of this Article resulted in the pregnancy of a juvenile female person, grievous bodily injury, severe impairment of health, or if the offense was committed by several persons or in a particularly brutal or humiliating way, the perpetrator shall be sentenced to prison from five to fifteen years.
- (4) If the criminal offense referred to in Paragraphs 1 and 2 of this Article resulted in the death of a juvenile, the perpetrator shall be sentenced to prison for at least ten years or long-term imprisonment.

Sexual Intercourse through Abuse of Official Position

Article 210

- (1) A person who abuses the position to compel to sexual intercourse another person who is in a dependent or subordinate position, shall be sentenced to prison from three months to three years.
- (2) A teacher, tutor, guardian, adoptive parent, stepfather or other person who abuses his position and performs a sexual intercourse on a juvenile over the age of fourteen entrusted to him for the purpose of teaching, education, guarding or care, shall be sentenced to prison from six months to five years.
- (3) If the offense referred to in Paragraph 2 of this Article has been committed to the juvenile under fourteen, the perpetrator shall be sentenced to prison from one to ten years.

Pandering

Article 211

- (1) A person who panders a juvenile, shall be sentenced to prison from three months up to three years.
- (2) A person who enables a sexual abuse of a juvenile, shall be sentenced to prison up to three years.
- (3) A person who panders another person for a reward, or a person who enables a sexual abuse for a reward, shall be sentenced to prison up to three years and fined.

Intermediation in Performing Prostitution

Article 212

- (1) A person who recruits, induces, encourages or lures female persons to prostitution, or whoever in any sense participates in handing a female person over to another for the purpose of prostitution, shall be sentenced to prison from three months to three years.
- (2) If the offense referred to in Paragraph 1 of this Article was committed against a juvenile person, or by use of force, threat or deception, the perpetrator shall be sentenced to prison from one to ten years.
- (3) If the offense referred to in Paragraphs 1 and 2 of this Article was committed against a child, the perpetrator shall be sentenced to prison from two to twelve years.

Showing Obscene Publications

Article 213

- (1) A person who sells, shows or makes available by public presentation or in some other way texts, photographs, audio-visual and other material with pornographic content to a juvenile under fourteen, or shows him a pornographic performance, shall be fined or sentenced to prison up to one year.
- (2) A person who abuses a juvenile under fourteen for taking photographs, audio-visual material or other material with pornographic contents, or abuses him for pornographic performance, shall be sentenced to prison from three months to three years.
- (3) The material referred to in Paragraphs 1 and 2 of this Article shall be confiscated.

CHAPTER XXI

CRIMINAL OFFENSES AGAINST MARRIAGE AND FAMILY

Bigamy

Article 214

- (1) A person who concludes a new marriage although he is still married, shall be fined or sentenced to prison up to one year.
- (2) A person who concludes a marriage with a person for whom he knows that is married, shall be punished in accordance with Paragraph 1 of this Article.
- (3) If the previous marriage is terminated or annulled, the prosecution shall not be initiated, and if it has been initiated, it shall be revoked.

Enabling the Conclusion of Unlawful Marriage

Article 215

An official person authorised for conclusion of marriage who, in performing his official duty, consciously permits the conclusion of a marriage which is prohibited or annulled by law, shall be sentenced to prison up to three years.

Unlawful Cohabitation with a Juvenile

Article 216

- (1) An adult who unlawfully cohabits with a juvenile between the age of fourteen and sixteen, shall be sentenced to prison from three months to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be applied to the parent, adoptive parent or guardian who permits the juvenile who has reached the age of fourteen to cohabit with another person, or encourages the juvenile to do so.
- (3) If the motive for committing the offense referred to in Paragraph 2 of this Article was to achieve an improper benefit, the perpetrator shall be sentenced to prison for the period from six months to five years and fined.
- (4) If the marriage is concluded, the prosecution shall not be undertaken, and if it has been undertaken, it shall be revoked.

Abduction of a Juvenile

Article 217

- (1) A person who unlawfully keeps the juvenile or abducts him from parents, adoptive parent or guardian, or from the institution or persons to whom the juvenile is entrusted, who keeps the juvenile away or prevents the juvenile from being with the person who has the right to him, or hinders the execution of the decision entrusting the juvenile to a certain person, shall be fined or sentenced up to one year of prison.
- (2) If the motive for committing the offense referred to in Paragraph 1 of this Article was to achieve an improper benefit, or some other base motive, or if health, upbringing, or education of the juvenile was consequently severely endangered, the perpetrator shall be sentenced to prison from three months to five years.
- (3) The perpetrator of the offense referred to in Paragraphs 1 and 2 of this Article who voluntarily hands

over the juvenile to a person, or to an institution to whom the juvenile is entrusted, or enables the execution of the decision on entrusting the juvenile, may be released from punishment by the court.

- (4) In pronouncing the suspended sentence for the offenses referred to in Paragraphs 1 and 2 of this Article, the court may impose the obligation and specify the deadline to the perpetrator to hand over the juvenile to the person or institution to which the juvenile is entrusted or to enable the execution of the decision by which the juvenile is entrusted to a certain person or institution.

Change of Family

Article 218

- (1) A person who changes the child's family status by substitution, exchange or in some other way, shall be sentenced to prison from three months to three years.
- (2) The attempt shall be punished.

Maltreating or Neglecting a Juvenile

Article 219

- (1) A parent, adoptive parent, guardian or other person who by serious disregard of his duties of taking care and raising neglects a juvenile entrusted to him, shall be fined or sentenced to prison up to two years.
- (2) A parent, adoptive parent, guardian or other person who maltreats the juvenile or forces him to do excessive work or work inadequate for his age, or forces the juvenile to beg or, out of the motive to achieve an improper benefit persuades him to perform other actions harmful to his development, shall be sentenced to prison from three months to three years.
- (3) If the offense referred to in Paragraphs 1 and 2 of this Article resulted in a serious damage of mental or physical health of the juvenile, the perpetrator shall be sentenced to prison from one to eight years.

Violation of Family Obligations

Article 220

- (1) A person who by serious violation of family obligations stipulated by law leaves in a difficult position a member of his family who is incapable of taking care of himself, shall be sentenced to prison from three months to three years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in a serious impairment of health of the family member, the perpetrator shall be sentenced to prison from one to five years.
- (3) If the offense referred to in Paragraph 1 of this Article resulted in the death of the family member, the perpetrator shall be sentenced to prison from one to eight years.
- (4) When pronouncing a suspended sentence, the court may set a condition to the perpetrator to duly perform his duties of taking care, raising and maintenance.

Failure to Provide Maintenance

Article 221

- (1) A person who avoids to provide maintenance to a person for whom he is obliged by law to do so, and that obligation is stated on the basis of the effective court decision or effective settlement concluded before another person or before a competent organ, shall be fined or sentenced to prison up to one year.

- (2) If the offense referred to in Paragraph 1 of this Article resulted in serious consequences for the supported person, the perpetrator shall be sentenced to prison up to three years.
- (3) When pronouncing a suspended sentence, the court may set a condition to the perpetrator to duly pay for the maintenance, as well as to settle due costs.
- (4) If the perpetrator of the offense referred to in Paragraph 1 of this Article fulfilled his obligation before the pronouncement of the first instance judgment, he may be released from punishment.

Incest

Article 222

- (1) A person who performs an intercourse with a relative in direct line or with a brother or sister, shall be sentenced to prison up to three years.
- (2) A person who performs an intercourse or other sexual action with a relative, referred to in Paragraph 1 of this Article, who is under sixteen, shall be sentenced to prison from one to eight years.

Preventing and Non-Performance of Measures for Protection of Juveniles

Article 223

- (1) A person who prevents the execution of educational and other measures pronounced by the court, Prosecutor and competent bodies for protection of juveniles, shall be fined or sentenced to prison up to one year.
- (2) A responsible person working with the organs or institutions for protection, education or professional training of juveniles, who acts unconscientiously in his work and consequently seriously jeopardizes the health and growing up of the juvenile, shall be sentenced to prison from three months to three years.

CHAPTER XXII

CRIMINAL OFFENSES AGAINST HEALTH

Transmitting of Contagious Disease

Article 224

- (1) A person who fails to obey regulations, decisions or orders by which the competent body of the health service prescribes examination, disinfection, isolation of a patient or some other measures for suppressing or preventing contagious diseases among people and thereby causes the transmission of a contagious disease, shall be fined or sentenced to prison up to one year.
- (2) A person who disobeys regulations, decisions or orders referred to in Paragraph 1 of this Article concerning the suppressing and preventing of contagious diseases of animals and causes infection of people with a contagious disease, shall be sentenced in accordance with Paragraph 1 of this Article.
- (3) A person who commits the offense referred to in Paragraphs 1 and 2 of this Article out of negligence, shall be fined or sentenced to prison up to six months.

Failure to Comply with Health Regulations during an Epidemic

Article 225

A person who during the epidemic of any contagious disease disobeys orders or decisions issued on the basis of the competent organ's regulations which establish the measures for suppression and prevention, shall be fined or sentenced to prison up to one year.

Failure to Apply Protective Measures against Contagious Diseases

Article 226

- (1) A person who fails to apply appropriate hygienic measures in a hospital, maternity ward, boarding school, school, enterprise or other legal entity or shop working with food or performing hygienic services, or in a similar enterprise or shop, or a person who, against health regulations, hires or keeps a person infected with a contagious disease at work and thereby causes the transmission of a contagious disease or an epidemic, shall be fined or sentenced to prison up to one year.
- (2) If the offense referred to in Paragraph 1 of this Article was committed out of negligence, the perpetrator shall be fined or sentenced to prison up to six months.

Transmitting of HIV Infection

Article 227

- (1) A person who consciously brings another into a danger of HIV infection, shall be fined or sentenced to prison up to two years.
- (2) A person who consciously disobeys regulations and measures related to prevention of spreading of HIV infection to another, and thereby negligently causes HIV infection, shall be sentenced to prison from one to five years.
- (3) A person who, being aware of his own HIV infection, consciously transmits the infection to another, shall be sentenced to prison from two to ten years.
- (4) If the offense referred to in Paragraph 3 was committed against more persons, the perpetrator shall be sentenced to prison from three to twelve years.
- (5) If the offenses referred to in Paragraphs 3 and 4 of this Article resulted in the death of the infected person, the perpetrator shall be sentenced to prison from five to fifteen years.
- (6) If the offenses referred to in Paragraphs 3, 4 and 5 of this Article have been committed out of negligence, the perpetrator shall be punished as follows: for the offense referred to in Paragraph 3 - two years of prison, for the offense referred to in Paragraph 4 - prison up to three years, and for the offense referred to in Paragraph 5 - prison from six months to five years.

Medical Malpractice

Article 228

- (1) A medical doctor who applies obviously inappropriate means or an obviously inappropriate method of treatment in rendering medical aid, or a doctor who fails to apply appropriate hygienic measures, and thereby causes the serious deterioration of someone's health, shall be sentenced to prison up to three years.
- (2) The sentence from Paragraph 1 of this Article shall also be pronounced to another health care worker who in rendering medical aid or care proceeds unconscientiously and thereby causes the serious deterioration of someone's health.

- (3) If the offense referred to in Paragraphs 1 and 2 of this Article has been committed out of negligence, the perpetrator shall be fined or sentenced to prison up to one year.

Failure to Render Medical Aid

Article 229

A medical doctor or other health worker who, contrary to his medical duty, refuses to render medical aid to a patient or to a person who needs the aid and whose life is in imminent danger, or who is in a danger of grievous bodily injury or serious impairment of health, shall be fined or sentenced to prison up to three years.

Unlawful Medical Experiments on People

Article 230

A person who unlawfully performs medical or other similar experiments on people, shall be sentenced to prison from three months to five years.

Unlawful Rendering of Medical Aid

Article 231

A person who contrary to regulations engages in unauthorized medical practice or renders other medical services, shall be fined or sentenced to prison up to two years.

Unlawful Transplantation of Parts of Human Body

Article 232

- (1) A person who takes a part of another's body for transplantation or who transplants a part of the body to another with his consent shall be sentenced to prison from six months to three years if the taking and transplantation of the part of the body is medically unjustified.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be imposed on a person who takes a part of the body for transplantation out of medically justified reasons or who transplants a part of the body to another out of medically justified reasons, if the transplantation has been performed without the patient's consent or without the consent of his legal representatives.
- (3) A person who takes a part of the body from another for the purpose of transplantation, or who transplants a part of the body without medically justified reasons and without such person's consent, shall be sentenced to prison from one to five years.
- (4) A person who takes a part of the body of a dead person for transplantation before the death is established in a proper way, shall be fined or sentenced to prison from three months to three years.
- (5) A person who takes a part of a deceased person for transplantation although he knows that the person during his life objected to it explicitly in writing, or a person who takes a part of the body of a deceased juvenile or mentally ill person for transplantation without explicit written consent of his legal representative, shall be fined or sentenced to prison up to two years.
- (6) The sentence referred to in the previous Paragraph shall also be passed on anybody who intermediates unlawfully and for compensation in giving parts of the body of an alive or dead person for the purpose of transplantation.

Unconscientious Preparing and Distribution of Medications

Article 233

- (1) A person authorised for distribution of medications for use in medicine who issues other medication than the one prescribed or requested if the substitution is not permitted, or a person who does not prepare the medication according to the prescribed proportion or quantity, or who generally fails to act conscientiously when distributing medications and thereby causes the deterioration of somebody's health, shall be sentenced to prison from three months to three years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be fined or sentenced to prison up to one year.

