

CRIMINAL CODE OF THE SPRSKA DISTRICT OF BOSNIA AND HERZEGOVINA

Chapter One

GENERAL PROVISIONS

Function of the Criminal Legislation of the Republika Srpska

Article 1.

(1) Criminal legislation of the Republika Srpska protects basic rights and liberties of any individual and citizen, as well as other social values established and guaranteed by the legal establishment.

(2) This protection is secured by providing a definition of the offenses which are considered to constitute criminal offenses, by prescribing punishments and other criminal sanctions for such offenses and pronouncing such sanctions to the perpetrators of the criminal offenses by applying procedures provided by law.

The Basis and Limits of Criminal Justice Compulsion

Article 2.

Lawful force (article 1 paragraph 2 of this Code) shall be applied only when and to the degree which is necessary to ensure protection of the fundamental values that can not be insured without compulsion of law.

There is no Criminal Offense nor Punishment without Law

Article 3.

No punishment or other criminal sanction may be pronounced to a person for an act which, prior to being committed, was not defined by law as a criminal offense, with its characteristics described by law, and for which a punishment has not been prescribed by law.

Applicability of Criminal Code with respect to Time

Article 4.

(1) The law that was in power at the time of committing the criminal offense shall be applied to the perpetrator of the criminal offense.

(2) If the law has been altered in one or more occasions after the criminal offense had been committed, the law which is the least severe in relation to the perpetrator shall be applied.

Criminal Sanctions and their General Purpose

Article 5.

(1) Criminal sanctions are: punishments, warning sanctions, security measures and educational measures.

(2) For every criminal offense the criminal code provides a punishment which may be pronounced only to the perpetrator who has been found criminally responsible. Other sanctions are pronounced in accordance with articles of the special part of this Code .

Applicability of the General Part

Article 6.

Provisions of the General Part of this Code are applicable to criminal offenses determined under the laws of the Republika Srpska and the laws of Bosnia and Herzegovina.

Chapter II

CRIMINAL OFFENSES AND CRIMINAL RESPONSIBILITY

1. General Provisions on Criminal Offenses and Criminal Responsibility

Criminal Offense

Article 7

1. A criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed.
2. The offense which, although having character of a criminal offense described by law, is little dangerous because of its minor significance or because of insignificance or absence of harmful consequences, is not punishable. An offense is of minor significance if that is indicated by its nature, seriousness, circumstances under which it has been committed, low level of criminal responsibility of the perpetrator, or the perpetrator's personal circumstances

Method of Committing Criminal Offense

Article 8

(1) A criminal offense may be committed by a performing an action or by restraining from performing an action.

(2) A criminal offense is committed by restraining from performance of an action only if the perpetrator was liable to perform the particular action.

Time of Committing Crime

Article 9

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

Place of Committing Crime

Article 10.

- (1) A criminal offense is committed both in the place where the perpetrator was acting or was obligated to act and in the place where the consequences occurred.
- (2) Preparation and attempt to commit criminal offense are considered carried out both in the place where the perpetrator was acting and in the place where the consequences, as intended, should have or may have occurred.

Defense of Necessity

Article 11.

- (1) An act committed in necessary defense is not considered a crime.
- (2) Necessary defense is an act of defense which is absolutely necessary for the defender to avert a coinciding or immediately threatening illicit attack from himself or from another.
- (3) If the perpetrator exceeds the limits of necessary defense, the court may reduce the punishment, and if he had exceeded the limits for the reason of extensive excitement or fear caused by the attack, the court may decide to remit the punishment.

Extreme Necessity

Article 12

- (1) An act committed out of extreme necessity is not considered a criminal offense.
- (2) An act is committed out of extreme necessity, if committed for the purpose of averting from a good belonging to him or another an immediate and unprovoked danger which could have not been averted in any other way, provided that the harm thereby done did not exceed the harm threatened.
- (3) If the perpetrator himself has negligently provoked the danger, or he has exceeded the limits of extreme necessity, the court may impose reduced punishment on him, and if this was done under particularly mitigating circumstances, the court may also remit the punishment.
- (4) There is no extreme necessity if the perpetrator was under an obligation to expose himself to the danger.

Criminal Responsibility

Article 13

(1) A perpetrator is considered criminally responsible if he, being criminally competent (sane), has committed a criminal offense with premeditation or by negligence.

(2) A perpetrator is considered criminally responsible for an act committed out of negligence only where the law prescribes so.

Competence (Sanity)

Article 14.

(1) The perpetrator of a criminal offense is not considered competent if at the time of committing the criminal offense he was incapable of understanding significance of his act or controlling his conduct due to a mental disease, temporary or lasting mental disorder, or mental retardation (incompetence - insanity).

(2) If the capacity of the perpetrator to understand the significance of his act, and his ability to control his conduct was substantially reduced due to one or all of the conditions referred to under paragraph 1 of this article, he/she may be punished less severely (significantly reduced competence).

(3) The perpetrator shall be considered criminally liable if, by indulgence in alcohol, drugs or otherwise, he has brought himself to a state of not being capable to understand the significance of his actions or to control his conduct, and if prior to his placing himself in such a state, the act was premeditated, or if he was negligent in respect to the criminal offense, if the act in question is punishable by law if committed negligently.

Premeditation

Article 15

A criminal offense is premeditated if the perpetrator is aware of his deed but still wants to do it; or if he is aware that a prohibited consequence might result from his action or restraining from action and consents to it.

Negligence

Article 16

A criminal offense is committed out of negligence if the perpetrator was aware that a prohibited consequence might have occurred, but carelessly assumed that it would not occur or that he would be able to avert 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 this possibility.

Responsibility for Graver Consequence and Special Circumstances

Article 17

(1) 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 imposed if the perpetrator has acted negligently in respect to that consequence.

(2) If a special circumstances make a criminal offense punishable with a harsher punishment, such harsher punishment may be pronounced only if the perpetrator has been aware of such circumstances.

Error of Fact

Article 18

(1) A person is not criminally responsible if at the time of committing the criminal offense he/she was not aware of some element of it which had been proscribed 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 perpetrator's error resulted from his negligence, he shall be criminally liable for the criminal offense committed by negligence, provided that the act in question is punishable by law if committed by negligence.

Error of Law

Article 19

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

2. Attempt of a Criminal Offense

Attempt

Article 20

(1) Whoever intently commences execution of a criminal offense, but does not complete his doing, shall be punished for the attempted crime only for the criminal offenses in question is punishable by imprisonment of five years or more, and for other criminal offenses only where the law expressly prescribes punishability of the attempt alone.

(2) Attempted criminal offense shall be punished within the limits of the punishment prescribed for the criminal offense committed, or less severely.

Inappropriate Attempt

Article 21

If a person tries to commit a criminal offense by inappropriate means or against an inappropriate object the court may refrain from imposing a punishment on him.

Voluntary Abandonment of the Attempt

Article 22

(1) The court may refrain from imposing a punishment on a perpetrator who has been preparing or has attempted commission of a criminal offense, but has voluntarily desisted from its completion.

(2) In case of voluntary desisting from completing a criminal offense, the perpetrator is punishable for those acts which constitute other separate criminal offenses.

3. Collaboration in Committing Criminal Offenses

Accomplices *

Article 23

If several persons jointly commit a criminal offense by participating in the act of commission or otherwise, each of them shall be punished as prescribed for the act as though he/she has committed the offense him/herself.

Incitement **

Article 24

(1) Whoever intentionally incites another to commit an act of crime shall be punished as if he/she had committed it.

Accessory ***

Article 25

(1) Whoever intentionally helps another to commit a criminal offense shall be punished as if he himself had committed it, but this punishment may also be reduced.

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

Limitations in Responsibility and Punishability of Accomplices, Inciters and Accessories

Article 26

- (1) The accomplice is considered criminally responsible within the limits set by his/her own intention or negligence, and the inciter and the accessory -- within the limits of their own intention.
- (2) The accomplice, inciter or accessory who has voluntarily prevented commission of the criminal offense may be absolved from punishment.
- (3) The personal relations, characteristics and circumstances to which the law attaches the exclusion of criminal responsibility, or by reason of which it permits or provides for the remission of punishment, its reduction or aggravation, may be taken into considerations only if they are inherent to such perpetrators, accomplices, inciters or accessories.

Special Conditions for Punishing Inciters and Accessories

Article 27

- (1) If a criminal offense has remained in the stage of attempt, the inciter or accessory are punishable for the attempted criminal offense (article 20).
- (2) If a criminal offense committed is less severe than the one to which the incitement or aiding referred to, the inciters and accessories are punishable for the criminal offense actually committed.

Special Provisions on Criminal Responsibility for the Acts Committed through Press and other Means of Public Information and Communication

Criminal Responsibility and Punishing a Chief Editor

Article 28

- (1) Chief Editor, or the person replacing him at the time of publishing the information, is considered criminally liable for the criminal offenses committed through the 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 court of first instance;
 - 2) the information was published without the author's consent;
 - 3) if at the time of publishing the information existed substantive or legal obstacles to prosecution of the author, which still exist.
- (2) The Chief Editor or the person replacing him is not criminally liable if he/she was not aware of some of the circumstances listed under points 1 to 3 of paragraph 1 of this article.
- (3) The Chief Editor, or a person acting in his behalf, shall be punished within the limits of the punishment prescribed for the particular criminal offense, but may also be punished less severely.

Criminal Responsibility and Punishment of Publisher, Printer and Manufacturer

Article 29.

(1) If conditions referred to under Article 28 of this Code exist, the following are criminally responsible:

1) publisher - for a criminal offense committed through periodical press publication, and - if there is no publisher - the printer who had the knowledge of it;

2) manufacturer - for a criminal offense committed by the means of phonographic record, magnetophone tape, film for public and private display, as well as photographic slides, audio recordings, video-clips, audio-clips or similar means of communication intended for a broader audience.

(2) If the publisher, printer 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 responsible.

(3) The provision of paragraph 2 of the previous article also apply to the publisher, printer or manufacturer.

Application of General Provisions Concerning Criminal Responsibility

Article 30.

Provisions on the criminal responsibility of persons referred to under Articles 28. and 29. of this Code apply only if those individuals are not criminally responsible in accordance with general provisions on criminal responsibility as defined under this Code.

Chapter Three

Punishments

Purpose Of Punishing, Kinds Of Punishments And Conditions For Pronouncing Punishments

Purpose Of Punishment

Article 31.

In terms of criminal sanctions, the purpose of punishments is:

1) prevention of perpetrator's committing criminal offenses and his rehabilitation;

2. influence on others not to commit criminal offenses.

3. development and strengthening social responsibility by expressing social condemnation of criminal offense and emphasizing necessity of respecting the law.

Kinds of Punishments

Article 32.

(1) The following punishments may be pronounced to criminally responsible perpetrators:

1. life imprisonment;
2. imprisonment;
3. fine.

Principal and Accessory Punishments

Article 33

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

Lawfulness in Pronouncing Punishments

Article 34

- (1) The punishment pronounced to the perpetrator is the punishment prescribed for the crime committed, while a milder 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 imposed as an accessory punishment even when that is not specifically prescribed by the law, and also in cases when the law prescribes that the perpetrator is to be punished by imprisonment or a fine, and the court decides to impose the punishment of imprisonment as the principal punishment.

Life Imprisonment

Article 35.

(1) The punishment of life imprisonment may not be pronounced as the only principal punishment for a particular criminal offense

(2) Life imprisonment may be pronounced only in cases of committing the gravest criminal offenses for which the law prescribe such punishment.

1. Life imprisonment may not be pronounced to a person who was not twenty one at the time of committing the crime, nor to a pregnant woman.

Imprisonment

Article 36

1. The punishment of imprisonment may not be shorter than thirty days nor longer than twenty years.

1. The punishment of imprisonment is pronounced in full years and months and up to three months on full days.
2. The court may, at request of the convictee, replace the pronounced sentence of imprisonment not exceeding three months with a fine, calculated in accordance with provisions of Article 37, paragraphs 3 and 4 of this law and exceptionally with the work for the general benefit, on freedom..

Fine

Article 37.

(1) A fine may not amount to less than fifty KM, nor it may exceed the amount of twenty thousand KM, while for criminal offenses motivated by greed it can go up to one hundred thousand KM.

(2) The sentence shall define the time limit for paying off the fine, which period may not be shorter than 15 days nor longer than three months; however, in justified cases, the Court may allow installment payments over a period not exceeding two years.

(3) If a fine cannot be collected even by use of force, a court shall carry out the execution of this punishment by ordering a day of imprisonment for each fifty KM of the fine.

(4) If the convicted person pays only a part of his fine, the remaining part of the amount that can not be collected by force of law shall be appropriately converted into term of imprisonment, and if the convicted person pays the rest of the fine, the execution of the imprisonment shall be canceled.

(5) A fine shall not be collected after death of the convicted.

2. Assessing Punishments

General Principles of Assessing Punishments

Article 38

(1) The court shall pronounce the punishment which is within the limits provided by law for that particular offense, taking into account all the circumstances bearing on the magnitude of punishment (extenuating and aggravating circumstances), and, in particular, the degree of criminal responsibility, the motives for committing the offense, the degree of danger or injury to the protected object, the circumstances under which the offense was committed, the past conduct of the perpetrator, his personal situation and his conduct after the commission of the criminal offense, as well as other circumstances related to the personality of the perpetrator.

(2) In pronouncing the sentence, the court shall take into special consideration whether the most recent offense is of the same type as the previous one, whether both acts were committed from the same motives, and it will also consider the period of time which has elapsed since the pronouncement of the previous conviction, or since the punishment has been served or pardoned.

(3) In fixing a fine the court shall take into consideration the situation of the perpetrator in terms of property.

Mitigation of Punishment

Article 39

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

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

Limitations in Reduction of Punishments

Article 40

(1) When the conditions for the reduction of punishment referred to under Article 39. of this Code exist, the court shall reduce the punishment within the following limits:

1. if an imprisonment term of ten years' or more is prescribed as the lowest punishment for a criminal offense, it may be reduced down to five year of imprisonment;
 - 2) if a period of five years' imprisonment is prescribed as the lowest punishment for the criminal offense, it may be reduced down to two years of imprisonment;
 - 3) if a period of three years' imprisonment is prescribed as the lowest punishment for the criminal offense, it may be reduced down to six months of imprisonment;

4) if a period of imprisonment not exceeding three year is prescribed as the lowest punishment for the criminal offense, it may be reduced down to 30 days of imprisonment or a fine;

5) if a fine is prescribed for a criminal offense without indication of the lowest limit, the court may impose a fine in the amount of 200 KM;

(2) In deciding on the extent of reducing punishments, adhering to the rules set forth under paragraph 1 of this article, the court shall take into special consideration the smallest and the largest punishment prescribed for the particular criminal offense.

Freeing from Punishment

Article 41

(1) The court may withhold the imposition of punishment on a person who has committed a criminal offense only if such possibility is expressly provided by law.

(2) In cases when the court has the authority not to punish the person who has committed a criminal offense, the court may also decide to reduce the punishment having no regard to limitations prescribed for reduction of punishment.

Special Conditions for Cancellation of Punishment

Article 42

(1) The court may decide not to pronounce a sentence to a person who has committed criminal offense by negligence when the consequences of the act committed affect the perpetrator so severely that imposing a punishment would obviously not serve the purpose of punishing.

(2) Should the perpetrator, after he had executed the crime, but before he learned of his being discovered, voluntarily remove the consequences of the offense or indemnify the damage caused by the offense, he may be freed from punishment.

Concurrence of Criminal Offenses

Article 43

(1) If the perpetrator, by a single action or by several actions, has committed several criminal offenses, and if he/she is tried for all of the acts at the same time, the court shall first assess the punishment for each of the acts separately, and then proceed with pronouncing an integrated punishment of imprisonment for all the acts taken together.

(2) The court shall adhere to the following rules in imposing the integrated punishment:

- 1) if the court has ruled punishment of life or twenty years' imprisonment for one of several criminal offenses committed, this will be the only punishment pronounced;
- 2) if the court has determined punishments of imprisonment for combined criminal offenses, the integrated punishment must be higher than each of the individual punishments, but the integrated punishment may not be as high as the sum of all incurred punishments, nor it may exceed a period of twenty years' imprisonment;
- 3) if each of the offenses committed in concurrence is punishable with up to three years in prison, the integrated punishment may not exceed eight years in prison;
- 4) if fines alone have been pronounced by court for the criminal offenses in concurrence, the court shall increase the highest fine determined, but it can neither exceed the sum of all fines pronounced, nor the amount of twenty thousand KM, nor one hundred thousand KM in cases when the one or several criminal offenses were motivated by greed;
- 5) if the court has fixed punishments of imprisonment for some of the concurred criminal offenses, and fines for others, it shall impose a single punishment of imprisonment and a single fine, in accordance with the provisions set forth in items 2. to 4. of this paragraph.

(3) The court shall impose an accessory punishment if it is prescribed for any one of the concurred criminal offenses, and if it has pronounced several fines, it shall impose one fine in accordance with the provisions set forth under paragraph 2, point 4 of this article.

(4) If the court has pronounced sentence of imprisonment and juvenile imprisonment for the concurred criminal offenses, it shall impose punishment of imprisonment as the compound sentence, applying accordingly the rules set forth under paragraph 2. of this article.

Evaluating Punishment of a Convicted Person

Article 44

(1) If a convicted person is tried for criminal offense he/she had committed before commencing to serve the previous sentence, or for a criminal offense he/she committed while serving a sentence of imprisonment or juvenile custody, the court shall impose a compound punishment for all the criminal offenses applying provisions set forth under article 43. of this code, taking the punishment from the earlier sentence as an already fixed punishment. The sentence or part of the sentence which the convicted person had served shall be credited towards the imposed sentence of imprisonment.

(2) For criminal offenses committed during the course of serving a sentence of imprisonment or juvenile imprisonment, the court shall determine the perpetrator's punishment independently of the punishment for the earlier sentence in cases when the application of the provisions set forth under Article 43. of this code would lead to failure to achieve the aims of punishment because of short time of the previous sentence which remained to be served.

Credit for the Period Spent in Custody and Credit for Punishment under an Earlier Sentence

Article 45

- (1) The time spent in custody pending trial, as well as any other deprivation of freedom related to the criminal offense, shall be counted as part of the sentence of imprisonment, juvenile imprisonment or the fine.
- (2) The part of punishment served under an earlier sentence or paid under an earlier fine for a misdemeanor or violation of commercial rules, as well as the punishment or disciplinary measure of deprivation of liberty imposed because of violation of military discipline, shall also be recognized as a part of the new sentence imposed for criminal offense whose characteristics include the characteristics of minor offense, economic violation or violation of military discipline.
- (3) In counting the credit, one day spent in custody pending trial, one day of deprivation of freedom, one day of juvenile custody, one day of imprisonment and a fine of fifty KM, shall be deemed equal.

Chapter Four

WARNING SANCTIONS

Kinds of Warning Sanctions

and General Conditions for their Application

Article 46

1. The warning sanctions are: conditional sentence (conditional punishment) and judicial admonition
2. Those punishments are pronounced to the criminally responsible perpetrator only in cases where, considering the nature of the offenses, circumstances which existed at the time of its commission and the personality of the perpetrator, the punishment is not considered necessary and when it can be expected that an admonition with a threat of punishment (conditional sentence) or the admonition alone (judicial admonition) will influence the perpetrator enough to deter him from committing criminal offenses.

Conditional sentence

Article 47

- (1) When it pronounces a conditional sentence, the court imposes a punishment on the perpetrator of criminal offense, but at the same time it orders that the sentence shall not be carried out if the convicted person does not commit another criminal offense for a period of time not shorter than one year nor longer than five years (probation period).

(2) As a part of conditional sentence, the court may order that the sentence shall be carried out if within a certain time-limit the convicted person fails to restore the material gain acquired through the commission of the criminal offense, or if he fails to compensate the damage caused by the commission of the criminal offense, or fails to fulfill other obligations provided for in criminal justice regulations. The court shall determine a time-limit for the fulfillment of these obligations within the determined probation period.

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

Conditions for Imposing Conditional sentence

Article 48

(1) Conditional sentence may be imposed when a perpetrator has been sentenced to imprisonment term not exceeding two years or to a fine.

(2) When deciding whether to impose a conditional sentence, the court shall assess whether the perpetrator may reasonably be expected not to commit criminal offenses in future even though the punishment threatened is not carried out, and base this assessment on all circumstances which are important for such assessment.

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

Revocation of Conditional sentence Because of a New Criminal Offense

Article 49

(1) The court shall revoke the conditional sentence if the convicted person commits one or more criminal offenses during the probation period, for which the law provides imprisonment for a term of two years or more.