Distribution of Harmful Products as Medications

Article 234

- (1) A person who distributes products which are useless or harmful to the health of people as medications, shall be fined or sentenced to prison from three months to three years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be fined or sentenced to prison up to one year.
- (3) The products referred to in Paragraph 1 of this Article shall be confiscated.

Unauthorized Production and Distribution of Poisons

Article 235

- (1) An unauthorized person who produces, distributes or uses poisons, shall be sentenced to prison from six months to five years.
- (2) The poisons and substances used for their preparation shall be confiscated.

Manufacturing and Distribution of Harmful Products

Article 236

- (1) A person who produces for sale, sells or offers for sale or in any other way distributes health hazardous food items, drinks or other products, shall be sentenced to prison from three months to three years and fined.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be passed on anybody who distributes meat, meat products or other products which are used for food and drink without the previous inspection by an authorised person, when such inspection is prescribed.
- (3) If the offenses referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be fined or sentenced to prison up to six months.
- (4) Harmful food items and products shall be confiscated.

Unconscientious Inspection of Food Items

Article 237

- (1) An authorised person who fails to exercise due diligence during the inspection of meat for consumption or livestock for slaughter, or contrary to the regulations fails to carry out the inspection and thereby enables the distribution of meat or food items harmful to health, shall be fined or sentenced to prison up to one year.

- (2) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be fined or sentenced to prison up to one year.

Polluting Drinking Water and Food items

Article 238

- (1) The person who uses a harmful substance to pollute food items or the water people use for drinking and thereby jeopardizes lives and health of people, shall be sentenced to prison up to three years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be fined or punished by sentenced to prison up to six months.

Serving Alcoholic Drinks to Juveniles

Article 239

A person in a bar or other such establishment for selling alcoholic drinks who serves spirits or other alcoholic drinks to a juvenile under sixteen in quantities which may cause the intoxication of the juvenile, shall be fined or sentenced to prison up to six months.

Unauthorized Production and Distribution of Narcotics

Article 240

- (1) An unauthorized person who produces, processes, sells or offers for sale, or purchases for resale, who keeps, transports or intermediates in sale or purchase, or in some other way distributes substances or products which are declared narcotics, shall be sentenced to prison from one to ten years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed by several persons who joined for the purpose of committing the offense, or if the perpetrator of the offense has organized a network of dealers or mediators, he shall be sentenced to prison from three to fifteen years.
- (3) An unauthorised person who manufactures, purchases, intermediates or provides for use the equipment, material or substances for which he knows are intended for the production of intoxicating drugs, shall be sentenced to prison from six months to five years.
- (4) The narcotics and the equipment for their production shall be confiscated.

Enabling the Consummation of Narcotics

Article 241

- (1) A person who induces another to consume narcotics, or gives another a narcotic for his or some other person's use, or renders available premises for the purpose of consuming intoxicating narcotics or otherwise enables another to consume an intoxicating narcotic, shall be sentenced to prison from three months to five years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed against a juvenile or against a number of persons, or if the offense resulted in particularly grave consequences, the perpetrator shall be sentenced to prison from one to ten years.
- (3) The narcotics shall be confiscated.

Grave Offenses against Public Health

Article 242

- (1) If the offenses referred to in Article 224 Paragraphs 1 and 2, Article 226 Paragraph 1, Article 228 Paragraphs 1 and 2, Articles 229, 230 and 231, Article 233 Paragraph 1, Article 234 Paragraph 1, Article 236 Paragraphs 1 and 2, Article 237 Paragraph 1 and Article 238 Paragraph 1 of this Code resulted in someone's grievous bodily harm or serious deterioration of health, the perpetrator shall be sentenced to prison from six months to eight years.
- (2) If the offenses referred to in Article 224 Paragraphs 1 and 2, Article 226 Paragraph 1, Article 228 Paragraphs 1 and 2, Articles 229, 230 and 231, Article 233 Paragraph 1, Article 234 Paragraph 1, Article 236 Paragraphs 1 and 2, Article 237 Paragraph 1 and Article 238 Paragraph 1 of this Code resulted in the death of a person or several persons, the perpetrator shall be sentenced to prison from one to twelve years.
- (3) If the offenses referred to in Article 224 Paragraph 3, Article 226 Paragraph 2, Article 228 Paragraph 3, Article 236 Paragraph 3, Article 237 Paragraph 2 and Article 238 Paragraph 2 of this Code resulted in someone's grave bodily injury or serious deterioration of health, the perpetrator shall be sentenced to prison up to three years.
- (4) If the offenses referred to in Article 224 Paragraph 3, and Article 226 Paragraph 2 of this Code resulted in the death of a person or several persons, the perpetrator shall be sentenced to prison from one to eight years.

CHAPTER XXIII

CRIMINAL OFFENSES AGAINST ECONOMY, INDUSTRY AND COMMERCE

Violation of Equality in Performing Economic Activity

Article 243

- (1) A person who through the abuse of office or authority restricts the free flow of capital to the territory of the Brcko District, to deny or restrict the right of an enterprise or other legal entity to engage in circulation of goods and services within the Brcko District; to put an enterprise or other legal entity in an unequal position in relation to another legal entity regarding the working conditions and engaging in circulation of goods and services, or to restrict the free exchange of goods and services, shall be sentenced to prison from three months to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be pronounced to a person who misuses the social standing or influence to commit the offense referred to in Paragraph 1 of this Article.

Faking the Bankruptcy

Article 244

- (1) A person who, with intent to avoid paying of obligations, causes the bankruptcy by false or real decreasing of his own property, namely:
 1. by concealing, leaving to another for free, destroying or selling all or part of the property fictitiously or under the market value,
 2. by making fictitious contracts on debts or by acknowledging non-existing claims;
 3. by concealing, destroying, altering, or keeping business records, documents or files, which are prescribed by law, in such a manner that they do not display the real state of facts, or by fabricating documents or in some other way presents the state of facts such that it can offer grounds for opening bankruptcy procedure,

shall be sentenced to prison from one to eight years.

- (2) If the offense referred to in Paragraph 1 of this Article resulted in grave consequences for the creditor, the perpetrator shall be sentenced to prison from two to twelve years.

Unscrupulous Business Management

Article 245

- (1) A responsible person within an enterprise or other legal entity in which he is not the main shareholder, who by conscious violation of the law or other regulation unscrupulously manages business, and thereby causes a significant property damage to that legal entity, shall be fined or sentenced to prison up to three years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in the bankruptcy of the legal entity, the perpetrator shall be sentenced to prison from one to five years.

Abuse of Bankruptcy Procedure

Article 246

- (1) A person who reports a false claim or a claim at the false payment line in order to acquire a right he is not entitled to during the bankruptcy procedure, shall be fined or sentenced to prison up to one year.
- (2) A creditor, member of the board of creditors or the bankruptcy manager who accepts for himself or for someone else the property gain or a promise of property gain in order to or not to bring forth a certain decision, or to damage at least one of the creditors in the bankruptcy procedure, shall be fined or sentenced to prison up to three years.
- (3) The sentence referred to in Paragraph 1 of this Article shall be pronounced to a person who promises the property gain to a creditor, member of the board of creditors or to the bankruptcy manager for the purpose of committing the offense referred to in Paragraph 2 of this Article.

Damaging or Privileging the Creditors

Article 247

- (1) A person aware of his insolvency, who pays a debt or in other way privileges one creditor and in that way damages at least one of the creditors, shall be sentenced to prison up to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on a person who knows that he has become insolvent and nevertheless, with the intention to deceive creditors, accepts a false claim, makes a false contract or by some other fraudulent act damages at least one of his creditors.
- (3) If the offense referred to in Paragraphs 1 and 2 of this Article resulted in the damage, or if it resulted in the starting of the bankruptcy procedure, the perpetrator shall be sentenced to prison from one to ten years.

Abuse of Authorizations in Economy

Article 248

- (1) A responsible person in an enterprise or other entity engaged in economic activities, who with the intention of acquiring the unlawful material gain for his or other legal entity:
1. creates or keeps illicit funds in the country or abroad;
 2. falsely presents the situation and flow of assets and business results by making documents of false contents, false balance sheets, value estimations, inventories or by presenting other false accounts,

- or by concealing facts,
3. puts the legal entity into better position in obtaining resources or other privileges which would not be given to the legal entity in accordance with the current regulations;
 4. denies the payment considered to be the public revenue when paying taxes or other legal duties;
 5. uses the entrusted means contrary to their purpose;
 6. in some other way severely violates the law or business regulations with regard to using and managing property,

shall be sentenced to prison from one to five years.

- (2) If the commission of the offense referred to in Paragraph 1 of this Article resulted in the acquisition of a significant material gain or it resulted in a great damage, the perpetrator shall be sentenced to prison from one to ten years.

False Balance Sheets

Article 249

A person, intending to acquire certain gain for himself or someone else or to cause a damage to someone else, who makes within an enterprise or other legal entity a false balance sheet which determines the gain or loss of that person, or which determines the part in the gain or loss of each member of the community, shall be sentenced to prison from six months to five years.

Abuse of Estimation

Article 250

- (1) A person authorized to make an estimation who abuses his authorization during the estimation of the property of an enterprise or other legal entity, and thereby acquires a gain for himself or for someone else, or inflicts a damage to someone else, shall be sentenced to prison from three to five years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in acquiring the material gain or inflicts a damage exceeding 10,000 KM, the perpetrator shall be sentenced to prison from one to eight years, and if that amount exceeds 50,000 KM, the perpetrator shall be sentenced to prison from two to ten years.

Fraud in Economic Transactions

Article 251

- (1) A person acting as an authorized agent or representative of a legal entity who, intending to acquire the unlawful property gain for that or other legal person, uses the irrecoverable acceptance orders, cheques for which he knows that are uncovered, or in some other way deceives another or keeps him deceived and in that way leads him into making damage to his own or another's property by doing or failing to do something, shall be sentenced to prison from six months to five years.
- (2) If the commission of the offense referred to in Paragraph 1 of this Article resulted in acquiring the material gain or in causing the damage exceeding the amount of 10,000 KM, the perpetrator shall be sentenced to prison from one to eight years, and if that amount exceeds 50,000 KM, the perpetrator shall be sentenced to prison from two to ten years.

Concluding of Detrimental Contract

Article 252

- (1) A person who, acting as authorized agent or representative of a legal entity engaged in an economic activity and in which he is not the main shareholder, concludes a contract being aware of its harmful character to the legal entity; or concludes a contract contrary to authorizations, and thereby causes a

damage to the legal entity, shall be sentenced to prison from three months to three years.

- (2) If the offense referred to in Paragraph 1 of this Article resulted in the damage exceeding the amount of 200,000 KM, the perpetrator shall be sentenced to prison from one to ten years.

Revealing and Unauthorized Obtaining of Trade Secrets

Article 253

- (1) A person who without authorization reports, gives or in some other way renders available the information regarded as a trade secret, as well as a person who obtains such information with the intention to give it to another unauthorized person, shall be sentenced to prison from three months to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be pronounced to a person who, intending to use such information without authorization, unlawfully obtains the information regarded as a trade secret.
- (3) If the revealing or obtaining of information has been performed with the intention to take them abroad, or if the offense has been committed with the aim of achieving an improper benefit, the perpetrator shall be sentenced to prison from one to eight years.
- (4) If the offense referred to in Paragraphs 1 and 3 of this Article has been committed out of negligence, the perpetrator shall be fined or sentenced to prison up to one year.
- (5) A trade secret includes such information and documents which are declared to be trade secret by law, some other regulation or by the decision of a competent organ, and whose revealing would have or could have detrimental consequences for an enterprise or other legal entity.

Revealing and Using of Stock-Exchange Secrets

Article 254

- (1) A person who reports to an unauthorized person the information of the stock-exchange which are not available to all participants in the stock-exchange, or a person who obtains such information and by using it at the stock-exchange acquires an unlawful property gain, shall be sentenced to prison from three months to five years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in the property gain exceeding the amount of 10,000 KM, the perpetrator shall be sentenced to prison from one to eight years, and if that amount exceeds 50,000 KM, the perpetrator shall be sentenced to prison from two to ten years.

Hindering the Control

Article 255

A person who hinders the controlling organ to inspect the business documents or other documents, or who hinders the inspection of articles, premises or other objects, shall be fined or sentenced to prison up to two years.

Unauthorized Use of Another's Commercial Sign, Sample or Model

Article 256

- (1) A person who, intending to deceive purchasers or those who use his services, uses another's company-name, seal or trademark, another's mark of geographical origin or other distinctive trade name, or who inserts certain features of those marks in his own company-name, seal or trademark into his own

distinctive trade name, shall be fined or sentenced to prison up to three years.

- (2) The sentence referred to in Paragraph 1 of this Article shall be pronounced to an unauthorized person who, intending to commit the offense referred to in the previous Paragraph, uses another's model or sample, or who distributes articles made upon those models.
- (3) If the commission of the offense referred to in Paragraphs 1 and 2 of this Article resulted in acquisition of the property gain or in causing of damage which exceeds the amount of 10,000 KM, the perpetrator shall be sentenced to prison from six months to five years, and if that amount exceed 50,000 KM, the perpetrator shall be sentenced to prison from one to ten years.
- (4) The articles referred to in Paragraphs 1 and 2 of this Article shall be confiscated.