(2) If the convicted person commits one or more criminal offenses during the probation period for which the law has set a punishment of imprisonment for a term not exceeding two years or a fine, the court shall decide, upon consideration of all circumstances related to the criminal offenses committed as well as to the perpetrator, particularly the affiliation of the committed criminal offenses, their significance and motives from which the offenses have been committed, whether to revoke the conditional sentence or not. In making such a decision, the court is restricted with the ban on imposing a conditional sentence if a sentence of imprisonment for a term exceeding two years (Article 48, paragraph 1) needs to be pronounced to the perpetrator for the conditional sentence and for new criminal offenses.

(3) In the event of revocation of the conditional sentence, the court shall impose one aggregate punishment both for the previously committed and the new criminal offense, pursuant to the provisions of Article 43 of this code, taking the punishment from the revoked conditional sentence as an already fixed punishment.

(4) In the event that the court does not revoke a conditional sentence, then it may impose a conditional sentence or a sentence of imprisonment for a newly-committed criminal offense. If the court decides that a conditional sentence should be imposed for the newly-committed criminal offense as well, then by applying provisions set forth under Article 43. of this Code , the court shall impose one aggregated sentence both for the previously committed and the new criminal offense and it shall also determine an aggregate probation period, commencing on the day the sentence became effective (article 47, paragraph 1). If the court imposes a sentence of imprisonment for the new criminal offense, the period of time spent serving such a term of imprisonment shall not be deducted from the probation period established by the conditional sentence for the previously committed offense.

Revocation of Conditional sentence Because of Previously Committed Criminal Offense

Article 50

(1) The court shall revoke a conditional sentence in case that, after it had been imposed, it became known that the perpetrator had committed criminal offense prior to the imposition of the conditional sentence, and if it is felt by the court that there would have not been enough grounds for the imposition of a conditional sentence had the existence of that offense been known. In such a case, the provision set forth under Article 49, paragraph 3 of this Code shall be applied.

(2) Should the court not repeal a conditional sentence, it shall apply the provision set forth under Article 49, paragraph 4 of this Code .

Revocation of Conditional sentence Caused by Failure to Fulfill Particular Obligations

Article 51

If a conditional sentence ,were further conditioned by the performance of a certain obligation referred to under Article 47, paragraph 2 of this Code , and should the perpetrator fail to fulfill that obligation within the determined time, the court may, within the probation period, extend the deadline set for the performance of the obligation or may revoke the conditional sentence and carry out the punishment which was set forth by the conditional sentence. If the court is of the opinion that for the acceptable reasons the convicted person is not able to meet the obligation, it shall remit the performance of that obligation or replace it with another adequate obligation provided by law.

Time-Limit for Revocation of Conditional sentence

Article 52

(1) A conditional sentence may be revoked during the probation period. If a convicted person commits a criminal offense entailing revocation of the conditional sentence during this period, but this has been determined by a judgment only after the expiration of the probation period, the conditional sentence may be revoked not later than one year after the probation period has expired.

(2) Should the convicted person fail to fulfill a certain obligation defined under Article 47, paragraph 2 of this Code within the determined time-limit, the court may revoke the conditional sentence not later than one year after the expiration of the probation period, and order that a punishment imposed in the conditional sentence be carried out.

(3) The decision revoking the conditional sentence must become final within the time limits given under paragraphs 1 and 2 of this article.

Conditional sentence with Protective Guardianship

Article 53

(1) The court may order that the perpetrator who has been subject to a conditional sentence is put under protective guardianship for a definite period of time during the probation period.

(2) The protective guardianship encompasses measures of assistance, care, supervision and protection which are provided by law.

(3) If during the course of the protective guardianship the court has determined that the purpose of this measure has been fulfilled, it may lift the measure of protective guardianship before the expiration of the specified time.

(4) If the convicted person to whom the measure of protective guardianship has been pronounced failed to fulfill his obligations prescribed by the court earlier, the court may pronounce an admonition to him or may replace the previously imposed obligations with new ones, or extend the duration of the protective guardianship within the probation period or revoke the conditional sentence.

Content of Protective Guardianship

Article 54

(1) Protective guardianship may include the following obligations:

1. treatment in appropriate health institution;
2. restraining from consummation of alcohol drinks or opiates;
3. attending particular psychological or other counseling centers and acting by their instructions;
4. training for some profession;
5. accepting the employment which is appropriate to the skills and abilities of the perpetrator;

6. disposing with the salary or other income in appropriate way and in accordance with marital or family obligations.

(2) The court imposes one or several obligations set forth under the paragraph above, closely defining what exactly they are consisted of and how they should be carried out.

Judicial Admonition

Article 55

(1) Judicial admonition may be administered for criminal offenses for which a punishment of imprisonment of up to one year or a fine has been prescribed, if they have been committed under such extenuating circumstances which render them particularly minor.

(2) Judicial admonition may be administered for certain criminal offenses under conditions provided by law even for offenses for which a punishment of imprisonment for a term not exceeding three years has been prescribed.

(3) Should the conditions enumerated under paragraphs 1 and 2 of this article exist for each criminal offense, the court may administer judicial admonition for several criminal offenses committed in concurrence.

(4) In deciding whether to administer judicial admonition, the court shall, taking into account the purpose of judicial admonition, give special consideration to the personality of the perpetrator, his past conduct, his conduct after the commission of the criminal offense, the level of criminal responsibility and other circumstances under which the criminal offense has been committed.

(5) Judicial admonition may not be administered to military persons for criminal offenses against the Army of the Republika Srpska.

Chapter Five

SECURITY MEASURES

Purpose of Security Measures

Article 56

Within the general scope of purpose of criminal sanctions, the purpose of security measures is to remove the situations or conditions which might influence a perpetrator so that he commits criminal offenses in the future.

Kinds of Security Measures

Article 57

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

- 1) mandatory psychiatric treatment and custody in medical institution;
- 2) mandatory psychiatric treatment at liberty;
- 3) mandatory medical treatment of alcoholics and drug addicts;
- 4) prohibition to carry out a certain occupation, activity or duty;
- 5) prohibition against driving a motor vehicle;
- 6) confiscation of property;
- 7) banishment of foreigners from the country.

Pronouncing Security Measures

Article 58

(1) The court may pronounce one or more security measures to a perpetrator of a criminal offense when conditions for their application as provided for under this Code exist.

(2) Mandatory psychiatric treatment and custody in a health institution, and mandatory psychiatric treatment at liberty shall be imposed independently on a mentally incompetent (insane) perpetrator of a criminal offense. In addition to these measures, the court may order prohibition to carry out a certain occupation, activity or duty, prohibition against driving a motor vehicle and seizure of objects. The measures of mandatory psychiatric treatment in a medical institution or a mandatory psychiatric treatment at liberty may be pronounced to the perpetrator with significantly reduced mental capacity only alongside a punishment of imprisonment or a conditional sentence determining such punishment.

(3) Prohibition of driving motor vehicles and seizure of objects may be ordered if a punishment, conditional sentence, judicial admonition or remission of punishment had been pronounced to the perpetrator.

(4) Mandatory medical treatment of drug addicts and alcoholics, prohibition to carry out a certain occupation, activity or duty, and banishment of foreigners from the country may be ordered if a punishment or a conditional sentence had been pronounced to the perpetrator.

Mandatory Psychiatric Treatment and Custody in Medical Institution

Article 59

(1) The court shall impose mandatory psychiatric treatment and custody in a medical institution on a perpetrator who has committed a criminal offense while in the state of mental incompetence or substantially diminished responsibility, if based upon gravities of the performed criminal act and the extent of the degree of the perpetrator's mental insanity shows that the perpetrator might commit new criminal offenses against the life and body, sexual integrity or property if he was set free, and that his treatment and custody in such an institution is necessary for the sake of averting that danger.

(2) The court shall terminate execution of the measure referred to under paragraph 1 of this article should it determine that further detention in the institution is not necessary.

(3) The time the perpetrator who has committed a criminal offense in a state of substantially diminished responsibility and who has been sentenced to imprisonment spends in a health institution shall be credited to service of the pronounced sentence. If this time is shorter than the pronounced sentence, the court may decide that the perpetrator is sent to serve the remaining sentence, or to be conditionally released. In deciding whether to grant conditional release, the court shall take into special consideration the convicted person's response to the treatment, his health, time he spent in the medical institution and remainder of the sentence yet to be served.

(4) The measure described under paragraph 1 of this article, when pronounced alongside a sentence of imprisonment, may last longer than that sentence.

Mandatory Psychiatric Treatment at Liberty

Article 60.

(1) The court shall pronounce mandatory psychiatric treatment at liberty to a perpetrator who has committed a criminal offense in a state of insanity should it establish that the perpetrator might commit grave offenses if he was set free, but that his treatment at liberty will suffice to avert such threat.

(2) The measure referred to under paragraph 1 of this article may be pronounced to a mentally incompetent perpetrator on whom a mandatory psychiatric treatment and custody in a medical institution have been imposed when on the basis of the results of the treatment the court establishes that further treatment and custody in the medical institution is no longer needed, and his treatment at liberty alone would serve the purpose of imposing such measure.

(3) The court may impose mandatory psychiatric treatment at liberty as defined under paragraph 1. of this article on a perpetrator whose responsibility is substantially diminished and who has been granted parole on the basis of Article 59, paragraph 3 of this Code.

(4) Mandatory psychiatric treatment at liberty may not exceed three years. The court shall decide every year, again, if the mandatory psychiatric treatment at liberty is still needed.

(5) Should in cases referred to in paragraphs 1. to 3. of this article the perpetrator fail to undergo the treatment at liberty, or should he terminate it of his own accord, or if despite the treatment he becomes so dangerous to his environment that his custody in a medical institution became necessary, then the court may pronounce to him a measure of mandatory psychiatric treatment and custody in a medical institution.

Compulsory Medical Treatment of Alcoholics and Drug Addicts

Article 61

(1) The court may order a mandatory treatment to a perpetrator who had become addicted to alcohol or intoxicating drugs (narcotics) and has therefore committed a criminal offense, if there is a danger that due to this addiction he might continue committing criminal offenses in the future.

(2) The measure set forth under paragraph 1 of this article shall be carried out in an institution for the execution of punishment or in a medical or some other specialized institution. If this measure has been pronounced alongside a punishment of imprisonment, the time spent in such an institution shall be credited toward service of the sentence. In such a case, this measure may exceed the sentence pronounced, but it may not exceed three years time, and after the sentence has run out, it shall be executed at liberty.

(3) When pronouncing conditional sentence, the court may order to the perpetrator to undergo a treatment at liberty, taking into consideration especially the readiness of the perpetrator to comply with such order. Should the perpetrator fail to undergo such treatment at liberty without a justifiable reason, or terminates such treatment on his own, the court may order revocation of conditional sentence or it may order forced execution of the measure of mandatory treatment of alcoholics and drug addicts in a health or another specialized institution.

(4) When the measure referred to under paragraph 1. of this article has been pronounced alongside a fine or a conditional sentence it shall be carried out at liberty and it may not exceed three years.

Ban on Carrying out a Certain Occupation, activity or Duty

Article 62

(1) The court may prohibit a person who has committed a criminal offense from exercising a particular profession, independent activity, all or any of the duties related to the disposition, utilization, management or handling the someone else's property entrusted to him or safe-keeping of such property, if the perpetrator had misused his profession, activity or duty to commit a criminal offense, and if there are reasons to believe that he might commit a criminal offense again should he be allowed to continue carrying out such activity.

(2) The court shall decide on the duration of the measure defined under paragraph 1 of this article, which must exceed one but must not exceed ten years, counting from the date the sentence became final. The time spent in prison or medical institution for custody and medical treatment shall not be credited towards the term of this measure.

(3) When imposing a conditional sentence, the court may dispose that such sentence will be revoked should the perpetrator violate the attached prohibition from carrying out a certain occupation, activity or duty.

Ban on Driving Motor Vehicle

Article 63

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

(2) The court may impose the measure defined under paragraph 1 of this article should it find that the circumstances in which the offense has been committed or an earlier violations of traffic regulations on the part of the perpetrator constitute evidence that it would be dangerous for him to drive a motor vehicle of a certain type or category. In deciding whether to order this measure, the

court shall take into consideration whether the perpetrator is a professional driver of a motor vehicle.

(3) The court shall decide on the duration of the measure defined under paragraph 1 of this article which must exceed three months but must not exceed five years, counting from the date when the sentence became final. The time spent in prison or medical institution for custody and medical treatment shall not be credited towards the term of this measure.

(4) If the measure defined under paragraph 1 of this article has been pronounced to a person who holds a foreign driving license, then the measure also includes the ban on its utilization on the territory of the Republika Srpska for a period between three months and five years.

(5) When pronouncing the conditional sentence, the court may determine that this sentence is revoked in case that the perpetrator breaks the ban on driving a motor vehicle.

(6) The law may determine that mandatory pronouncement of this measure in particular cases.

Confiscation of Objects

Article 64

(1) Objects used or destined for use in the commission of a criminal offense as well as those which have resulted from the commission of a criminal offense may be confiscated if they are owned by the perpetrator.

(2) Objects referred to under paragraph 1 of this article may be confiscated even if they are not owned by the perpetrator when consideration of general safety or preservation of morals so requires, but such confiscation does not affect the rights of third parties to obtain damage compensation from the perpetrator.

(3) It may be set forth in the law that the confiscation of objects be mandatory.

Banishing a Foreigner from the Country

Article 65

(1) The court may order that a foreigner be expelled from the territory of the Republika Srpska for a period from one to ten years, or forever.

(2) In deciding whether to impose the measure defined under paragraph 1 of this article, the court shall take into account the motives from which the perpetrator had committed the criminal offense, the mode of its commission, and other circumstances which may indicate that further staying of the foreign citizen in the Republika Srpska would be unwanted.

(3) The period of expulsion commences on the day when the decision took legal effect. The time spent in prison shall not be counted towards the term of this measure.

Chapter Six

EDUCATIONAL MEASURES AND PUNISHMENTS FOR JUVENILES

1. General Provisions

Special Provisions of Criminal Code Applicable to Juveniles

Article 66

- (1) The special provisions of this chapter apply to juveniles who have committed criminal offenses, while other criminal justice provisions set forth in the other laws shall be applied to juveniles only insofar as they are not in contravention of these special provisions.
- (2) Special provisions applicable to juvenile perpetrators also apply to adults who are tried for criminal offenses which they have committed as juveniles, and in exceptional cases, to persons who have committed a criminal offense as junior adults.

Not Pronouncing Criminal Sanctions to Children

Article 67

Criminal sanctions cannot be carried out against a juvenile who at the time of the commission of the criminal offense was aged under 14 (a child).

Criminal Sanctions for Juveniles

Article 68

- (1) Only educational measures may be pronounced to a juvenile who at the time of commission of a criminal offense had attained the age of fourteen years but had not reached the age of sixteen years (a junior juvenile).
- (2) A juvenile who at the time of commission of a criminal offense had attained the age of sixteen years but had not yet reached the age of eighteen years (a senior juvenile) may be subject to educational measures under conditions laid down by this Code, and exceptionally, may be sentenced to a juvenile imprisonment.
- (3) Security measures may be pronounced to juveniles under conditions laid down in this Code.
- (4) Judicial admonition or a conditional sentence can not be pronounced to a juvenile.

Special Purpose of Criminal Sanctions Pronounced to Juveniles

Article 69

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

2. Educational Measures

Types of Educational Measures

Article 70

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

- disciplinary measures: reprimand or a committal to a disciplinary center for juveniles;
- measures of intensified supervision: on the part of the parents, adoptive parents or guardians, in a foster home, or on the part of the competent social care organ;
- institutional measures: committal to an educational institution, to an educational-reformatory home or some other training establishment.

Selection of Educational Measures

Article 71

In selecting the appropriate educational measure, the court shall take into account the age of the juvenile, the degree of his mental development, his propensities, the motives from which he committed the offense, the education he was given so far, his environment and living conditions, the gravity of the offense, whether he has a previous record of punishment and whether an educational measure has previously been ordered to him, and all other circumstances relevant to the selection of such a measure that will best attain the purpose of educational measures.

Reprimand

Article 72

(1) Reprimand shall be administered if it alone suffices to censure the juvenile for the criminal offense he has committed.

(2) In administering the reprimand the court shall indicate to the juvenile the harmful effects of his conduct and shall alert him of the fact that a harsher measure might be pronounced to him should he relapse into crime.

Committal to the Disciplinary Center for Juveniles

Article 73

(1) The court shall commit a juvenile to the disciplinary center for juveniles should it find it necessary to exert an influence on his personality and his conduct by means of appropriate short-term measures.

(2) A juvenile upon whom a measure set forth under paragraph 1 of this article has been imposed may be committed by the court to the disciplinary center:

- for a specified number of hours on holidays, but on not more than four consecutive days of a holiday;
- for a specified number of hours during a day, but for not more than one month;
- for a continuous stay over a specified number of days, totaling to no more than 20 days.

(3) In ordering a measure set forth under paragraph 1 of this article, the court shall make sure that the juvenile does not fall behind in his regular studies or work due to the enforcement of the measure.

(4) The juvenile shall be employed in the disciplinary center at useful labor appropriate to his age.

(5) In ordering committal to the disciplinary center for juveniles, the court may dispose that following enforcement of such measure the juvenile shall be placed under the intensified supervision of the competent social care organ.

Intensified Supervision on the Part of Parents, Adoptive Parents or Guardian

Article 74

(1) The measure of intensified supervision on the part of parents, adoptive parents or guardians, shall be ordered by the court if the parents, adoptive parents or guardians had failed in supervising the juvenile, while being capable of exercising such supervision.

(2) When ordering the measure referred to under paragraph 1 of this article, the court may give necessary instructions to the parents, adoptive parents or guardians, and order them to carry out particular duties with respect to measures that need to be undertaken towards the education of the juvenile, towards his medical treatment and averting harmful influences upon him.

(3) In imposing the measure referred to under paragraph 1 of this article, the court may issue an order upon the competent social care organ to supervise the execution of the measure and render assistance to the parents, adoptive parents or guardians. The court shall subsequently decide on the termination of this supervision, providing that it may not be shorter than one year no longer than three years.

Intensified supervision in a foster home

Article 75

(1) If the parents, adoptive parents or guardians of a juvenile are not in the position to supervise him, or if they cannot be reasonably expected to do so, the juvenile shall be handed over to another

family that is willing to accommodate him and that has the ability to exercise an intensified supervision over him.

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

(3) In imposing the measure referred to under paragraph 1 of this article, the court shall make an order upon the competent social care body to check, throughout the duration of the measure, its enforcement, as well as to render necessary assistance to the family with which the juvenile has been placed.

Intensified Supervision on the Part of the Competent Social Care Body

Article 76

(1) If the parents, adoptive parents or guardians are in no position to intensively supervise the juvenile, and if the conditions for handing over the juvenile to another family for conducting the supervision do not exist, the juvenile shall be placed under the supervision of the competent social care body.

(2) The court shall subsequently decide on the date of discontinuation of the measure referred to under paragraph 1 of this article, providing that its duration may not be shorter than one year nor longer than three years. During the enforcement of the measure, the juvenile shall stay with his parents, adoptive parents or other persons who support him, while the intensified supervision over him shall be exercised by an authorized person of the competent social care body.

(3) The authorized person of the competent social care organ shall look after the juvenile's studies, his employment, his detachment from associations affecting him in a harmful way, his necessary medical treatment and the improvement of his living conditions.

Special Obligations in Conjunction With Measures of Intensified Supervision

Article 77

(1) In ordering an educational measure of intensified supervision referred to in articles 74, 75 and 76 of this Code , the court may pronounce to a juvenile one or more special obligations should it be considered necessary to make the measure more successful, provided that the obligations can not last longer than the educational measure itself.

(2) The court may pronounce to a juvenile the following obligations in particular: that he should apologize to the victim, or pay for the damage within his abilities, or go to school regularly, or train for a job suitable for his capabilities and propensities, or restrain from drinking alcohol or taking intoxicating drugs, or visit an appropriate health institution or counseling office or not associate with persons who have bad influence on him.

(3) The court may subsequently cancel or modify obligations it has imposed.

(4) In the event that the obligations referred to under paragraph 2 of this article are not fulfilled, the court may substitute the measure of intensified supervision which has been imposed with some other educational measure.

(5) In imposing obligations referred to under paragraph 2 of this article, the court shall alert a juvenile to the consequences referred to under paragraph 4 of this article.

Committal to Educational Institution

Article 78

(1) The court shall commit a juvenile who has to be submitted to continual supervision on the part of trained educators to a educational institution for juveniles.

(2) The juvenile shall remain in the educational institution for not less than six months and not more than three years. When pronouncing the measure, the court shall not determine its duration, but it shall subsequently decide thereupon (Article 81, paragraph 2).