Unauthorized Use of Another's Invention

Article 257

- (1) A person who uses another's registered or protected invention in manufacturing or in commercial traffic shall be sentenced to prison up to three years,
- (2) An unauthorized person who reveals the essence of another's invention, before the invention has been registered in the manner provided by law, shall be fined or sentenced to prison up to two years.
- (3) Products made by unlawful use of another's invention shall be confiscated.

Illicit Production

Article 258

- (1) A person who produces or processes goods whose production and processing is forbidden shall be fined or sentenced to prison up to three years.
- (2) The goods and the means of production or processing shall be confiscated.

Illicit Trade

Article 259

- (1) An unauthorized person who purchases, sells or exchanges articles or goods of greater value whose distribution is forbidden or restricted, shall be sentenced to prison from three months to three years, if the commission of such offense does not involve features of another offense for which a more severe sentence is prescribed.
- (2) A person who sells goods whose production he was not authorized to organize shall be sentenced to prison from three months to five years.
- (3) The sentence referred to in Paragraph 2 of this article shall be pronounced to an unauthorized person who sells, purchases or exchanges goods or articles whose distribution is forbidden or restricted.
- (4) If the perpetrator of the offenses referred to in Paragraphs 1, 2 and 3 of this Article has organized a network of middlemen or retailers, or if he acquired the property gain whose amount exceeds 30 000 KM, he shall be sentenced to prison from one to six years.
- (5) Goods and articles of the illicit trade shall be confiscated.

Misleading the Purchasers

Article 260

- (1) A person who, intending to mislead purchasers, puts into circulation products with a label that contains information that does not comply with the contents, brand, origin or quality of the product; or who puts into circulation the products whose weight or quality does not comply with what is normally expected of such products; or who puts the registered label on products which are not registered; or who puts into circulation the products without the indication of the content, brand, origin or quality of the product whenever such indication is prescribed, shall be sentenced to prison up to three years and fined.
- (2) A person who, intending to deceive purchasers, falsely announces that the price of goods has been reduced, or that there is a big sale of goods, or that the increase in price is expected, or in any other way uses obviously false advertisement, shall be fined or sentenced to prison up to one year.

Counterfeiting Marks for Labeling of Goods, Measures and Weights

Article 261

- (1) A person who, intending to use them as genuine, makes false seals, stamps, marks or other signs for labelling domestic or foreign goods, used as the hallmark on gold or other precious metals, or for marking wood, cattle or some other goods; or a person who, having the same intention, alters such genuine marks or uses the false marks as genuine, shall be sentenced to prison from three months to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be pronounced to a person who counterfeits measures or weights.
- (3) A person who manufactures, purchases, sells or gives for use the means for making marks for labelling of goods, for making false measures and weights, shall be fined or sentenced to prison up to two years.
- (4) The false marks, measures and weights shall be confiscated.

Counterfeiting or Destroying of Business or Trade Books or Documents

Article 262

- (1) A person who enters false data or fails to enter an important data in business or trade books, documents or acts which he is obliged to keep in accordance with law or other regulation; or who signs or seals a business or trade book, document or act with false content; or a person who, by using his signature or seal, enables the creation of a business or trade book, document or act with false content, shall be fined or sentenced to prison up to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be pronounced to a person who uses a false business or trade book, act or document as genuine, or to a person who destroys, damages, hides or in some other way makes unavailable a business book, act or document.

CHAPTER XXIV

CRIMINAL OFFENSES AGAINST FINANCE

Counterfeiting Money

Article 263

- (1) A person who counterfeits money with intention of putting it into circulation as real, alters the real money with intention of putting it into circulation and who puts counterfeit money into circulation, as well as a person who obtains such money with the intention to put it into circulation as real, shall be sentenced to prison from one to twelve years.

- (2) If the acts referred to in Paragraphs 1 and 2 of this Article have caused the economic disturbance in the Brcko District, the perpetrator shall be sentenced to prison from five to fifteen years.
- (3) A person who puts into circulation counterfeit money he had received as real, or a person who knows that money has been counterfeited or that the counterfeit money has been put into circulation and fails to report it, shall be fined or sentenced to prison up to one year.
- (4) The counterfeit money shall be confiscated.

Counterfeiting and Using Securities

Article 264

- (1) A person who counterfeits securities or alters the real ones with the intention to use them as genuine, or obtains them for such purpose, shall be punished by prison sentence from one to five years.
- (2) If the total value of the securities referred to in Paragraph 1 of this Article, exceeds 10,000 KM, the perpetrator shall be sentenced to prison from one to eight years, and if this value exceeds 50,000 KM, the perpetrator shall be sentenced to prison from two to ten years.
- (3) A person who puts into circulation the counterfeit securities he had received as genuine after having learned that they are counterfeited, shall be fined or sentenced to prison up to one year.
- (4) The false securities shall be confiscated.

Counterfeiting Credit Cards and Other Non-Cash Cards

Article 265

- (1) A person who counterfeits a credit card or other non-cash card, or alters a real card with the intention to use it as a real one, or whoever uses such counterfeited card as real, shall be sentenced to prison up to three years.
- (2) If the perpetrator referred to in Paragraph 1 of this Article has acquired a property gain by use of the card, he shall be sentenced to prison from one to five years.
- (3) If the perpetrator referred to in Paragraph 1 of this Article has acquired a property gain exceeding the amount of 10,000 KM, he shall be sentenced to prison from one to eight years, and if the amount exceeds 50,000 KM, the perpetrator shall be sentenced to prison from two to ten years.

Counterfeiting Marks of Value

Article 266

- (1) A person who counterfeits marks of value or who alters any genuine sign of value with the intention to use them as genuine, or let them be used by other person, or a person who uses such signs of value as genuine, or obtains them for that purpose, shall be sentenced to prison up to three years.
- (2) If the total value of marks referred to in Paragraph 1 of this Article exceeds 10,000 KM, the perpetrator shall be sentenced to prison from six months to five years, and if such value exceeds the amount of 50,000 KM, the perpetrator shall be sentenced to prison from one to eight years.
- (3) A person who, by removing the seal which cancels marks of value or otherwise, for the purpose of using the same marks of value again, makes such marks of value appear as though they had not been used, or who uses already used marks again or sells them as though they are valid, shall be fined or sentenced to prison up to one year.

- (4) False marks of value shall be confiscated.

Making, Obtaining or Giving to Others Counterfeiting Devices

Article 267

- (1) A person who makes, obtains, possesses, sells or gives devices for counterfeiting money or securities for use to other persons, shall be sentenced to prison from six months to five years.
- (2) A person who makes, obtains, possesses, sells or gives the devices for counterfeiting marks of value for use to other persons, shall be fined or sentenced to prison up to two years.
- (3) The devices referred to in Paragraphs 1 and 2 of this Article shall be confiscated.

Money Laundry

Article 268

- (1) A person who accepts, exchanges, keeps, disposes with, uses in economic transactions or in some other way conceals or tries to conceal money or property for which he knows that it was obtained by committing a criminal offense, shall be sentenced to prison from six months to five years.
- (2) If the perpetrator of the offense referred to in Paragraph 1 is at the same time the perpetrator or accomplice in committing the offense by which the money or property gain referred to in the previous Paragraph was obtained, such perpetrator shall be sentenced to prison from one to ten years.
- (3) If the money or property referred to in Paragraphs 1 and 2 is of great value, the perpetrator shall be sentenced to prison from two to twelve years.
- (4) If the offenses referred to in previous Paragraphs are committed by several persons associated for the purpose of committing such offenses, the perpetrator shall be sentenced to prison from three to fifteen years.
- (5) If, while committing offenses referred to in Paragraphs 1, 2 and 3 of this Article, the perpetrator acted negligently regarding the circumstance that the money or property gain was obtained by committing a criminal offense, the perpetrator shall be sentenced to prison up to three years.
- (6) The money and property from previous paragraphs shall be confiscated, and the acquired rights shall be declared void.

Deceit in Obtaining Loan or other Benefits

Article 269

- (1) A person who furnishes false or incomplete data regarding financial situation or other data relevant for granting a loan or similar benefits, with the intention of gaining loan, investment funds, subventions or the like for himself or someone other, to a creditor or an agency competent for granting benefits, shall be sentenced to prison from six months to three years.
- (2) A person who obtains funds exceeding the amount of 10,000 KM through the offense referred to in Paragraph 1 of this Article, shall be sentenced to prison from one to five years, and if that amount exceeds 50,000 KM, shall be sentenced to prison from two to ten years.
- (3) A person who uses the granted loan, investment funds, subventions or the like for a purpose not approved to him, shall be sentenced to prison up to two years and fined.

Unlawful Banking

Article 270

- (1) A person who engages in banking without license contrary to licensing conditions, shall be sentenced to prison from three months to five years.
- (2) If a property gain exceeding 10,000 KM had been acquired by commission of the offense referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to prison from one to eight years; and if such value exceeds the amount of 50,000 KM, the perpetrator shall be sentenced to prison from two to ten years, and if such amount exceeds 200,000 KM, the perpetrator shall be sentenced to prison to at least five years.

Issuing Securities without Coverage

Article 271

The prison sentence from one to eight years shall be imposed on:

1. An official in a bank or other legal entity who issues securities, or approves the issuance of securities without coverage although he was aware, or might have been aware, or was required to know that it would be impossible to meet the obligations of the issuer originating from the issuance under the terms, within the deadline and in the manner established by the law or decision on issuance;
2. An official who approves issuance of securities although he knew or could have known, or was obliged to know that it would be impossible to meet the obligations originating from the issuance under the terms, within the deadline and in the manner prescribed by law or the decision on emission;
3. A bank official who grants guarantee of certain emission of securities although he knew, or might have been or was obliged to be aware of the impossibility of realisation of obligations of the bank issuing guarantees under the terms, within the deadline and in the manner prescribed by law or by the guarantee.

Issuing Cheque and Non-Cash Payment Instruments without Coverage

Article 272

- (1) A person intending to obtain illicit property gain for himself or someone else by issuing or putting into circulation a cheque he knows is not covered, and thereby acquires property gain exceeding 1,000 KM, shall be fined and sentenced to prison up to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on anyone intending to acquire property gain for himself or another by issuing, putting into circulation or using acceptance order, bill of exchange, any guarantee, credit or payment card, or any other means of payment or payment security, although aware that it was not covered, and thereby acquires property gain exceeding the amount of 1,000 KM.
- (3) If the property gain exceeding the amount of 10,000 KM was acquired through commission of the offense referred to in Paragraphs 1 and 2 of this Article, the perpetrator shall be sentenced to prison from one to eight years, and if such amount exceeds 50,000 KM, the perpetrator shall be sentenced to prison from two to ten years.

Unlawful Disposition with Cash

Article 273

A person in a legal entity obliged to do business through an account maintained by the payment bureau, who issues an order to use cash in the amount exceeding 10,000 KM contrary to the regulations, shall be fined or sentenced to prison up to one year, and if the amount exceeds 50,000 KM, he shall be sentenced to prison from three months to three years and fined.

Tax Evasion

Article 274

- (1) A person who, intending to create conditions for himself or for someone else for total or partial evasion of paying tax, contribution to health and pension insurance or other sorts of stipulated levies, provides false data on his legally obtained profit, objects or other facts affecting the determination of such levies, or any person who, for the stated reason, fails to report accurately the earned profit, object or other facts affecting the determination of such levies when it is mandatory, and the amount of a levy to be evaded exceeds 2,000 KM, shall be sentenced to prison up to three years and fined.
- (2) Should the amount of the levy referred to in Paragraph 1 of this Article the evasion of which has been attempted exceeds the amount of 10,000 KM, the perpetrator shall be sentenced to prison from one to eight years, and if that amount exceeds 50,000 KM, he shall be sentenced to prison from two to twelve years.

Smuggling

Article 275

- (1) A person who, by avoiding measures of customs control, takes commodities of considerable value across customs border, or any person engaged in smuggling commodities across the customs border avoiding the measures of customs control, shall be sentenced to prison up to three years and fined.
- (2) A person who, without an appropriate authorization, avoids measures of customs control and takes across the customs border commodities the import or export of which is prohibited, restricted or require special approval or permission of a competent organ, shall be sentenced to prison from six months to five years and fined.
- (3) If the offenses referred to in Paragraphs 1 and 2 of this Article include taking over the customs border of commodities, articles or substances harmful to life or health or which may be a threat to public safety, or such offenses have been committed with the use of weapons, force or threat, the perpetrator shall be sentenced to prison from one to ten years.
- (4) The smuggled commodities shall be confiscated.
- (5) The means of transportation whose secret or hidden compartments were used for transporting the smuggled commodities referred to in Paragraph 1 of this Article or which is intended to be used for commission of such offenses, shall be confiscated if the owner or user of the vehicle knew or could and should have known the fact.

Organizing a Group or Association for Smuggling and Distribution of Smuggled Goods

Article 276

- (1) A person who organizes a group or other association for organized smuggling, or who organizes a network of dealers or intermediaries in sale or distribution of smuggled commodities, shall be sentenced to prison from six months to five years.
- (2) A person who becomes a member of a group or association referred to in Paragraph 1 of this Article, shall be sentenced to prison up to three years.

Customs Fraud

Article 277

- (1) A person who, with the intention to avoid paying the customs duty or other duties paid when importing commodities and the amount of which exceeds 5,000 KM, makes or submits to the customs organ a counterfeit customs document, certificate or other document that is fraudulent, shall be sentenced to prison up to three years.
- (2) If the duty the paying of which has been avoided exceeds the amount of 20,000 KM, the perpetrator shall be sentenced to prison from one to eight years, and if that amount exceeds 80,000 KM, the perpetrator shall be sentenced to prison from two to twelve years.