Committal to an Educational - Reformatory Home

Article 79

(1) A juvenile to whom intensified reformatory measures have to be applied shall be committed by the court to an educational - reformatory home for juvenile perpetrators of criminal offenses.

(2) In deciding whether to order the measure referred to under paragraph 1 of this article, the court shall take into particular consideration the gravity and nature of the offense committed, as well as whether educational measures or juvenile imprisonment have already been pronounced to the juvenile.

(3) The juvenile shall remain in the educational - reformatory home for not less than one year, and no more than five years. When pronouncing the measure, the court shall not determine its duration, but shall subsequently decide thereupon (Article 81, paragraph 2).

Committal to Another Training Institution

Article 80

(1) The court may order to a juvenile whose mental or physical development is disturbed the measure of committal to another training institution in lieu of committal to an educational institution or an educational - reformatory home.

(2) The juvenile shall remain in the training institution as long as it is believed necessary for his medical treatment or rehabilitation, but when the juvenile comes of age the need for his further stay in the institution shall be reassessed.

Discontinuation and Modification of Decisions Relative to Educational Measures

Article 81

(1) If, at any time after the decision ordering a measure of intensified supervision or an institutional measure, circumstances appear which had not existed at the time of making the decision or had not been known at that time, but which might have affected the decision should they have been known, the enforcement of the measure ordered may be discontinued, or the measure ordered may be substituted with another measure of intensified supervision or an institutional measure.

(2) Except in cases referred to under paragraph 1 of this article, unless otherwise provided with respect to certain measures, the enforcement of measures of intensified supervision or institutional measures may be discontinued due to the success achieved in the educational process, or these measures may be substituted with other such measures better suited to attainment of the purpose of educational measures. Regarding the institutional measures, the discontinuation or substitution with another type of measure shall be subject to the following restrictions:

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

2) enforcement of the measure of committal to a educational - reformatory home may not be discontinued before the expiration of a term of one year, and before such time it may only be substituted by a committal of a juvenile to some other training institution;

(3) Exceptionally, enforcement of the measure of committal to educational institution or the measure of committal to educational-reformatory home may be discontinued or be substituted with some other measure even before the expiration of time defined under items 1 and 2 of paragraph 2 of this article if special circumstances that relate to the personality of the juvenile manifestly show that the purpose of these measures has been attained.

Reconsideration of Educational Measures

Article 82

(1) The court shall reconsider the need of enforcing the measure imposed if more than one year had elapsed since the day when the decision ordering a measure of intensified supervision or an institutional measure took effect, if until such time the enforcement of the measure had not commenced. The court may also decide that the previously ordered measure be enforced, not enforced or substituted with another measure.

(2) The measure of committal to a disciplinary center for juveniles shall not be executed if more than six months have elapsed since the day when the decision ordering the measure took effect, and the enforcement of the measure has not yet commenced.

Impact of Punishment on Educational Measures

Article 83

(1) If the court imposes a measure of juvenile prison on a senior juvenile during the course of an educational measure, such educational measure shall terminate with commencement of the service of the sentence.

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

(3) If the court imposes on an adult a sentence of imprisonment not longer than one year during the course of an educational measure, the court shall decide whether upon the completion of the imprisonment term the educational measure would be continue or be canceled.

Records on educational measures pronounced

Article 84

(1) Records on the educational measures pronounced are to be kept with the competent social care organs pursuant to regulations adopted by Minister of Health.

(2) Data on educational measures pronounced may be revealed only to the court, public prosecutor's office, internal affairs organs and social care institutes in connection to criminal proceedings against persons to whom the educational measures were pronounced.

Pronouncing Educational Measures to Young Adults

Article 85

(1) The court may pronounce an appropriate measure of intensive supervision or an institutional measure to the perpetrator who has committed a criminal offense as an adult, when, given his personality and circumstances in which he committed the act, it may be expected that the purpose which would be attained by sentencing him to imprisonment will be attained by the educational measure.

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

(3) The educational measure imposed may last only until the perpetrator is aged twenty three (23).

3. Punishing senior juveniles

General Provision

Article 86

Only a criminally responsible senior juvenile who has committed a criminal offense for which a punishment more severe than five years of imprisonment has been prescribed may be punished if it would not be justifiable to apply an educational measure because of the grave consequences of the act committed and the high degree of criminal responsibility.

Juvenile Prison

Article 87

(1) The duration of the sentence of juvenile imprisonment may not be shorter than one year nor longer than ten years, and shall be measured in full years or half-years.

(2) When deciding on duration of juvenile imprisonment, the court shall take into consideration all circumstances that may influence the sentence making it longer or shorter (Article 38 paragraphs 1. and 2.), paying special attention to all circumstances related to the personality of the juvenile.

(3) In deciding upon punishment for a senior juvenile for a certain criminal offense, the court may not impose a punishment of juvenile imprisonment for a term exceeding that of imprisonment prescribed for that particular act.

Ordering Educational Measures and Juvenile Imprisonment in Cases of Concurred Criminal Offenses

Article 88

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

(2) Pursuant to the provision set forth under paragraph 1 of this article, the court shall proceed in the same manner in case it establishes that a juvenile had committed a criminal offense prior or after an educational measure or juvenile imprisonment has been imposed.

Statute of Limitations (Expiration by Lapse of Time)

Article 89

The execution of the punishment of detention in juvenile prison is barred after the lapse of:

(1) ten years from the sentencing to juvenile prison for a term exceeding five years;

(2) five years from the sentencing to juvenile prison for a term exceeding three years;

(3) three years from the sentencing to juvenile prison for a term not exceeding three years.

Pronouncing Criminal Sanctions to Adults for Offenses They Committed as Juveniles

Article 90

(1) An adult who is aged 21 or over cannot be tried for a criminal offense he committed as a junior juvenile (young perpetrator).

(2) If an adult is younger than 21 at the time of the trial, he may be tried only for criminal offenses he had committed as junior juvenile for which a punishment of imprisonment for a term exceeding five years has been prescribed. The court may pronounce to such a person only an appropriate institutional educational measure. In considering whether to order such a measure or not, the court shall take into account all the relevant circumstances of the case, in particular the gravity of the offense committed, the time that has elapsed since the commission, the conduct of the perpetrator and the purpose of the educational measure.

(3) An appropriate institutional educational measure may be pronounced to an adult for a criminal offense he committed as a senior juvenile under conditions defined under Article 86. of this Code a punishment of juvenile imprisonment may also be imposed. In deciding whether to pronounce a sanction and which of the sanctions to pronounce, the court shall take into account all the relevant circumstances of the case, in particular the gravity of the act committed, the time which has elapsed since its commission, the conduct of the perpetrator, as well as the purpose of these sanctions.

(4) As an exception to the provision set forth under paragraph 3 of this article, in lieu of juvenile prison the court may pronounce a sentence of imprisonment or impose a conditional sentence on an adult who was aged 21 or more at the time of the trial. Regarding rehabilitation, deleting the sentence and legal consequences of the sentence, the sentence of imprisonment in this case has the same legal effect as a sentence to juvenile prison.

Effect of Educational Measures and Sentencing to Juvenile prison

Article 91

Educational measures and juvenile imprisonment do not entail legal consequences consisting of the prohibition of the acquisition of certain rights (Article 98, paragraph 2).

Imposing Security Measures on Juveniles

Article 92

(1) Security measures of mandatory psychiatric treatment in an institution and committal to a health institution; mandatory psychiatric treatment at liberty; mandatory treatment of alcoholics and drug addicts; ban on driving a motor vehicle; seizure of an object and expulsion of a foreigner from the country may, under conditions determined in the law, be pronounced to juvenile perpetrators to whom an educational measure or a sentence to juvenile prison has been pronounced.

(2) Security measure of mandatory treatment of alcoholics and drug addicts may not be pronounced together with disciplinary measures, while a measure of expulsion of foreigners from the country may not be ordered together with other disciplinary measures nor measures of intensified custody.

(3) Measure of mandatory psychiatric treatment and supervision in a health institution, and mandatory psychiatric treatment outside prison may be independently pronounced to an insane juvenile perpetrator. The measure of confiscation of property may also be ordered in addition to this measure.

(4) Instead of mandatory psychiatric treatment and supervision in a health institution, an educational measure of committal to another training establishment may be ordered if the treatment and the supervision may be enforced in that institution, thereby attaining the purpose of the security measure.

Chapter Seven

APPROPRIATION OF MATERIAL GAIN ACQUIRED BY COMMISSION OF A CRIMINAL OFFENSE

The Grounds for the Appropriation of Material Gain

Article 93

- (1) No one is allowed to retain material gain acquired through commission of a criminal offense.
- (2) The gain referred to under paragraph 1 of this article shall be appropriated by court order which established the commission of a criminal offense, under the terms set forth in this Code.

Ways of Appropriating Material Gain

Article 94

- (1) All the money, valuable objects and every other material gain acquired by the commission of a criminal offense shall be appropriated from perpetrators, and in case the appropriation is not feasible - the perpetrator shall be obliged to pay a sum of money which corresponds to the acquired material gain.
- (2) Material gain acquired by the commission of a criminal offense may be appropriated from the persons to whom it has been transferred without compensation or with a compensation which does not corresponds to the real value, if the persons knew or might have known that the material gain has been acquired by the commission of a criminal offense.

Protection of the Victim (injured party)

Article 95

- (1) If criminal procedure has resulted in awarding property claims to the victim (injured party), the court shall order appropriation of material gain if it exceeds the awarded property claim of the victim (injured party).
- (2) The victim (injured party) who has been directed to initiate a civil litigation in the course of criminal proceedings regarding his property claim - may demand his being reimbursed from the amount of the appropriated value, provided that the civil case is started within six months from the day when the decision by which he has been directed to litigate took effect, and if within three months from the day when his claim has become final he demanded to be compensated from the appropriated value.
- (3) An victim (injured party) who did not report a property claim during the course of a criminal proceedings may demand compensation from the appropriated value, if he has begun litigating to win his claims within three months from the day when he found out about the sentence whereby the material gain has been appropriated, but not longer than two years since the date when the decision on the appropriation of material gain took effect, or if within three months from the day when the decision by which his claim was established he demands compensation from the appropriated value.

Appropriating Material Gain from a Legal person

Article 96

If an enterprise or another legal person acquires some gain by criminal offense committed, such gain shall be appropriated from the enterprise or another legal person.