CHAPTER XXV

CRIMINAL OFFENSES AGAINST PROPERTY

Larceny

Article 278

- (1) A person who seizes someone else's movable piece of property with an intention of making unlawful gain for himself or another, shall be sentenced to prison up to three years.
- (2) The attempt shall be punished.

Grand Larceny

Article 279

- (1) The prison sentence from six months to five years shall be imposed on a person who commits a theft (Article 278, Paragraph 1):
 1. by forcing or breaking into closed buildings, premises, safes, cashier's office, cabinet or other closed premises or overcoming significant obstacles in some other way with intention to seize to an object;
 2. in a particularly dangerous or insolent manner;
 3. by abusing the commotion caused by fire, flood, earthquake or a similar disaster;
 4. by abusing helplessness or other extremely difficult situation of a person.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on the perpetrator of a theft (Article 278, Paragraph 1):
 1. if the value of stolen goods exceeds 10,000 KM;
 2. if the stolen item has a religious significance, or the item was stolen from religious or other facility or premises where religious rites are conducted;
 3. if the stolen property has cultural, scientific, artistic, historical or technical significance, or if it is placed in a public collection, protected private collection or is exhibited for public.
- (3) The prison sentence from one to ten years shall be imposed on a person who commits a theft (Article 278, Paragraph 1) as a member of a group, or if he has a certain weapon or dangerous tool for the purpose of committing a theft, or if the value of the stolen property exceeds 50,000 KM.

Robbery

Article 280

- (1) A person caught in a robbery who uses force against another or threatens to attack the life and body with an intention to keep the stolen property, shall be sentenced to prison from one to ten years.
- (2) If, while committing the offense referred to in Paragraph 1 of this Article, a severe bodily injury was inflicted to another with premeditation, or the offense was committed by several persons, or if some weapon or a dangerous object was used, or if the value of stolen articles exceeds the amount of 50,000 KM, the perpetrator shall be sentenced to prison from three to fifteen years.
- (3) If a person was killed with premeditation while committing the offense referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to prison of at least ten years or long-term imprisonment.

Armed Robbery

Article 281

- (1) A person who uses force against another person, or threatens to directly attack his life in order to seize another's movable piece of property intending thereby to obtain an unlawful property gain for himself or another, shall be sentenced to prison from one to ten years.
- (2) If, while committing the offense referred to in Paragraph 1 of this Article, a person severe bodily injury was inflicted to another with premeditation, or the offense was committed by several persons, or if certain weapon or a dangerous object was used, or if the value of stolen articles exceeds the amount of 50,000 KM, the perpetrator shall be sentenced to prison from five to fifteen years.
- (3) If a person was killed deliberately in committing the offense referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to prison of at least ten years or long-term imprisonment.

Embezzlement

Article 282

- (1) A person who, with an intention to acquire a property gain for himself or for another, unlawfully appropriates a piece of someone else's movable property that was entrusted to him, shall be fined or sentenced to prison up to one year.
- (2) If the offense referred to in Paragraph 1 of this Article was committed by a guardian, he shall be sentenced to prison up to three years.
- (3) If the misappropriated article is a cultural asset, or has significant scientific, artistic, historical or technical value, or if the total value of misappropriated articles exceeds 10,000 KM, the perpetrator shall be sentenced to prison from six months to five years, and if that amount exceeds 50,000 KM, he shall be sentenced to prison from one to eight years.
- (4) A person who, with an intention to obtain property gain for himself or for another, unlawfully seizes a piece of someone else's movable property which he has found incidentally, shall be fined or sentenced to prison up to one year.

Seizure of Piece of Someone Else's Movable Property

Article 283

- (1) A person who, with no intention to obtain a property gain, unlawfully seizes or obtains a piece of someone else's movable property shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on a person who seizes

someone else's motor vehicle.

Unlawful Occupying of Real Property

Article 284

- (1) A person who unlawfully occupies someone else's real property or part thereof shall be fined or sentenced to prison up to one year.
- (2) If the occupied piece of real property is a part of protected forest, national park or other forest for special purposes, or it is a construction land, or it is a real estate declared as a property of general significance, cultural monument, natural phenomenon or other natural treasure, the perpetrator shall be sentenced to prison from three months to three years.

Damaging Another's Article

Article 285

- (1) A person who damages, destroys or renders unusable another's article shall be fined or sentenced to prison up to one year.
- (2) A person who damages, distorts, destroys or renders unusable another's article used for religious purposes, or an object of cultural significance on public display, natural asset under especial protection, artistic object, object of scientific or technical importance which belongs to public collection, or it is exhibited in public or an object in common use, or which decorates squares, streets or parks, shall be fined or sentenced to prison up to two years.
- (3) The sentence referred to in Paragraph 2 of this Article shall be imposed on a person who commits the offense referred to in Paragraph 1 of this Article for the reason of ethnic or national background, race, religious affiliation, gender or language.
- (4) If the offense referred to in Paragraph 1 of this Article has caused a damage the value of which exceeds 10,000 KM, the perpetrator shall be sentenced to prison from three to five years, and if that amount exceeds 50,000 KM, he shall be sentenced to prison from one to six years.

Fraud

Article 286

- (1) A person who, with the intention of making an unlawful material gain for himself or another, deceives someone through false presentation or concealing of facts, or keeps him in deceit, inducing him thereby to do or fail to do something to the detriment of his or someone else's property, shall be sentenced to prison up to three years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in a material gain or material damage in exceeding the amount of 10,000 KM, the perpetrator shall be from six months to five years, and if such amount exceeds 50,000 KM, he shall be sentenced to prison from one to ten years.
- (3) A person who commits the offense referred to in Paragraph 1 solely for the purpose of causing harm to someone else, shall be fined or sentenced to prison up to one year.
- (4) The attempt to commit the offense referred to in Paragraph 1 of this Article is punishable.

Petty Larceny, Embezzlement or Fraud

Article 287

- (1) A person who commits a petty larceny, embezzlement or fraud shall be fined or sentenced to prison up to six months.
- (2) The petty larceny, embezzlement or deceit exists when the value of stolen or embezzled articles, or damage inflicted through fraud is less than 500 KM, and the perpetrator had a tendency to obtain the article, or inflict damage in the stated amount.

Release from Punishment

Article 288

If the perpetrator of offense referred in Articles 278, 282, 283, 287 and 291 of this Code returns the stolen, seized or appropriated article to the injured party before he learns that criminal proceedings have been initiated, the court may release him from punishment.

Extortion

Article 289

- (1) A person who intends to obtain unlawful property gain for himself or for someone else by means of compelling another person to do or to fail to do something and thereby inflict damage on his own or someone else's property, shall be sentenced to prison from three months to five years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in acquisition of property gain the value of which exceeds 10,000 KM, the perpetrator shall be sentenced to prison from one to eight years, and if such amount exceeds 50,000 KM, or if certain weapon or dangerous tool were used in committing the offense, or the offense was committed by several persons, he shall be sentenced to prison from one to twelve years.
- (3) A person who engages in extortion for a reward, shall be sentenced to prison from three to fifteen years.

Blackmail

Article 290

- (1) A person who, in an intent to obtain an unlawful property gain for himself or another, threatens another person to disclose a matter potentially harmful to their honor or dignity and thereby compel that person to do or fail to do something to the detriment of his or someone else's property, shall be sentenced to prison from three months to five years.
- (2) If the property gain was acquired or damage inflicted in the amount of 10,000 KM through such offense, the perpetrator shall be sentenced to prison from one to five years, and if that amount exceeds 50,000 KM or the offense was committed by several persons, the perpetrator shall be sentenced to prison from two to twelve years.
- (3) A person who engages in blackmailing for a reward shall be sentenced to prison from three to fifteen years.

Abuse of Authorization

Article 291

- (1) A person who, in representing someone else's property interests or while in charge of someone else's property, does not fulfill their duty or abuses the given authorization intending to procure a property gain for himself or for someone else, or cause a damage to the owner of the property he is in charge of, shall be sentenced to prison up to three years.

- (2) If the property gain was obtained through such offense or the damage was inflicted in the amount exceeding 10,000 KM, the perpetrator shall be sentenced to prison from one to five years; and if this amount exceeds 50,000 KM, he shall be sentenced to prison from one to eight years.
- (3) If the offense referred to in Paragraphs 1 and 2 of this Article has been committed by a guardian or by an attorney-at-law, the perpetrator shall be sentenced to prison from six months to five years for the offense from Paragraph 1; and for the offense from Paragraph 2, if the amount exceeds 10,000 KM the perpetrator shall be sentenced to prison from one to eight years, and if the amount exceeds 50,000 KM, he shall be sentenced to prison from one to twelve years.

Usury

Article 292

- (1) A person who in return for providing money or other consumable goods, or for a service rendered to a person, accepts or contracts for himself or somebody else a disproportionate property benefit by exploiting the financial difficulties, difficult circumstances, emergency, inexperience, recklessness or diminished reasoning capacity, shall be fined or sentenced to prison up to three years and fined.
- (2) If the offense from Paragraph 1 of this Article resulted in grave consequences for the injured party, or the perpetrator has acquired property benefit exceeding 10,000 KM, he shall be sentenced to prison from six months to five years and fined; and if the property benefit exceeds 50,000 KM he shall be sentenced to prison from one to ten years and fined.

Violating Other Person's Rights

Article 293

- (1) A person who, with the intention to prevent other person from exercising his right on property, expropriates, destroys or confiscates a piece of property over which someone else has a pledge or right of easement, and thereby causes a damage to that person, shall be fined or sentenced to prison up to one year.
- (2) The sentence from Paragraph 1 of this Article shall also be imposed on a person who, with the intention to prevent a creditor from getting the compensation, in the course of forced execution destroys, expropriates, damages or conceals certain parts of property and thereby causes a damage to the creditor.

Concealment

Article 294

- (1) A person who purchases, accepts as a pawn, or in some other way obtains, conceals or sells an item for which he knows that it is obtained through the commission of a criminal offense, or something received through sale or exchange of such item, shall be fined or sentenced to prison up to two years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed by a group or criminal organization, or the value of the concealed item exceeds 20,000 KM, the perpetrator shall be sentenced to prison from three months to five years; and if such value exceeds 100,000 KM, the perpetrator shall be sentenced to prison from one to ten years.
- (3) A person who commits the offense referred to under Paragraph 1 of this Article and at the same was aware or should have been aware that the item had been obtained by committing a criminal offense, shall be fined or sentenced to prison up to one year.

Prosecution in Cases When the Perpetrator is Closely Related to the Victim

Article 295

For the criminal offenses referred to in Articles 278 and 279, Article 282 Paragraph 3, Article 283 Paragraphs 1 and 2, Articles 285 and 286, Article 291 Paragraph 1 and Article 293 of this Code, when committed against a spouse, relative in a direct line, brother or sister, adoptive parent or other persons with whom the perpetrator lives in the same household, the prosecution shall be initiated upon approval of those persons.

CHAPTER XXVI

CRIMINAL OFFENSES AGAINST ENVIRONMENT, AGRICULTURE AND NATURAL RESOURCES

Pollution of Environment

Article 296

- (1) A person who, by breaching regulations on protection, maintenance and improvement of environment, pollutes air, land, water, and water streams in larger scope or in a larger area and thereby jeopardizes life and health, or destroys flora or fauna in large scope, shall be sentenced to prison from three months to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on an authorized official employed with a legal entity who, breaching the regulations on protection and improvement of environment, fails to install purifying devices or allows the construction, activates or uses machinery that pollutes the environment or in some other manner fails to prevent or causes the pollution of air, land, water or a water stream that considerably exceeds the permitted limits and thereby jeopardizes life or health of people, or destroys flora or fauna in a larger scope.
- (3) If the offenses referred to in Paragraphs 1 and 2 of this Article were committed out of negligence, the perpetrator shall be fined or sentenced to prison up to one year.
- (4) If the commission of a criminal offense referred to in Paragraphs 1 and 2 of this Article resulted in someone's grievous bodily injury, or in a large-scale damage, the perpetrator shall be sentenced to prison from one to ten years.
- (5) If one or several persons died as a result of commission of the criminal offense referred to in Paragraphs 1 and 2 of this Article, the perpetrator shall be sentenced to prison from one to twelve years.
- (6) If the commission of a criminal offense referred to in Paragraph 3 of this Article resulted in someone's grievous bodily injury, or in a large-scale damage, the perpetrator sentenced to prison from six months to five years.
- (7) If the commission of criminal offense referred to in Paragraph 3 of this Article caused the death of one or several persons, the perpetrator shall be sentenced to prison from one to eight years.

Manufacturing Harmful Products for Medical Treatment of Livestock

Article 297

- (1) A person who manufactures for sale purposes, or puts into circulation products, intended to treat or prevent spreading of diseases of livestock or poultry, which are dangerous for their life and health, shall be fined or sentenced to prison up to one year.
- (2) Should the animals die in large numbers as a result of the offense referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to prison from three months to three years.

- (3) If the criminal offense referred to in Paragraphs 1 and 2 of this Article has been committed out of negligence, the perpetrator shall be fined or sentenced to prison up to six months.

Unconscientious Rendering of Veterinary Aid

Article 298

- (1) A veterinary or an authorized veterinary assistant who, in rendering veterinary aid, prescribes or administers a manifestly inadequate medication or a manifestly inadequate method of treatment, or who generally proceeds with careless treatment and thereby causes the death of livestock or poultry in large numbers, shall be sentenced to prison up to three years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be fined or sentenced to prison up to six months.

Unauthorized Exercising of Veterinary Services

Article 299

A person who does not possess a proper professional training and performs jobs related to animal health protection or performs veterinary treatments, shall be fined or sentenced to prison up to one year.

Failure to Comply with Regulations Concerning the Suppression of Animal and Plant Diseases

Article 300

- (1) A person who fails to comply with an order or decision whereby a responsible authority orders measures for suppressing or preventing a disease in the course of an epidemic of certain livestock disease that might jeopardize the livestock, shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be imposed on a person who, during the direct threat of disease or pests that might jeopardize flora, fails to comply with an order or decision of the competent authority that was passed in accordance with regulations and which imposes measures for suppression or prevention of diseases or pests.
- (3) If substantial damage resulted from commission of the offense referred to in Paragraphs 1 and 2 of this Article, the perpetrator shall be sentenced to prison up to three years.
- (4) If the offense referred to in Paragraphs 1 and 3 of this Article has been committed out of negligence, the perpetrator shall be fined or sentenced to prison up to one year.

Contaminating Fodder or Water Used by Livestock

Article 301

- (1) A person who uses a harmful substance to contaminate water in rivers, streams, wells, cisterns, or other sort of water which is used for watering animals, poultry or game and thereby endangers life and health of animals, shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on a person who uses a harmful substance to contaminate water in fish ponds, lakes, rivers and streams and thereby endangers the survival of animals in the water.
- (3) If the death of animals or fish on a large scale has occurred as a result of the act referred to in Paragraphs 1 and 2 of this Article, the perpetrator shall be sentenced to prison from three months to three years.

- (4) If the crime referred to in Paragraphs 1 and 2 of this Article has been committed out of negligence the perpetrator shall be fined or sentenced to prison up to six months.

Destruction of Plants by Use of Harmful Substance

Article 302

A person who causes destruction of plants, fruit trees and other nursery plants by use of a harmful substance and thereby causes large-scale damages, shall be sentenced to prison up to three years.

Negligent Trade of Pesticides

Article 303

A person who distributes the pesticides without proper authorization or issues pesticide other than the prescribed one if the substitution is not permitted, or otherwise acts negligently in the trade of pesticides and thereby jeopardizes lives or health of people or environment, shall be fined or sentenced to prison up to two years.

Concealing Existence of Contagious Disease among Animals

Article 304

A person who knowingly conceals the existence of a contagious disease among animals or a suspicion that such disease exists, or fails to report it to the public veterinary service, private veterinarian or to a body in charge of veterinary service and thereby causes spreading of the contagious disease or death of animals, shall be fined or sentenced to prison up to one year.

Failure to Execute Decisions on Environment Protection Measures

Article 305

- (1) An authorized official or a responsible person who fails to act in accordance with the decision issued by a competent authority on taking environment protection measures, shall be fined or sentenced to prison up to two years.
- (2) In pronouncing a suspended sentence, the court may order the perpetrator to undertake measures ordered by the competent authority within a specified time.

Importing Dangerous Substances into the Brcko District

Article 306

- (1) A person who, contrary to regulations, imports into the Brcko District radioactive substances or other dangerous substances or waste materials harmful to health and lives of people, shall be fined or sentenced to prison up to two years.
- (2) A person who enables the import of substances and waste materials referred to in Paragraph 1 of this Article into the Brcko District, through abuse of his position or authority, or contrary to the regulations, shall be sentenced to prison from six months to five years.
- (3) The perpetrator shall be punished for the attempt to commit the offense referred to in Paragraph 1 of this Article.

Changing the Purpose of Farming Land

Article 307

- (1) A person who in contravention to regulations and without approval of a competent authority permanently changes the purpose of farming land by construction work or otherwise, shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on an authorized official who facilitates the commission of the offense referred to in the previous Paragraph.

Destruction of Forests

Article 308

- (1) A person who contrary to regulations or orders of the competent authorities cuts or clears a forest, or strips the tree bark, or in some other manner devastates a forest, shall be fined or sentenced to prison up to one year.
- (2) A person who commits the offense referred to in Paragraph 1 of this Article in a protected forest, national park or in other forest with a special purpose, shall be sentenced to prison up to three years.

Forest Theft

Article 309

- (1) A person who fells one or several trees in a forest and thereby commits a theft, and the quantity of the timber exceeds 3m³, shall be sentenced to prison up to three years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed with the intention to sell the timber, or if the quantity of the timber exceeds 10m³, or if the offense was committed in the protected forest, national park or in other forest with a special purpose, the perpetrator shall be sentenced to prison from one to five years.
- (3) The attempt to commit the offense referred to in Paragraphs 1 and 2 of this Article shall be punished.

Torturing and Killing Animals

Article 310

- (1) A person who treats animals in a cruel manner, or exposes them to unnecessary or long-term suffering, or contrary to regulations kills them, destroys their habitat to a great extent or on a wider area, shall be fined or sentenced to prison up to one year.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in the death of a large number of animals which are specifically protected species, the perpetrator shall be sentenced to prison from three months to three years.
- (3) If the offenses referred to in Paragraphs 1 and 2 of this Article were committed out of negligence, the perpetrator of the offense referred to in Paragraph 1 shall be fined or sentenced to prison up to six months, and the perpetrator of the offense referred to in Paragraph 2 shall be fined or sentenced to prison up to one year.

Game Poaching

Article 311

- (1) A person who without an authorization kills, wounds, or catches the game in large quantity or significant value during the closed season, or who kills, wounds, or catches the game the hunting of which is prohibited, or who without an authorization exports a top rate game trophy in large quantity or significant value, shall be fined or sentenced to prison up to one year.
- (2) A person who commits the offense referred to in Paragraph 1 of this Article by use of devices or in a manner prohibited by law, shall be sentenced to prison from three months to three years.
- (3) The game caught and the hunting equipment shall be confiscated.

Fish Poaching

Article 312

- (1) A person who fishes by use of explosives, electricity, poison or sedative substances and thereby causes death of large quantity of fish, or who fishes in a manner which is harmful for reproduction of fish, shall be sentenced to prison up to three years.
- (2) The fish caught and the fishing equipment shall be confiscated.

Damaging, Destroying and Illicit Export of Cultural Monuments and Protected Natural Treasures

Article 313

- (1) A person who inflicts a damage or destroys a cultural monument or a protected natural treasure, shall be fined or sentenced to prison up to three years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed toward a cultural monument of significant value or a significant damage has occurred, the perpetrator shall be sentenced to prison from six months to five years.
- (3) A person who without an authorization of the competent authority exports a cultural monument or protected natural treasure, shall be sentenced to prison up to three years.
- (4) The sentence referred to in Paragraph 3 of this Article shall be imposed on a perpetrator who fails to return the cultural monument or protected natural treasure within the deadline set out in the permission for export.
- (5) The attempt to commit the offense referred to in Paragraph 4 of this Article shall be punished.

Unlawful Researches and Expropriation of Cultural Monuments

Article 314

- (1) A person who without a permission of a competent authority conducts conservation, restoration or researches, or contrary to ban or without a permission of a competent authority conducts archeological researches or excavation and thereby causes destruction or damage to the cultural monument, or deprives it of the characteristics of a monument, shall be fined or sentenced to prison up to one year.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed toward a cultural monument of significant value or importance, or considerable damage has occurred, the perpetrator shall be sentenced to prison from six months to five years.
- (3) The sentence from Paragraph 2 of this Article shall be imposed on a person who takes or seizes objects that constitute a cultural monument and that were found in the course of archeological or other

researches, or were excavated or found before.

CHAPTER XXVII

OFFENSES AGAINST GENERAL SECURITY OF PEOPLE AND PROPERTY

Causing the State of Emergency

Article 315

- (1) A person who jeopardizes human lives or property of substantial value by fire, flood, explosion, poison or poisonous gas, radiation, mechanical force, electricity or other form of energy, or by shooting from firearms, or by some other generally dangerous action, shall be sentenced to prison sentence from three months to three years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on an official or an authorized official that fails to install proper devices for protection against fire, explosion, flood, poisonous gas or radiation, or fails to maintain the devices in a proper condition, or fails to put them into operation when necessary, or generally fails to comply with rules or technical regulations concerning the protective measures and thereby causes a danger to human lives or to property to the great extent.
- (3) If the acts referred to in Paragraphs 1 and 2 of this Article have been committed in places where a large number of people gather, the perpetrator shall be sentenced to prison from six months to five years.
- (4) A person who commits the acts referred to in Paragraphs 1 and 2 of this Article out of negligence, shall be fined or sentenced to prison up to one year.

Destroying or Damaging Important Economic Facilities or Public Facilities

Article 316

- (1) A person who demolishes, sets fire or otherwise destroys or damages an important industrial, agricultural or other economic facility, device or facility for water supply, heat, gas or electricity, communication system facilities or other public facilities and thereby causes their collapse or impairs their operation, shall be sentenced to prison from one to ten years.
- (2) A person who commits the act referred to in Paragraph 1 of this Article out of negligence, shall be sentenced to prison up to five years.

Damaging Protective Equipment in Mines, Factories or Construction Sites

Article 317

- (1) A person who destroys, damages or removes the protective equipment in mines, factories, workshops or in other construction sites and thereby jeopardizes human lives and property to a great extent, shall be sentenced to prison from one to eight years.
- (2) A responsible person in a mine, factory, workshop or on a construction site who fails to install the protective equipment or fails to maintain it in a proper condition, or fails to put it into operation when necessary, or generally fails to comply with regulations or technical rules concerning the protective measures and thereby jeopardizes human lives and property to a great extent, shall be sentenced to prison from three months to five years.
- (3) If the offense referred to in Paragraphs 1 and 2 of this Article has been committed out of negligence, the perpetrator shall be sentenced to prison up to three years.
- (4) In pronouncing the suspended sentence for the act referred to in Paragraphs 2 and 3 of this Article, the

court may set out the condition to the perpetrator to install the protective equipment within the specified period of time.

Unlawful and Improper Construction

Article 318

- (1) A responsible person who, in the course of designing, in managing or execution of the construction, proceeds contrary to regulations or generally accepted technical rules and thereby jeopardizes human lives or property to a great extent, shall be sentenced to prison from one to five years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be sentenced to prison up to three years.

Felonies against General Security of People and Property

Article 319

- (1) If the offense referred to in Article 315, Paragraphs 1 to 3, Article 316, Paragraph 1, Article 317, Paragraphs 1 and 2 and Article 318, Paragraph 1 of this Code resulted in grievous bodily harm of a person or a great damage of property, the perpetrator shall be sentenced to prison from one to ten years.
- (2) If the offense referred to in Article 315, Paragraph 1 to 3, Article 316, Paragraph 1, Article 317, Paragraphs 1 and 2 and Article 318, Paragraph 1 of this Code resulted in death of one or several persons, the perpetrator shall be sentenced to prison from one to twelve years.
- (3) If the offense referred to in Article 315, Paragraph 4, Article 316, Paragraph 2, Article 317, Paragraph 3 and Article 318, Paragraph 2 of this Code resulted in grievous bodily harm or a great damage of property, the perpetrator shall be sentenced to prison up to five years.
- (4) If the offense referred to in Article 315, Paragraph 4, Article 316, Paragraph 2, Article 317, Paragraph 3 and Article 318, Paragraph 2 of this Code resulted in death of one or several persons, the perpetrator shall be sentenced to prison from one to eight years.

Unauthorized Manufacture and Distribution of Generally Dangerous Substances

Article 320

- (1) A person who manufactures, collects, hides or illegally transports or enables someone else to obtain or illegally transport ionizing and other substances that might cause general danger for human lives or a large-scale property, or who prevents someone else to obtain them legally or legally transport them, shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on a person who, contrary to the regulations concerning explosive and flammable material, gives such material to be transported by means of public transport, or who transports such material himself using public transport.

Unauthorized Obtaining and Disposal with Nuclear Substances

Article 321

- (1) A person who, by use of force or threat, or by committing an offense or in some other manner unlawfully obtains, possesses, uses, transports or gives to another nuclear substances or enables another to obtain them, shall be sentenced to prison up to three years.
- (2) A person who, in the course of commission of the offense referred to in Paragraph 1 of this Article, jeopardizes human lives or property to a great extent, shall be sentenced to prison from six months to

five years.

- (3) If the offense referred to in Paragraphs 1 and 2 of this Article resulted in death of one or several persons or property damages to a great extent, the perpetrator shall be sentenced from three to fifteen years.
- (4) If the offense referred to in Paragraph 2 of this Article has been committed out of negligence, the perpetrator shall be sentenced to prison sentence up to three years.
- (5) If the offense referred to in Paragraph 4 of this Article resulted in death of several persons or a large-scale damage, the perpetrator shall be sentenced to prison from one to eight years.

Jeopardizing Safety by Nuclear Substances

Article 322

- (1) A person who by serious threat to use a nuclear substance jeopardizes the safety of people, shall be sentenced to prison from six months to five years.
- (2) A person who, with the intention to force another physical or legal person, international organization or state to do or not to do something, threatens to use a nuclear substance to jeopardize lives or cause harm to people or property, shall be sentenced to prison up to ten years.
- (3) If the offense referred to in Paragraph 2 of this Article resulted in death of one or several persons, or in a great damage of property, the perpetrator shall be sentenced to prison to at least three years.