Chapter Eight

LEGAL CONSEQUENCES INCIDENT TO CONVICTION

Taking Effect of the Legal Consequences Incident to Conviction

Article 97

- (1) Sentences for particular criminal offenses may entail as legal consequences the cessation, that is the loss of certain rights, or bar on the acquisition of certain rights.
- (2) Legal consequences incident to conviction cannot occur when the perpetrator of a criminal offense has been punished with a fine, conditional sentence or judicial admonition, or when the court has refrained from imposing a punishment on him.
- (3) Legal consequences incident to conviction may be provided by law only and they take effect by the force of the law in which they were set forth.

Types of Legal Consequences Incident to Conviction

Article 98

- (1) Legal consequences incident to conviction relating to the termination or loss of certain rights are as follows:
 - 1) cessation of the performance of particular jobs or functions in government institutions, companies or other legal persons;
 - 2) termination of employment or cessation of the performance of a particular profession, occupation or activity;
 - 3) deprivation of a military officer's rank, or loss of a military employee's grade;
 - 4) deprivation of decorations.
- (2) Legal consequences incident to conviction which consist of a bar on the acquisition of particular rights are as follows:
 - 1) debarment on the performance of certain jobs or functions in government, government institutions, companies or other legal persons;
 - 2) bar on public appearance at radio, television, public gatherings, bar on exercising publishing activities, or bar on participation in founding associations;
 - 3) bar on the acquisition of a particular office, title, position or promotion in service;
 - 4) bar on the acquisition of particular permits or licenses which are approved by a decision of government institutions.

Beginning and Duration of Legal Consequences Incident to Conviction

Article 99

- (1) Legal consequences incident to conviction take effect on the day of when the sentence has become final.
- (2) Legal consequences incident to conviction which consist of bar on the acquisition of particular right can not exceed ten years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitation, unless for certain legal consequences such a statute provides a shorter period of time for serving the sentence.
- (3) Legal consequences incident to conviction cease by the deletion of the sentence.

Chapter Nine

REHABILITATION AND CONDITIONS FOR RELEASING INFORMATION FROM THE CRIMINAL RECORDS

Rehabilitation

Article 100

1. By rehabilitation the sentence is deleted and all its consequences lifted, and the convicted person is deemed never convicted.
2. With rehabilitation stops the accessory punishment which has not been executed.
3. The rehabilitation is based either on the law itself (legal rehabilitation) or on a court decision made upon request of the convicted person (judicial rehabilitation).
4. The rehabilitation has no effect on rights of third parties based on the conviction.
5. After the sentence of imprisonment or juvenile imprisonment has been served, pardoned or barred by statute of limitations, the convicted persons, even before the rehabilitation, enjoy all rights provided by the Constitution, laws or other regulations, except those which are restricted by the pronounced security measure or because of the legal consequence of the conviction. This also applies to the convicted persons who are on conditional release.

Legal Rehabilitation

Article 101

1. Legal rehabilitation may only exist in relation to the individuals who have not been convicted before, or are legally considered never convicted before.
2. Legal rehabilitation occurs:

- 1) The sentence of judicial admonition and the sentence by which a person who has committed a criminal offense was excused of a punishment shall be deleted from criminal record, provided he does not commit a new criminal offense within one year from the day of effectiveness of the decision.
 - 2) A conditional sentence shall be deleted from the criminal record after one year from the expiration of the probation period unless the person convicted commits another criminal offense within that period.
 - 3) Sentences to a fine and up to one year imprisonment and juvenile imprisonment shall be deleted from criminal record after lapse of three years from the day on which the punishment has been served, pardoned or barred by the statute of limitation, provided the convicted person does not commit a fresh criminal offense within that period.
 - 4) The sentences of imprisonment for a term not exceeding three years are deleted from the criminal record when a period of five years has expires from the day on which the punishment was served, pardoned or barred by lapse of time, providing that the convicted person has not committed a fresh criminal offense within that period.
3. The conviction may not be deleted from criminal records while the security measures are still in force.
 4. When the conditions are met for deletion of the sentence from the criminal records as stipulated under provisions above, it shall be considered that the sentence is deleted as of the moment when the conditions were met.

Judicial Rehabilitation

Article 102.

- (1) The judicial rehabilitation may be granted to a person convicted to between three and five years in prison when eight years have passed from the date when the sentence was served, pardoned or barred by statute of limitations and the convicted person has not committed a fresh criminal offense.
- (2) In case described under previous article, the court may grant the rehabilitation if it finds that the convicted person has proved to be deserving by its conduct, and if it can be reasonably expected that he would not commit such offenses in future.
 1. The judicial rehabilitation may not be granted while security measures are still in force.
 2. In exceptional cases, the court may rehabilitate a person convicted several times if the prescribed time has passed and other conditions provided under previous paragraphs of this article have been met in relation to each criminal offense he has been convicted for.

Disclosing Information From Criminal Record

Article 103

(1) Information contained in the criminal record may be revealed to court, public prosecutor and organs of internal affairs in connection to criminal proceedings conducted against the person who had been previously convicted, to competent organs in charge of the execution of criminal sanctions and organs having jurisdiction who participate in the procedure of granting amnesty, pardon or deletion of sentence.

(2) Information from the criminal record may, upon the presentation of a justifiable request, be revealed to state organs if certain legal consequences incident to conviction or security measures are still in force, or there is another justifiable interest based on law.

(3) The information on deleted sentence may not be relieved to anyone.

(4) No one has the right to demand that citizens present evidence on their being convicted or not (being convicted).

(5) At their request, citizens may be given information on their being convicted or not being convicted only if the information is necessary for exercising their rights abroad.

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

Article 104

(1) The court may decide to discontinue security measures imposing a prohibition to carry out a certain occupation, activity or duty, and prohibition against driving a motor vehicle, if one year has elapsed from the day when the execution of such security measures has started.

(2) The court may decide to terminate legal consequence of a sentence relating to the bar on the acquisition of a certain right after the lapse of one year from the day on which the punishment has been served, pardoned, or barred by the statute of limitation.

(3) In deciding whether to order the termination of a security measure, i.e. a legal consequence of a sentence, the court shall take into account the conduct of the convicted person after the conviction, his readiness to compensate damage caused by the commission of a criminal offense and to return material gain acquired by the commission of a criminal offense, as well as other circumstances which indicate the justifiability of the termination of a security measure, i.e. a legal consequence of a sentence.

(4) The termination of legal consequences incident to conviction in no way affects the rights of third parties deriving from the judgment.

Chapter Ten

GENERAL PROVISIONS ON EXECUTION OF SENTENCES

Limitation in Execution of Punishments

Article 105.

- (1) A person upon whom a punishment is to be executed shall be deprived of his rights or have his rights restricted pursuant to the law, only up to the limits which are adequate for the nature and content of the particular sentence and only in the way which ensures respect to the personality of the perpetrator and his human dignity.
- (2) The person against whom a criminal sentence is being executed must not be subjected to torture or other forms of cruel, inhuman or degrading treatment. In case when a person has been subjected to such treatment, his protection by court must be guaranteed.

Institutions for Execution of Punishments of Imprisonment and Juvenile Imprisonment

Article 106.

- (1) The sentence of imprisonment is being served in penal/reformatory institutions (prisons) of closed, semi-open and open type.
- (2) The sentence of life imprisonment is being served exclusively in the penal/reformatory institutions of closed type.
- (3) The sentence of juvenile imprisonment is being served in special penal/reformatory institutions. The convicted juveniles may remain in such institutions until they are twenty three, and if their punishment does not end by that time, they will be moved to the prison for adults.

Treating the Convicts

Article 107

- (1) While serving their punishment, the convicts shall be treated in a humane way, respecting their personal dignity and their physical and mental integrity.
- (2) The use of reformatory, medical or psychological treatments which penetrate into the intimate life of the convicted person is not allowed if the convict explicitly refuses such treatments.

Conditional Release

Article 108.

- (1) A convicted person who has served one half of his sentence may be discharged under condition that he does not commit another criminal offense before expiration of time of the sentence (conditional release).
- (2) A convicted person may be conditionally released who has served one-half of the sentence of imprisonment, and exceptionally if he has served one third of his sentence of juvenile imprisonment but in no case less than one year. During the conditional release, the court may determine the measure of intensified supervision on the part of the social care body.

(3) The person convicted to life imprisonment may be granted conditional release after having served twenty five years of their sentence and under condition that they do not commit a criminal offense in future.

(4) The court's decision on conditional release is based on the grounded expectation that the convicted person shall behave well at liberty, and that will not commit criminal offenses in future.

Revocation of Conditional Release

Article 109

(1) The court shall order revocation of conditional release when the convicted person, while on conditional release, commits one or more criminal offenses punishable with a term exceeding one year.

(2) The court may order revocation of conditional release if the person released commits one or more criminal offenses punishable with a term not exceeding one year. In deciding whether to revoke the conditional release or not, the court shall take into special consideration the similarity in the nature of the acts committed, their significance, the motives from which they were committed, as well as other circumstances indicating the appropriateness of revoking conditional release.

(3) When the court orders revocation of conditional release, it shall impose punishment pursuant to the provisions of articles 43 and 44, paragraph 2 of this Code, considering the previously imposed sentence as an already fixed punishment. The part of the punishment that the convicted person served under the earlier sentence shall be credited toward service of the subsequent sentence, whereas the period of time spent on conditional release shall not be credited.

(4) The provisions of paragraphs 1 through 3 of this article shall also be applied when the person conditionally released is tried for an act committed prior to his conditional release.

(5) If the person conditionally released is sentenced to imprisonment for a term not exceeding one year, and if the court does not order revocation of the conditional release, the term of the conditional release shall be extended for a period of time the convicted person spent serving such sentence of imprisonment.

(6) The above provisions accordingly apply to the revocation of the conditional release from serving the punishment of juvenile imprisonment.

Special Provision

Article 110

The execution of criminal sanctions shall be precisely defined in a special law.

Chapter Eleven

BAR BY LAPSE OF TIME/ STATUTE OF LIMITATIONS

Bar to Prosecution by Lapse of Time

Article 111

- (1) Unless it is stipulated otherwise in this Code, criminal prosecution is barred after the lapse of:
 - 1) thirty years from the commission of criminal offense for which the law provides life imprisonment;
 - 2) twenty years from the commission of criminal offense for which the law provides imprisonment for a term up to twenty years;
 - 3) fifteen years from the commission of criminal offense for which the law provides imprisonment for a term exceeding ten years;
 - 4) ten years from the commission of a criminal offense for which the law provides imprisonment for a term exceeding five years;
 - 5) five years from the commission of criminal offense for which the law provides imprisonment for a term exceeding three years;
 - 6) three years from the commission of criminal offense for which the law provides imprisonment for a term exceeding one year;
 - 7) two years from the commission of criminal offense for which the law provides imprisonment for a term not exceeding one year or a fine.
- (2) If several punishments are prescribed for a single criminal offense, the period of expiry shall be determined according to the heaviest punishment prescribed.