Damaging of Dams

Article 323

A person who damages facilities or natural dams in the Brcko District serving as a protection against natural disasters, shall be fined or sentenced to prison up to one year.

Failure to Prevent Danger

Article 324

- (1) A person who fails to duly report to the competent authority or in some other way fails to undertake measures to prevent fire, flood, explosion, traffic accident or other danger to human life and body or property to a great extent, although he could have done that without endangering himself or another, shall be fined or sentenced to prison up to one year.
- (2) A person who by discouraging or otherwise prevents another to undertake measures for preventing fire, flood, explosion, traffic accident or some other danger to human life or body or property to a great extent, shall be sentenced to prison from three months to three years.

CHAPTER XXVIII

CRIMINAL OFFENSES AGAINST TRAFFIC

Jeopardizing Traffic

Article 325

- (1) A traffic participant who fails to comply with traffic regulations and thereby endangers traffic and jeopardizes human lives or a large-scale property, and consequently a grievous bodily injury or property damage exceeding 2,000 KM occurs, shall be sentenced to prison up to five years.

- (2) A person who jeopardizes safety of bus, rail or ship transport and thereby jeopardizes human life or body or causes a large-scale property damage, shall be sentenced to prison up to five years.
- (3) A person who commits the offense referred to in Paragraphs 1 and 2 of this Article out of negligence, shall be fined or sentenced to prison up to three years.

Jeopardizing Traffic Because of Intoxication

Article 326

- (1) A person under the influence of alcohol or other intoxicating substance who drives a motor vehicle although he is therefore obviously incapable of driving safely, and by doing so jeopardizes traffic by causing danger to human life or body or a large-scale property, shall be sentenced to prison up to three years.
- (2) A person who commits the offense referred to in Paragraph 1 of this Article out of negligence, shall be sentenced to prison up to one year.

Jeopardizing Traffic by a Dangerous Activity or Means

Article 327

- (1) A person who by destroying, removing or seriously damaging traffic equipment, devices, signs or signals designed for traffic safety, or by giving false signs or signals, setting up road blocks or otherwise jeopardizes traffic and therefore causes danger to human life or body or a large-scale property, shall be sentenced to prison up to three years.
- (2) A person who commits the offense referred to in Paragraph 1 of this Article out of negligence, shall be fined or sentenced to prison up to one year.

Careless Supervision over Traffic

Article 328

- (1) A responsible person appointed to supervise the condition and maintenance of roads and subsidiary structures thereof, means of transportation, public transportation, or meeting the prescribed conditions of work of drivers, or a responsible person entrusted with managing the traffic, and who by careless performance of his duties causes a danger to human life or body or a large-scale property, shall be sentenced to prison up to five years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on a responsible person who issues a travel order or permits a travel despite being aware of the fact that the driver is not capable to safely operate his vehicle due to fatigue, illness, influence of alcohol or some other reasons, or if the vehicle is not in a proper condition, and who thereby causes danger to human life and body or a large-scale property.
- (3) If the offense referred to in Paragraphs 1 and 2 of this Article has been committed out of negligence, the perpetrator shall be sentenced to prison up to three years.

Failure to Render Aid to a Person Injured in a Traffic Accident

Article 329

- (1) A driver of a motor vehicle or another means of transportation who fails to render aid to a person injured by that means of transportation or whose injuries the respective driver has caused, shall be fined or sentenced to prison up to one year.

- (2) If a grievous bodily injury of the injured person has occurred as a result of the failure to render aid, the perpetrator shall be sentenced to prison from three months to three years.
- (3) If a failure to render aid resulted in the death of an injured person, the perpetrator shall be sentenced to prison from six months to five years.

Felonies against Safety of Traffic

Article 330

- (1) If the offense referred to in Article 325, Paragraph 2, Article 326, Paragraph 1, Article 327, Paragraph 1 and Article 328, Paragraphs 1 and 2 of this Code, resulted in grievous bodily injury or a large-scale property damage, the perpetrator shall be sentenced to prison from six months to five years.
- (2) If the offense referred to in Article 325, Paragraphs 1 and 2, Article 326, Paragraph 1, Article 327, Paragraph 1 and Article 328, Paragraphs 1 and 2 of this Code, resulted in death of one or several persons, the perpetrator shall be sentenced to prison from one to ten years.
- (3) If the offense referred to in Article 325, Paragraph 3, Article 326, Paragraph 2, Article 327, Paragraph 3 and Article 328, Paragraph 3 of this Code resulted in grievous bodily injury of a person or a large-scale property damage, the perpetrator shall be sentenced to prison from six months to five years.
- (4) If the offense referred to in Article 325, Paragraph 3, Article 326, Paragraph 2, Article 327, Paragraph 2 and Article 328, Paragraph 3 of this Code resulted in death of one or several persons, the perpetrator shall be sentenced to prison from one to eight years.

Hijacking an Aircraft or a Vessel

Article 331

- (1) A person who by force or serious threat of force, takes control over an aircraft on flight or a vessel while sailing, shall be sentenced to prison to least one year.
- (2) If the offense referred to in Paragraph 1 this Article resulted in death of one or several persons, or if it caused the destruction of the aircraft or vessel, or if other grievous consequences occurred, the perpetrator shall be sentenced to prison from five to fifteen years.
- (3) If in the course of the commission of the offense referred to in Paragraph 1 of this Article, one or several persons were killed with premeditation, the perpetrator shall be sentenced to prison to at least ten years or long-term imprisonment.

Jeopardizing Safety of Air Traffic

Article 332

- (1) A person who sets or brings into an aircraft explosive or other similar devices or substances; or a person who destroys or damages navigation devices or otherwise causes a damage on an aircraft, gives false information regarding the flight of an aircraft; unlawfully or inappropriately flies an aircraft; or a person who fails to perform the duties or supervision related to safety of air traffic or otherwise jeopardizes the safety of air traffic, shall be sentenced to prison from one to ten years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in death of one or several persons or in the destruction of an aircraft, the perpetrator shall be sentenced to prison from at least five years to fifteen years.
- (3) If the offense referred to in Paragraph 1 of this Article resulted in premeditated death of one or several

persons, the perpetrator shall be sentenced to prison from at least ten years or long-term imprisonment.

- (4) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be sentenced to prison up to three years.
- (5) If the offense referred to in Paragraph 4 of this Article resulted in death of one or several persons, or in the destruction of an aircraft, the perpetrator shall be sentenced to prison from one to eight years.

Abuse of Telecommunication Signals

Article 333

- (1) A person who with malicious intent or needlessly transmits an internationally used emergency or alarm signals; or a person who by use of a telecommunication signal creates deception that there is no danger; or a person who misuses an internationally accepted telecommunication signal, shall be sentenced to prison from three months to three years.
- (2) If the offense referred to in Paragraph 1 of this Article jeopardized human lives or a large-scale property, the perpetrator shall be sentenced to prison from six months to five years.

CHAPTER XXIX

CRIMINAL OFFENSES AGAINST JUDICIARY

Failure to Report Preparation of a Criminal Offense

Article 334

- (1) A person who, having knowledge of ongoing preparation of a criminal offense for which the law prescribes the sentence of five years of prison or a more severe sentence, fails to report the fact at the time when the commission of the offense can still be averted, and the offense does get attempted or committed, shall be fined or sentenced to prison up to one year.
- (2) A person who fails to report the preparation of a criminal offense for which the law prescribes long-term imprisonment, shall be sentenced to prison from six months to five years.
- (3) No punishment for a failure to report the preparation of the criminal offense referred to in Paragraph 1 of this Article shall be imposed on a person who is a perpetrator's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or spouses or cohabiting partners thereof.
- (4) The court may impose a milder punishment for the offense referred to in Paragraph 2 of this Article on a perpetrator who is related to the person preparing the criminal offense in the way specified in Paragraph 3 of this Article.

Failure to Report a Criminal Offense or a Perpetrator

Article 335

- (1) A person who knows the identity of a perpetrator of a criminal offense for which the law prescribes long-term imprisonment, or who merely has knowledge that such an offense has been committed, and fails to report the fact although the timely discovery of the perpetrator or offense depends on such report, shall be sentenced to prison up to three years.
- (2) The sentence prescribed in Paragraph 1 of this Article shall also be imposed on an official or a responsible person who fails to report a criminal offense he has discovered while performing his duties, if the law prescribes five years of prison or a more severe punishment for such offense.

- (3) No punishment for failure to report the criminal offense referred to in Paragraphs 1 and 2 of this Article shall be imposed on a person who is the perpetrator's spouse, cohabiting partner, first-line blood relative, brother, sister, adoptive parent or adopted child or spouses or cohabiting partners thereof, or on the perpetrator's defense counsel, medical doctor or confessional priest.

Assistance to the Perpetrator after the Commission of a Criminal Offense

Article 336

- (1) A person who hides a perpetrator of a criminal offense, or who helps him escape discovery by concealing instruments, traces or in some other way, or who undertakes other actions aiming to prevent the execution of a sentence, security measure pronounced or to avoid the execution of an institutional correctional measure, shall be fined or sentenced to prison up to one year.
- (2) A person who renders assistance to a perpetrator of a criminal offense for which the law prescribes the sentence of five years in prison, shall be sentenced to prison from six months to five years.
- (3) A person who renders assistance to a perpetrator of a criminal offense for which the law prescribes long-term imprisonment, shall be sentenced to prison from one to ten years.
- (4) The punishment for the offense referred to in Paragraph 1 of this Article may not be more severe either in type or in degree than the punishment prescribed for the criminal offense for which the assistance has been rendered.
- (5) No punishment for the offense referred to in Paragraphs 1 to 3 of this Article shall be imposed on a person who is the perpetrator's spouse, cohabiting partner, first-line blood relative, brother, sister, adoptive parent or adopted child or spouses or cohabiting partners thereof.

False Reporting

Article 337

- (1) A person who reports a particular person for having committed a criminal offense, knowing that such person is not the perpetrator, shall be sentenced to prison from three months to three years.
- (2) The punishment from Paragraph 1 of this Article shall also be imposed on a person who plants evidence of a criminal offense or in some other way causes the starting of a prosecution against a particular person for whom he knows that it is not the perpetrator.
- (3) A person who reports himself as the perpetrator of a criminal offense, although he is not the perpetrator thereof, shall be fined or sentenced to prison up to three months.
- (4) The punishment referred to in Paragraph 3 of this Article shall also be imposed on a person who reports the commission of a criminal offense, although such commission never took place.

False Testimony

Article 338

- (1) A witness, expert witness, translator or court interpreter who gives false testimony before the court in the course of disciplinary, misdemeanour or administrative proceedings, or other proceedings prescribed by law, shall be sentenced to prison up to three years.
- (2) The punishment referred to in Paragraph 1 of this Article shall also be imposed on a party who gives false testimony during the presentation of evidence by hearing parties in civil or administrative proceedings.

- (3) If a false testimony is given in the course of criminal proceedings, the perpetrator shall be sentenced to prison from six months to five years.
- (4) If the offense referred to in Paragraph 3 of this Article resulted in particularly grave circumstances for the accused, the perpetrator shall be sentenced to prison from one to fifteen years.
- (5) If the perpetrator voluntarily withdraws his false testimony before the passing of the final decision, he shall be fined or sentenced to prison up to three months, or he may be released from punishment.

Preventing the Gathering of Evidence

Article 339

- (1) A person who uses force, threat or other kind of force or who promises a gift or some other benefit to make a witness or an expert witness give a false testimony in the course of the court, misdemeanour or administrative proceedings, proceedings before a public notary or during a disciplinary proceedings, shall be sentenced to prison from six months to five years.
- (2) A person who conceals, damages or destroys someone else's object or document that may be used as evidence, aiming to prevent or hamper the collecting of evidence on trial, in the course of the misdemeanour or administrative proceedings, proceedings before a public notary or in the course of disciplinary proceedings, shall be fined or sentenced to prison up to three years.
- (3) The punishment referred to in Paragraph 1 of this Article shall also be imposed on a person who conceals, destroys, moves or removes a boundary marking stone, geodetic mark or any other mark denoting property, other real estate or the use of water, or on a person who falsely places such mark, aiming to prevent or hamper the collection of evidence.

Breach of Secrecy of Proceedings

Article 340

A person who reveals without authorization the information he learned during the court, misdemeanour, administrative or other proceedings prescribed by law, and that information may not be revealed according to the law or it has been declared secret by the court or a competent organ, shall be fined or sentenced to prison up to one year.

Failure to Execute a Court Decision

Article 341

- (1) An official or a responsible person who consciously fails to act pursuant to a valid court decision shall be fined or sentenced to prison up to three years.
- (2) The sentence from Paragraph 1 of this Article shall also be imposed on an official or a responsible person refusing to execute the decision of the Constitutional Court of Bosnia and Herzegovina which he is obliged to execute.
- (3) If the consequences of committing offenses from the previous Paragraphs resulted in severe violation of someone else's rights or in considerable material damage, the perpetrator shall be sentenced to prison from one up to five years.

Violating a Court Ban to Perform a Duty or Occupation

Article 342

A person who enables another to perform an occupation, activity or duty despite his knowledge that the court has passed the decision on pronouncing the security measure of ban to perform a duty, occupation or vocation, or a protective measure of ban to perform certain duties against that person, or that the ban occurred as a legal consequence of a conviction, shall be fined or sentenced to prison up to one year.