Running and Interruption of the Period of Expiry of Criminal Prosecution

Article 112

- (1) The period of expiry of the criminal prosecution commences with the day on which the criminal offense has been committed.
- (2) The running of the period of expiry is suspended for any time during which the prosecution cannot be instituted or continued by reason of provision of law.
- (3) The running of the period of expiry is interrupted by every procedural action which relates to the prosecution of the perpetrator on account of the criminal offense committed.
- (4) The running of the period of expiry is also interrupted if the perpetrator, before the period of limitation has elapsed, commits a fresh criminal offense of the same gravity or a graver criminal offense.
- (5) A new period of expiry starts over again with every interruption.
- (6) There shall be an absolute bar to prosecution when twice as much time lapses as required, by provisions of the law, for the bar to prosecution.

Bar to Execution of Punishment by Lapse of Time

Article 113

Unless it is stipulated otherwise in the law, the execution of sentences is barred after lapse of:

- 1) thirty years from pronouncing sentence of life imprisonment;
- 2) twenty years from pronouncing sentence of imprisonment for a term exceeding fifteen years;
- 3) fifteen years from pronouncing sentence of imprisonment for a term exceeding ten years;
- 4) ten years from pronouncing sentence of imprisonment for a term exceeding five years;
- 5) five years from pronouncing sentence of imprisonment for a term exceeding three years;
- 6) three years from pronouncing sentence of imprisonment for a term exceeding one year;
- 7) two years from pronouncing sentence of imprisonment for a term not exceeding one year or to a fine.

Bar to Execution of Accessory Punishment and Security Measures by Lapse of Time

Article 114

- (1) The execution of a fine as an accessory punishment shall be barred after the lapse of two years from the day of effectiveness of the judgment whereby such punishment has been imposed.
- (2) The execution of the security measures of compulsory psychiatric treatment and custody in a medical institution, compulsory psychiatric treatment at liberty and forfeiture of objects shall be barred after the lapse of five years from the day of effectiveness of the judgment whereby these measures have been ordered.
- (3) The execution of the security measures of prohibition to carry out a certain occupation, activity or duty, prohibition against driving a motor vehicle shall be barred after the lapse of the period for which the measures have been ordered.

The Running and Interruption of the Running of the Statute of Limitation for Execution of Punishment

Article 115

- (1) The period of expiry to the execution of punishment commences with the day of the effectiveness of the judgment, and in the case of the revocation of a conditional sentence with the day on which the decision on the revocation became final and binding.
- (2) The running of the time is suspended for any time during which the law prevents the commencement of the execution of punishment.

(3) The running of the time is interrupted with every action of the authorities having jurisdiction taken to direction of executing the punishment.

(4) Running of the time resumes from the beginning after every interruption.

(5) There shall be an absolute bar to the execution of punishment when twice as much time has elapsed as required by statute of limitations for the bar to the execution of punishment; however, it may not happen if the execution of punishment is ongoing.

(6) The provisions set forth in paragraphs 2 through 5 of this article shall be applied accordingly to the bar to the execution of the security measures.

Genocide and War Crimes are Not Subject to the Statute of Limitations

Article 116

Criminal prosecution and the execution of a sentence are not subject to the statute of limitations for criminal offenses prescribed under articles 452 through 457 of this Code, as well as for other criminal offenses which pursuant to international agreements are not subject to the statute of limitations.

Chapter Twelve

AMNESTY AND PARDON

Amnesty

Article 117

Persons covered by an act of amnesty are granted immunity from prosecution, complete or partial exemption from the execution of punishment, substitution of the imposed punishment by a less severe one, deletion of the conviction, or annulment of legal consequences incident to conviction.

Pardon

Article 118

(1) By means of pardon specifically designated persons are granted immunity from prosecution, complete exemption from the execution of punishment or yet un-served part of the punishment, substitution of the imposed punishment by a less severe one, or conditional punishment.

(2) The pardon may not be granted to a person sentenced to life imprisonment before he has served twenty five years of his sentence.

Impact of Amnesty and Pardon on Third Parties

Article 119

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

Chapter Thirteen

APPLICABILITY OF CRIMINAL CODE OF THE REPUBLIKA SRPSKA WITH RESPECT TO THE PLACE OF THE COMMISSION OF CRIMINAL OFFENSE

Applicability of Criminal Legislation of the Republika Srpska to Anybody Committing a Criminal offense on the Territory of the Republika Srpska

Article 120

- (1) Criminal legislation of the Republika Srpska applies to anybody who has committed a criminal offense on the territory of the Republika Srpska.
- (2) Criminal legislation of the Republika Srpska applies to anybody who commits a criminal offense aboard a domestic vessel, irrespective of its whereabouts at the time of commission of the offense.
- (3) Criminal legislation of the Republika Srpska applies to anybody who commits a criminal offense aboard a domestic civil aircraft while in flight, or aboard a domestic military aircraft, irrespective of its location at the time of commission of the act.

Applicability of Criminal Code of the Republika Srpska to Particular Criminal Offenses Committed Abroad

Article 121

Criminal legislation of the Republika Srpska applies to anybody who has committed criminal offenses referred to under articles 281 through 299 or from article 263 of this Code, out of the territory of Republika Srpska or abroad..

Applicability of Criminal Code of the Republika Srpska to a citizen of the Republika Srpska Committing a Criminal Offense Abroad

Article 122

Criminal legislation of the Republika Srpska applies to a citizen of the Republika Srpska when he commits abroad a criminal offense other than those referred to under Article 121 of this Code if he is found on the territory of the Republika Srpska or has been extradited to the Republika Srpska.

Applicability of Criminal Code of the Republika Srpska to a
Foreigner Committing a Criminal offense Abroad

Article 123

(1) Criminal Legislation of the Republika Srpska applies to a foreigner who has committed a criminal offense against outside the territory of the Republika Srpska against it or its citizen, when the offense in question is some other than the one referred to under Article 121 of this Code, provided he is found on the territory of the Republika Srpska or has been extradited to it.

(2) Criminal Legislation of the Republika Srpska applies to a foreigner who commits a criminal offense abroad against another country or foreigner, for which the law of that country prescribes imprisonment for a term of five years or a heavier penalty, provided the perpetrator is found on the territory of the Republika Srpska and does not get extradited to the other country. Unless it is stipulated otherwise in this Code, the court in such a case may not impose a heavier punishment than the one provided by the law of the country in which the criminal offense has been committed.

Special Preconditions for Prosecution

Article 124

(1) If, in cases referred to under Article 120 of this Code , criminal proceedings have commenced but not completed in another country, the prosecution in the Republika Srpska shall be instituted only upon the approval on the part of the Republic Public Prosecutor.

(2) In the cases stipulated under articles 122 and 123 of this Code, the prosecution shall not be instituted if:

1. the perpetrator has served the punishment he was sentenced to abroad;
2. the perpetrator has been freed by a final and binding decision of a foreign court;
3. according to the law of the foreign country, the prosecution is initiated on a personal complaint, and such complaint has not been filed.

(3) In cases referred to in articles 122 and 123 of this Code, prosecution shall be instituted only if the criminal offense in question is also punishable by the law of the country where the offense was committed. When in cases described under articles 122 and 123 paragraph 1 of this Code the offense is not criminally punishable in accordance with the law of the country where the offense has been committed, the prosecution may be initiated only upon approval of the Republic Public Prosecutor.

(4) It is only after the approval of the Republic Public Prosecutor that prosecution may be instituted in the Republika Srpska in cases referred to under Article 123, paragraph 2 of this Code, regardless of the law of the country in which the criminal offense has been committed, if at the time of the commission the act in question was considered a criminal offense in accordance with the general legal principles recognized by the international community.

(5) In cases described under article 120 of this Code , the prosecution of foreign citizens may be passed on to another country under the condition of reciprocity.

Credit for the Detention and Sentence Served Abroad

Article 125

Any detention, deprivation of freedom in the course of an extradition procedure, as well as the punishment which the perpetrator served upon a judgment of a foreign court, shall be credited toward service of the sentence imposed by the domestic court for the same criminal offense, and if the punishments are not of the same kind -- the deduction of the punishment served abroad shall be effected in a way the court finds fit.

Chapter Fourteen

MEANING OF TERMS AS USED IN THIS CRIMINAL CODE

Article 126

(1) The term "territory of the Republika Srpska", being a part of territory of Bosnia and Herzegovina, stands for its land, coastal seas and water surfaces within its borders, as well as the air space over them.

(2) The "criminal legislation of the Republika Srpska" includes this Code and all criminal provisions contained in other laws of the Republika Srpska.

(3) The term "official" means:

1. persons elected or appointed to legislative, executive and judicial offices within the Republika Srpska or Bosnia and Herzegovina;
2. person who continuously or occasionally executes official duty in any other body of state administration or government or has official duty therein,;
3. authorized person in a company or another legal person who has been legally entrusted with performance of public authorities, who perform certain duties within the frame of the said authority;
4. military persons, if the criminal offense is defined as criminal offenses perpetrator of which is an official, and which at the same time are not described under chapter 26 of this Code.
5. persons who were given a position of an official by a foreign country, who meets the conditions provided under points 1, 2, 3 of this Code;
6. person to whom an international organization where Republika Srpska or Bosnia and Herzegovina is a member, gives the position of an official person, and who meets the conditions provided under points 1, 2, 3 of this article;
7. a person who in international judiciary the jurisdiction of which Republika Srpska and Bosnia and Herzegovina recognize, carries out judicial, prosecutorial or other official duty or function.

(4) The term "military person" stands for:

1. a soldier in the military service;
2. cadet at a military academy, and student of a secondary military school;
3. junior officer on active duty, officer on active duty or military employee;

4. a reservist on military duty as serviceman, and
5. a civilian person executing a certain military duty.

(5) The term "responsible person" stands for the person from a company or another legal person who, in the line of duty or on the basis of specific authorization, has been entrusted the scope of work related to performance of law or regulations based on law, or general act of the company or another legal person in managing and administrating the property, or is related to managing productive or other economic process or supervision of such process. Officials are also considered responsible persons when the actions whose perpetrator is the responsible person are at issue, and at the same time are not stipulated by provision of the chapter of this code dealing with economic offenses, or as criminal offenses of an official stipulated under some other chapter of this Code.