Mutiny of Detained Persons

Article 343

- (1) Persons, detained in accordance with law, who gather with the intention to liberate themselves in a violent way, or to jointly attack persons to whom they were entrusted for the purpose of surveillance, or to compel the aforementioned by force or threat of immediate use of force to do or fail to do something contrary to their duty, shall be sentenced to prison up to three years.
- (2) Participants in the commission of the offense referred to in Paragraph 1 of this Article who use force or a serious threat, shall be sentenced to prison from six months to five years.
- (3) The perpetrator of the offense referred to in Paragraphs 1 and 2 of this Article who voluntarily withdraws from the mutiny before the use of force or a serious threat, may be released from punishment.

Escape of a Detained Person

Article 344

A detained person who escapes by use of force against another, or a threat of immediate attack on life and body in order to escape, shall be sentenced to prison from three months to five years.

Enabling Escape to a Detained Person

Article 345

- (1) A person who uses force, deception or in some other way enables escape of a person who was lawfully deprived of liberty, shall be sentenced to prison from three months to five years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed by an organized group or it resulted in the escape of several persons, the perpetrator shall be sentenced to prison from one to eight years.

CHAPTER XXX

CRIMINAL OFFENSES AGAINST PUBLIC ORDER AND LEGAL TRANSACTIONS

Obstructing an Official in Execution of the Official Duty

Article 346

- (1) A person who uses force or threat of immediate use of force to prevent an official in executing an official duty within the scope of his powers, or who in the same way compels an official to perform an official duty, shall be sentenced to prison from three months to three years.
- (2) If in the course of committing the offense referred to in Paragraph 1 of this Article the perpetrator insults or abuses an official, or causes a bodily injury, or threatens to use weapons, he shall be sentenced to prison from six months to three years.
- (3) A person who commits the offense referred to in Paragraphs 1 and 2 of this Article against a judge or the

Prosecutor in performing his judicial or prosecutor's duties, or against an official person or a person who helps an official in performing the security duties, capturing the perpetrator of the criminal offense or guarding a person deprived of liberty, shall be sentenced to prison from three months to five years.

- (4) The perpetrator shall be punished for the attempt to commit the offense referred to in Paragraphs 1 and 2 of this Article.
- (5) If the perpetrator of the offense referred to in Paragraphs 1 to 3 of this Article has been provoked by the unlawful or brutal conduct of the official, he may be released from punishment.

Attack on an Official Executing Security Duties

Article 347

- (1) A person who attacks or threatens to attack an official person or a person for whom he knows that assists in executing the official duty, shall be sentenced to prison from three months to three years.
- (2) If the perpetrator, while committing the offense referred to in Paragraph 1 of this Article, maltreated the official person or the person who assists the official, inflicted a light bodily injury, or threatened to use weapons, he shall be sentenced to prison from six months to five years.
- (3) If the offense referred to in Paragraphs 1 and 2 of this Article has been committed against a judge or the Prosecutor in performing judicial or prosecutor's duties, or against an official person performing the security duties, the perpetrator shall be sentenced to prison from one to eight years.
- (4) If the perpetrator of the offense referred to in Paragraphs 1 and 2 of this Article has been provoked by the unlawful or brutal conduct of the official person or the person that assists the official, he may be released from punishment.

Participating in a Group Preventing Officials in Executing the Official Duty

Article 348

- (1) A person who participates in a group which by joint action prevents or tries to prevent an official in executing an official duty, or in the same way compels him to execute the official duty, he shall be sentenced only for participation to prison up to three years.
- (2) The organizer or the leader of the group which commits the offense referred to in Paragraph 1 of this Article shall be sentenced to prison from one to five years.

Organizing of Resistance

Article 349

- (1) A person who organizes or calls others to resist by force to the lawful decisions or measures of competent organs, or an authorized official in executing the official duty, shall be fined or sentenced to prison up to two years.
- (2) If the commission of the offense referred to in Paragraph 1 of this Article prevented or obstructed the execution of a lawful decision or measures of the competent organs, the perpetrator shall be sentenced to prison from three months to three years.
- (3) The organizer or the leader of the group shall be sentenced to prison from six months to five years.

Violent Behaviour

Article 350

- (1) A person who jeopardizes the peace of citizens by rude insult or brutal maltreating, by committing violence against another, provoking a fight or by particularly insolent or ruthless behaviour, shall be sentenced to prison from three months to three years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed by two or more persons, or it caused the humiliation of several persons, or it resulted in a light bodily injury, the perpetrators shall be sentenced to prison from six months to five years.

Unauthorized Ownership and Use of Radio or Television Station

Article 351

- (1) A person who owns a radio or a television station contrary to regulations of the communication system, or uses a radio or a television station without the necessary authorization, shall be fined or sentenced to prison up to one year.
- (2) The perpetrator of the offense referred to in the previous Paragraph who, by serious violation of the code of professional conduct of media and journalists, uses inciting language or the language of hate, or the language which obviously calls for or instigates violence, national or ethnic clashes, and in the same way presents or reports false information or statements which have led to jeopardizing the public order and peace within the territory of the Brcko District, shall be fined or sentenced to prison up to two years.

Unauthorized Exercise of a Profession

Article 352

A person who, without authorization or for a remuneration, exercises a profession for which he must have a permission of a competent organ or organization in accordance with law or other regulations based on law, shall be fined or sentenced to prison up to one year.

Failing to Participate in Averting a Public Emergency

Article 353

A person who, contrary to orders of a competent organ, refuses without justified reason to participate in eliminating the danger of fire, flood or similar emergency, shall be fined or sentenced to prison up to six months.

Removing or Damaging of an Official Seal or Sign

Article 354

- (1) A person who removes or damages an official seal or sign which has been put by an authorized official for the purpose of securing a particular object or premises, or a person who opens the secured object or enters such premises or opens the object on which an official seal or sign has been put without removing or damaging the seal or sign, shall be sentenced to prison from three months to three years.
- (2) The attempt shall be punished.

Confiscating or Destroying an Official Seal or Official Documents

Article 355

- (1) A person who unlawfully takes, hides, destroys, damages or in some other way makes useless an official seal, book, file or document belonging to, or placed with, a governmental organ, or some other legal entity having public authorizations, shall be sentenced to prison up to three years.
- (2) The attempt shall be punished.

Destroying or Concealing Archive Materials

Article 356

A person who destroys, conceals or in some other way makes useless archive materials or who takes archive materials abroad without previous approval of the competent organ, shall be sentenced to prison from three months to three years.

False Impersonation

Article 357

- (1) A person who, intending to obtain a benefit for himself or someone else or to cause a damage to someone else, falsely identifies himself as an official or a military person, or a person who wears insignia of an official or a military person, shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph one of this Article shall be imposed on a person who performs an activity which only an authorized official is allowed to perform.

Arbitrary Exercise of Rights

Article 358

- (1) A person who uses force or a serious threat to exercise his right or a right he believes he is entitled to, shall be fined or sentenced to prison up to six months.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed by a member of an association formed for the purpose committing of such offenses, the perpetrator shall be sentenced to prison from three months to three years.

Criminal Association

Article 359

- (1) A person who organizes a group of people with the aim to commit criminal offenses for which the law prescribes three years of prison or a more severe sentence, shall be sentenced to prison from three months to three years.
- (2) A person who becomes a member of an association referred to in the previous Paragraph, shall be sentenced to prison up to one year.
- (3) If the offense referred to in Paragraph 1 of this Article refers to a criminal association with the aim to commit criminal offenses for which the law prescribes the prison sentence for more than ten years, the organizer of the association shall be sentenced to prison from one to eight years, and a member of such association shall be sentenced to prison from six months to five years.
- (4) The organizer of the association referred to in Paragraphs 1 and 3 of this Article who reports the association or in some other way prevents the commission of criminal offenses which were the aim of forming of such association, shall be sentenced to prison up to one year, and he may as well be released from punishment.

- (5) The member of an association who reports the association prior to his committing an offense, which was the aim of forming the association, as a member of the association or for it, may be released from punishment.

Agreement to Commit a Criminal Offense

A person who makes an agreement with another to commit a criminal offense for which a sentence of five years of prison or a more severe sentence can be pronounced, shall be punished within the limits of the sentence prescribed for that particular offense, and may also be punished less severely.

Participation in a Group which Committed a Criminal Offense

Article 361

- (1) A person who participates in a group which by joint action commits violence against people, destroys or damages the property of great value, or performs some other kind of violent action, or which attempts to commit such criminal offenses, shall be sentenced for participation itself to prison from three months to three years.
- (2) If one or several persons died or suffered a severe bodily harm in the course of the action of the group referred to in Paragraph 1 of this Article, the member of the group shall be sentenced for participation itself to prison from one to five years.
- (3) The organizer or the leader of the group which commits the offense referred to in Paragraphs 1 and 2 of this Article, shall be sentenced to prison from one to eight years.

Manufacturing and Obtaining Weapons and Means Designed for Commission of Criminal Offenses

Article 362

- (1) A person who manufactures, obtains or enables another to obtain weapons, explosives or means necessary for their manufacture, or poisons for which he knows are destined to be used for the commission of the criminal offense, shall be sentenced to prison from three months to five years.
- (2) A person who makes or gives to another a false key, a picklock or some other means of committing burglary despite of his knowing that it is destined to be used for committing the offense, shall be fined or sentenced to prison up to one year.
- (3) The sentence from Paragraph 2 of this Article shall be imposed on a person who manufactures, obtains, sells or gives for use to another instructions or means intended to be used for entering a computer system.
- (4) The articles referred to in Paragraphs 1 to 3 and the means for their manufacture, transport and distribution, shall be confiscated.

Unlawful Possession of Weapons or Explosive Substances

Article 363

- (1) An unauthorized person who manufactures, repairs, sells, purchases or exchanges firearms, ammunition or explosive substances, or an unauthorized person who possesses firearms, ammunition or explosive substances which private persons are not allowed to obtain, shall be sentenced to prison up to three years.
- (2) If the issue referred to in Paragraph 1 of this Article involves a large quantity of firearms, ammunition or explosive substances, or weapons or other means of great destructive power, the perpetrator shall be sentenced to prison from one to ten years.

Defiling a Grave or a Corpse

Article 364

- (1) An unauthorized person who digs up, demolishes, damages or rudely violates a grave or some other place of interment, shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be imposed on an unauthorized person who digs up, takes away, damages, hides or in some other way damages a corpse, a part of a corpse or remains.
- (3) If the offense referred to in Paragraphs 1 and 2 of this Article has been committed on two or several graves, or it has been committed by two or several people, the perpetrator shall be sentenced to prison from six months to three years.

Misuse of Emergency or Alarm Signals

Article 365

A person who misuses an emergency or alarm signal, or makes a false emergency call in order to cause the action of government body officials or firemen, or to block traffic, shall be fined or sentenced to prison up to six months.

Counterfeiting of Documents

Article 366

- (1) A person who makes a false document or alters the genuine one in order to use such document as genuine, or a person who uses such document as genuine or obtains it for such use, shall be sentenced to prison up to three years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed with a public document, will, bill of exchange, cheque, public or official book or some other book that has to be kept in accordance with law, the perpetrator shall be sentenced to prison from three months to five years.
- (3) The attempt of the offense referred to in Paragraph 1 of this Article is punishable.

Special Cases of Counterfeiting Documents

Article 367

A person shall be deemed to have committed the offense of counterfeiting documents, and shall be punished in accordance with Article 366 of this Code, if he:

1. without authorization, enters a statement relevant to legal relations into a document, form or some other item which has already been signed by another person;
2. deceives another about the contents of a document or signs such document claiming that he is signing another document or a document of some other contents;
3. issues a document on behalf of another person without authorization of that person, or if he issues a document on behalf of a person that does not exist;
4. as an issuer of a document claims certain position, title or rank he is not entitled to by adding it to his signature, such claim having a vital influence on the power of evidence of said document;
5. drafts a document by way of unauthorized use of seal or sign.

Making, Obtaining, Possessing, Selling or Giving for Use the Means of Counterfeiting Documents

Article 368

- (1) A person who makes, obtains, possesses, sells or gives for use the means of counterfeiting documents, shall be fined or sentenced to prison up to two years.
- (2) The means of counterfeiting shall be confiscated.

Inducing Certification of False Contents

Article 369

- (1) A person who misleads a competent organ to certify in a public document, register or book any false matter designed to be used as an evidence in legal transactions, shall be sentenced to prison from three months to five years.
- (2) The sentence referred to in Paragraph 1 of this Article shall be imposed on a person who uses such document, register or book despite of his awareness of its falsehood.

Issuing and Use of False Medical or Veterinary Health Certificate

Article 370

- (1) A medical doctor or a veterinary who issues a false medical or veterinary health certificate, despite of his being aware of its falsehood, shall be fined or sentenced to prison up to one year.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be imposed on a person who uses a false medical or veterinary health certificate despite of his being aware of its falsehood.

CHAPTER XXXI

CRIMINAL OFFENSES AGAINST OFFICIAL OR OTHER RESPONSIBLE DUTY

Abuse of Office or Official Authority

Article 371

- (1) An official or a responsible person who uses his office or official authority to acquire a benefit for himself or for another, or to cause a damage or to seriously violate the rights of another by exceeding the limits of his official authority or by failing to perform his official duty, shall be sentenced to prison from six months to five years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in acquiring a property gain exceeding the amount of 10,000 KM, the perpetrator shall be sentenced to prison from one to ten years.
- (3) If the offense referred to in Paragraph 1 of this Article resulted in acquiring a property gain exceeding the amount of 50,000 KM, the perpetrator shall be sentenced to prison from three to fifteen years.

Misappropriation

Article 372

- (1) A person who, intending to acquire an unlawful property gain for himself or another, appropriates money, securities or other movables entrusted to him by virtue of his office or his position in a state body (authorities) or in a legal person, shall be sentenced to prison from six months to five years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in acquisition of a property gain whose value exceeds the amount of 10,000 KM, the perpetrator shall be sentenced to prison from one to ten

years.

- (3) If the offense referred to in Paragraph 1 of this Article resulted in acquisition of a property gain whose value exceeds the amount of 50,000 KM, the perpetrator shall be sentenced to prison from three to fifteen years.

Fraud in Performing an Official Duty

Article 373

- (1) An official or a responsible person who, intending to acquire an unlawful property gain for himself or another by submitting false accounts or in some other way deceives an authorized person into making an unlawful payment, shall be sentenced to prison from six months to five years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in acquisition of a property gain whose value exceeds the amount of 10,000 KM, the perpetrator shall be sentenced to prison from one to ten years.
- (3) If the offense referred to in Paragraph 1 of this Article resulted in acquisition of a property gain whose value exceeds the amount of 50,000 KM, the perpetrator shall be sentenced to prison from three to fifteen years.

Unauthorized Use of Office Property

Article 374

A person who makes an unauthorized use of money, securities or other movables entrusted to him by virtue of his office or service in the state body (authority) or legal person, or who without authorization gives these to another for use, shall be sentenced to prison from three months to five years.

Accepting Bribe

Article 375

- (1) An official or a responsible person, a person representing interests of a legal person and a person of a medical profession who demands or accepts a gift or other benefit or who accepts a promise of a gift or other benefit to perform within the scope of his authorization an action which he should not perform, or not to perform an action he should perform, shall be sentenced to prison from one to ten years.
- (2) An official or a responsible person, a person representing interests of a legal person and a person of a medical profession who demands or accepts a gift or other benefit or who accepts the promise of a gift or other benefit to perform within the scope of his authorization an action which he should perform, or not to perform an action he should not perform, shall be sentenced to prison from six months to five years.
- (3) An official or a responsible person, a person representing interests of a legal person and a person of a medical profession who demands or accepts a gift or other benefit upon finishing the action referred to in Paragraphs 1 and 2 of this Article, shall be sentenced to prison from three months to three years.
- (4) The accepted gift or property gain shall be confiscated.

Giving Bribe

Article 376

- (1) A person who gives or promises an official or responsible person, a person representing interests of a legal person and a person of a medical profession a gift or other benefit to perform within the scope of his authorization an action which he should not perform, or not to perform an action he should perform,

or a person who mediates in such bribing of an official or responsible person, shall be sentenced to prison from six months to five years.

- (2) A person who gives or promises an official or a responsible person, a person representing interests of a legal person and a person of a medical profession a gift or other benefit to perform within the scope of his authorization an action which he should perform, or not to perform an action he should not perform, or a person who mediates in such bribing of an official or a responsible person, shall be sentenced to prison up to three years.
- (3) The perpetrator of the offenses referred to in Paragraphs 1 and 2 of this Article who has given a bribe upon the request of an official or responsible person and reported the act prior to the discovery of such act, or prior to his knowing that the act has been discovered, may be released from punishment.
- (4) The accepted gift or property gain shall be confiscated, and in the case referred to in Paragraph 3 of this Article it may be returned to the person who had given the bribe.

Giving Bribe to Local Public Officials

Article 377

- (1) A person who premeditatedly promises, offers or gives, directly or indirectly, any unlawful benefit to any local official, either for the official or for someone else, in order to induce him to do or not to do something within the scope of his duties, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Accepting Bribe by Local Public Officials

Article 378

- (1) A local public official who premeditatedly solicits or accepts, directly or indirectly, any unlawful benefit for himself or another, or accepts an offer or a promise of such benefit to do or not to do something within the scope of his authorization, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Bribery of Members of Local Assemblies

Article 379

- (1) A member of any local assembly who in performing his legislative and executive duties commits the offense referred to in Articles 377 and 378 of this Code, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Bribery of Foreign Public Officials

Article 380

- (1) A public official from any foreign country, who commits the offense referred to in Articles 377 and 378 of this Code, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Bribery of Members of Foreign Assemblies

Article 381

- (1) A member of any foreign assembly who performs legislative or executive duties in any foreign country, who commits the offense referred to in Articles 377 and 378 of this Code, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Giving Bribe in the Private Sector

Article 382

- (1) A person who, in a business transaction, premeditatedly promises, offers or gives, directly or indirectly, any unlawful benefit to a person who in any official capacity manages or works for a legal entity in the private sector, for that person or for another, in order to make that person act or not act contrary to his duties, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Accepting Bribe in the Private Sector

Article 383

- (1) A person who, in the course of a business transaction, premeditatedly solicits or accepts, directly or indirectly, from anyone who manages or works in any capacity for a legal person in the private sector, any unlawful benefit or a promise thereof for himself or another; or who accepts an offer or a promise of such benefit in exchange for acting or failing to act contrary to his duties, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Bribery of Officials from International Organizations

Article 384

- (1) An official or other contract employee, in accordance with employment regulations, working with an international or independent organization, or an organization whose member is Bosnia and Herzegovina, or any other person, engaged or not, performing duties similar to those performed by such officials or agents, who commits the offense referred to in Articles 377 and 378 of this Code, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Bribery of Members of International Parliamentary Assemblies

Article 385

- (1) A member of an assembly of international or independent organization whose member is Bosnia and Herzegovina, who commits the offense referred to in Articles 377 and 378 of this Code, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Bribery of Judges and Officials from International Courts

Article 386

- (1) A person performing a judicial or official function in any international court whose jurisdiction is accepted in Bosnia and Herzegovina, who commits the offense referred to in Articles 377 and 378 of this Code, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Manipulation with Influence

Article 387

- (1) A person who premeditatedly promises, gives or offers, directly or indirectly, any unlawful benefit to anyone who claims or affirms that he is in a position to have an unlawful influence in decision-making on any person among local public officials, members of local assemblies, foreign public officials, members of foreign assemblies, officials of international organizations, members of international assemblies, and judges and officials of international courts, regardless whether the benefit is intended for such person or for another; as well as who solicits, takes or accepts an offer or a promise of such benefit in order to perform such influence, regardless of the fact whether such influence is performed or such influence may lead to the expected result, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Laundry of Money Obtained through Criminally Punishable Offense of Corruption

Article 388

- (1) A person who premeditatedly acts contrary to the Council of Europe's Convention on laundry, search, seizure and confiscation of objects through the commission of a criminal offense, when such criminal offense contains any feature of the offense referred to in Articles 377 to 389 of this Code, shall be sentenced to prison from one to ten years.
- (2) The accepted gift or property gain shall be confiscated.

Accounting Offense

Article 389

A person who premeditatedly makes or uses an invoice or any other accounting document or evidence which contains false or incomplete information, or who unlawfully fails to keep a payment record in order to commit, hide or conceal the offenses referred to in Articles 377 to 389 of this Code, shall be sentenced to prison from one to five years.

Unlawful Intermediation

Article 390

- (1) A person who accepts a reward or other benefit to use his official or social position or influence in order to intermediate in performing or non-performing of an official action, shall be sentenced to prison from three months to three years.
- (2) A person who uses his official or social position or influence to intermediate in performing an official action which should not be performed, or non-performing of an action which should be performed, shall be sentenced to prison from six months to five years.
- (3) If a reward or other benefit has been accepted for intermediation referred to in Paragraph 2 of this Article, the perpetrator shall be sentenced to prison from one to ten years.

- (4) The reward and the property gain shall be confiscated.

Violation of Law by a Judge

Article 391

A judge who, intending to acquire a benefit or to cause a damage to another, passes an unlawful act, or in some other way violates the law, shall be sentenced to prison from six months to five years.

Unprofessional Exercise of Official Duties

Article 392

- (1) An official who consciously violates the law or other regulations, or fails to exercise the official supervision or in some other way acts unprofessionally in exercising official duties, and by doing so causes the violation of right of another or a property damage exceeding the amount of 2,000 KM, shall be sentenced to prison up to three years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in a serious violation of right of another or in a property damage exceeding the amount of 20,000 KM, the perpetrator shall be sentenced to prison from six months to five years, and if it resulted in a damage exceeding 50,000 KM, the perpetrator shall be sentenced to prison from one to eight years.

Revealing of Official Secret

Article 393

- (1) An official person who without authorization reports, gives or in some other way renders available the information which is regarded as an official secret, or a person who obtains such information intending to give it to an unauthorized person, shall be sentenced to prison from three months to five years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed with an improper benefit as a motive or with respect to particularly confidential information, or for the purpose of disclosing or using such information abroad, the perpetrator shall be sentenced to prison from one to ten years.
- (3) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be sentenced to prison up to three years.
- (4) An official secret includes the information or documents which are declared an official secret by law, some other regulation or by the decision of a competent organ brought in accordance with law, and the revealing of which had or could have harmful consequences to the office.
- (5) Provisions referred to in Paragraphs 1 to 4 of this Article shall also be applied to a person who has revealed an official secret after his official function has ceased.

Counterfeiting Official Documents

Article 394

- (1) An official or a responsible person who enters false data or fails to enter important data into an official or business document, book or file; or who certifies with an official stamp or his signature an official or business document, book or file containing false data; or who enables the making of such document, book or file containing false data using his signature or an official seal, shall be sentenced to prison from three months to five years.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be imposed on an official or responsible

person who uses a false official or business document, book or file as authentic in the office or business, or who destroys, conceals, substantially damages or in some other way makes useless an official or business document, book or file.

Unlawful Collection and Payment

Article 395

An official or a responsible person who collects from another a payment the latter is not obliged to pay, or who collects more than the latter is obliged to pay, or a person who pays or delivers less during a payment or delivery, shall be sentenced to prison up to three years.

Unlawful Liberation of a Detained Person

Article 396

An official person who unlawfully liberates a detained person entrusted to him or helps the detained person to escape, or allows him to keep an illegal connection or correspondence whose purpose is to prepare the escape, shall be sentenced to prison from three months to five years.

Unlawful Appropriation of Objects during Search or Carrying Out an Effective Order

Article 397

An official person who, during the search of an apartment, premises or persons, or while carrying out an effective order, takes a movable object intending to acquire an unlawful property gain for himself or another, shall be sentenced to prison from one to ten years.

CHAPTER XXXII

CRIMINAL OFFENSES AGAINST SYSTEMS OF ELECTRONIC DATA PROCESSING

Damaging of Computer Information and Programs

Article 398

- (1) An unauthorized person who deletes, damages, changes or conceals computer information or program, shall be fined or sentenced to prison up to one year.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in a great damage, the perpetrator shall be sentenced to prison from three months to five years.

Computer Sabotage

Article 399

A person who enters, deletes or conceals computer information or program or in some other way interferes with a computer system, or a person who destroys or damages devices for electronic data processing with the intention to prevent or significantly obstruct the course of electronic data processing important for governmental organs, public services, institutions, enterprises or other legal persons, shall be sentenced to prison from one to eight years.

Computer Fraud

Article 400

- (1) An unauthorized person who enters, damages, changes or conceals computer information or program, or in some other way influences the output of electronic data processing, with the intention to acquire a property gain for himself or another and in that way causes a property damage to another, shall be sentenced to prison from six months to five years.
- (2) If the offense referred to in Paragraph 1 of this Article resulted in a property gain exceeding the amount of 10,000 KM, the perpetrator shall be sentenced to prison from two to ten years.
- (3) If the offense referred to in Paragraph 1 of this Article resulted in a property gain exceeding the amount of 50,000 KM, the perpetrator shall be sentenced to prison from two to twelve years.
- (4) A person who commits the offense referred to in Paragraph 1 of this Article with intent to cause damage to another, shall be fined or sentenced to prison up to two years.

Disrupting the Operation of the System and Network for Electronic Data Processing

Article 401

An unauthorized person who accesses a system or network for electronic data processing and causes a halt or disturbs the operating of that system or network, shall be fined or sentenced to prison up to two years.

Unauthorized Access into Protected System or Network for Electronic Data Processing

Article 402

- (1) An unauthorized person who accesses a system or network for electronic data processing by violating measures for protection, shall be fined or sentenced to prison up to one year.
- (2) A person who uses the information obtained in the manner stipulated in Paragraph 1 of this Article, shall be sentenced to prison up to three years.
- (3) If the offense referred to in Paragraph 1 of this Article resulted in serious consequences for another, the perpetrator shall be sentenced to prison from six months to five years.

CHAPTER XXXIII

TRANSITIONAL AND FINAL PROVISIONS

Article 403

All effective judgments and other criminal sanctions shall remain in the same duration or in the same amount until the day of commencement of application of this Code, except an effective death sentence which with this Code's commencement of application becomes the sentence of long-term imprisonment in the duration of twenty years.

Article 404

With this Code's commencement of application, the application of criminal-legal provisions that were valid within the territory of the Brcko District which regulated the matters of this Code shall cease.

Article 405

This Code shall enter into force eight days after its publication in the “Official Gazette of the Brcko District of Bosnia and Herzegovina”, and its application shall commence on January 1, 2001.

Bosnia and Herzegovina

**BRCKO DISTRICT
OF BOSNIA AND HERZEGOVINA
BRCKO DISTRICT ASSEMBLY**

No: 0-02-022-96/'00

Brcko, October 19 and 23, 2000

PRESIDENT

Mirsad Djapo, graduated lawyer