1. When an official or responsible person or a military person has been indicated as having committed certain criminal offenses, all such persons may be considered the perpetrators of such acts provided that it does not follow from characteristics of a particular act or particular prescript that their perpetrator may only be one of the specified persons.
2. Perpetrator of criminal offense is the perpetrator, accomplice, inciter, and aider.
3. The elections, for the purposes of this Code, are the following elections:
 1. for a member of the Presidency of Bosnia and Herzegovina;
 2. President of the Republika Srpska;
 3. representatives in the House of Representatives of the Parliamentary Assembly of the Bosnia and Herzegovina;
 4. delegates to the National Assembly of the Republika Srpska;
 5. delegates in the Municipality (city) Assembly.

(9) Referendum, for the purposes of this Code, denotes the direct expression of will of the citizens on issues defined in the Constitution or Law.

(10) A "document" denotes any object that is suitable or designed to serve as evidence of some fact relevant to legal relations.

(11) "Currency" denotes coins and bank-notes which are legal tender in Bosnia and Herzegovina or in other country.

(12) "Representatives of value" include also foreign representatives of value, as well as the domestic and foreign postal stamps which are not in circulation any more;

(13) "Mobile thing" also includes any manufactured or collected energy used for producing light, heat, movement, phone impulse, as well as registered data which is result of electronic data processing (computer data or program);

(14) The term "Force" also includes use of hypnotic suggestion or intoxicating substances for the purpose of bringing a person against his will into a state of unconsciousness, or incapacity for resistance.

(15) A "motor vehicle" shall be so construed as to include every engine-run means for the land, water and air traffic.

SPECIAL PART

Chapter Fifteen

CRIMINAL OFFENSES AGAINST LIFE AND LIMB

Murder

Article 127

(1) Whoever deprives another person of his/her life

shall be punished by imprisonment for not less than five years.

(2) If the deprivation of life described under article 1 has been committed under particularly mitigating circumstances

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

Aggravated Murder.

Article 128

(1) The punishment of not less than ten years of imprisonment or life imprisonment shall be imposed on a person who:

1) deprives another person of his life in a cruel or insidious way;

1. deprives another person of his life out of greed, in order to commit or cover up another criminal offense, out of unscrupulous vengeance or from other particularly low motives;
2. whoever deprives another of life while behaving inconsiderately and violently;
3. deprives another person of his life and in doing so intentionally endangers the lives of several persons;
4. commits two or more premeditated murders, and it is not the murder caused by irresistible impulse or infanticide, or murder committed under specially mitigating circumstances (article 127, paragraph 2);
5. deprives of life a person under sixteen years of age or a female whom he knows is pregnant;
6. takes the life of a judge or public prosecutor in connection with execution of their judging or prosecuting duty, or whoever deprives of life an official or a military person in the exercise of their duties of protecting security or safeguarding public order, or apprehending the perpetrator of a criminal offense or guarding a person deprived freedom.

(2) The punishment defined under paragraph 1 of this article shall also be pronounced when the murder has been committed by two or more persons joining forces to commit the murder, or hire a contractor to do the killing.

Homicide caused by Irresistible Impulse

Article 129

Whoever deprives another person of his life while subject to an irresistible impulse, having been brought with no fault of his own into a fit of rage by a assault, serious abuse or heavy insult on the part of the person murdered,

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

Infanticide

Article 130

(1) A mother who deprives her infant of life at birth or immediately after birth while influenced by the circumstances related to the delivery,

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

Negligent Homicide

Article 131

Whoever deprives another man of his life by negligence,

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

Incitement to Suicide and Assistance in Suicide

Article 132

(1) Whoever induces another to commit suicide or renders him aid in committing suicide, and the suicide is actually committed,

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

(2) Whoever commits the act referred to in paragraph 1 of this article against a juvenile, or against a person whose ability to realize the significance of his actions or to control his actions was substantially diminished,

shall be punished by imprisonment term ranging between two years and ten years.

(3) If the act referred to in paragraph 1 of this article has been committed against a child or over or against a person who was not able to realize the significance of his actions or control his actions,

the perpetrator shall be punished as provided under article 127 or 128.

(4) Whoever brutally or inhumanely treats a person who is in a way subordinate to or dependent on him, and by doing that, causes that person committing a which can be attributed to the perpetrator's negligence,

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

(5) Whoever aids another in committing suicide under particularly mitigating circumstances shall be punished by imprisonment term not exceeding three years

(6) If, as a result of acts referred to in paragraphs above, suicide be only attempted, the court may impose a reduced punishment on the perpetrator.

Illicit Abortion

Article 133

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

(2) Whoever performs or commences performing abortion on a pregnant woman without her consent, and if she is under sixteen without written consent of her parents, adopter or guardian, shall be punished by imprisonment term ranging between one year and eight years.

(3) If death, grievous bodily injury, or a detriment of health of the woman whose pregnancy has been terminated occurs as a result of the acts referred to in paragraphs 1 and 2 of this article,

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

Light Bodily Injury

Article 134

(1) Whoever inflicts light bodily injury upon another person or impairs his health in a minor way, shall be fined or punished by imprisonment term not exceeding two years.

(2) The court may administer a judicial admonition to the perpetrator of the offense referred to in paragraph 1 of this article if the perpetrator has been provoked by grave affront or violent behavior of the injured person.

Grievous Bodily Injury

Article 135

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

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

shall be punished by imprisonment term ranging between one year and eight years.

(3) Should the injured person die as a result of injuries referred to in paragraphs 1 and 2 of this article,

the perpetrator shall be punished by imprisonment term ranging between one year and twelve years.

(4) Whoever negligently commits the acts referred to in paragraphs 1 and 2 of this article,

shall be punished by imprisonment term not exceeding three years.

(5) Whoever commits the acts referred to in paragraphs 1, 2, and 3 of this article while under influence of irresistible impulse caused at no fault of his own by a battery or grave affront or grave abuse of the injured person,

shall be punished for the acts referred to in paragraphs 1 and 2 by imprisonment for a term not exceeding three years, and for the acts referred to in paragraph 3 by imprisonment for a term ranging between six months and five years.

Participation in a Brawl

Article 136

(1) Whoever has participated in a brawl which resulted in the death of a human being, or in an infliction of grievous bodily injury,

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

(2) The criminal offense described under paragraph 1 of this article does not exist in respect to the person who has been drawn into the brawl without with no fault of his own, or was merely trying to calm down other participants in the brawl.

Jeopardizing by dangerous tools in fight or quarrel

Article 137

Whoever during a fight or a quarrel draws a weapon, dangerous tools or other device suitable for afflicting serious bodily injuries or serious impediment of health,

shall be fined or punished by imprisonment term not exceeding six months.

Exposure to Danger

Article 138

(1) Whoever leaves another person without help in life-threatening conditions or circumstances which he himself has caused,

shall be punished by imprisonment term not exceeding two years.

(2) Should the person left sustain grievous bodily injury or grave impairment of health in consequence of the deed described under paragraph 1 of this article, the perpetrator

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

1. Should the person left lose his life in consequence of the deed described under paragraph 1 of this article, the perpetrator

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

Abandonment of a Helpless Person

Article 139

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

shall be punished by imprisonment term not exceeding two years.

(2) If as a result of the deed described under paragraph 1 the abandoned helpless person sustains grievous bodily injury or grave impairment of health, the perpetrator

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

(3) If as a result of this the abandoned helpless person die or sustain a grievous bodily injury; the perpetrator

shall be punished by imprisonment term ranging between one year and eight years.

Failure to Render Aid

Article 140

(1) Whoever fails to render aid to a person whose life is in imminent life threat, although he could have done so with no danger to either himself or others,

shall be fined or punished by imprisonment term not exceeding one year.

(2) Should a grievous bodily injury of the person left in imminent life threat result from the deed described under paragraph 1 of this article, the perpetrator

shall be fined or punished by imprisonment not exceeding two years.

(3) Should the person left in imminent life threat die in result of the deed described under paragraph 1 of this article, the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

Chapter Sixteen

CRIMINAL OFFENSES AGAINST CIVIL LIBERTIES AND RIGHTS

Infringement of the Equality of Citizens

Article 141

(1) Whoever, on the ground of differences in race, skin color, religion, sex, language, political or other conviction, sexual preferences, national or ethnic background, property status, birth or social origin, education, social status denies or restricts the freedom or rights of citizens provided by the Constitution, Law or ratified international agreement, or whoever on the ground of these differences grants privileges or does favors to citizens in contravention to the Constitution, Law or ratified international agreements,

shall be punished by imprisonment term not exceeding three years.

(2) The punishment defined under paragraph 1 of this article shall also be imposed to whoever persecutes individuals or organizations because of their standing up for the equality of people.

(3) If the offense described under paragraphs 1 and 2 of this article has been committed by an official abusing his position or authority, the perpetrator

shall be punished by imprisonment term ranging between six months and five years

Violation of right to use language or alphabet

Article 142

(1) Whoever deprives or restricts the use of language or alphabet, otherwise guaranteed by Constitution, Law or ratified international agreement,

shall be fined or punished by imprisonment term not exceeding one year.

(2) If the offense described under paragraph 1 of this article has been committed by an official abusing position or authority, the perpetrator

shall be fined or punished by imprisonment term not exceeding two years.

Duress

Article 143

(1) Whoever compels another person by use of force or serious threat of use of force to an action, omission of an action or acquiescence,

shall be fined or punished by imprisonment term not exceeding one year.

(2) Whoever commits the offense described under paragraph 1 of this article by threatening to kill or inflict a grievous bodily injury, abduction or in a group or criminal organization

shall be punished by imprisonment term not exceeding three years.

Abduction

Article 144

(1) Whoever commits the abduction of a person in order to extort money or other property gain from him or someone else, or force him or someone else to an action, omission of an action or acquiescence,

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

(2) Whoever commits the act defined by paragraph 1. of this article against a child or a juvenile, or in a cruel way, or by threatening to kill or inflict grievous bodily injury, or in group or criminal organization,

shall be punished by imprisonment term ranging between one and ten years.

(3) The punishment prescribed under paragraph 2 of this article shall also be pronounced if the abducted person had been held for more than fifteen days, or the health of the abducted person has been severely harmed, or other serious consequences have occurred.

(4) Should the abducted person die in consequence of the offenses described under paragraphs 1, 2, and 3 of this article, the perpetrator

shall be punished by imprisonment term ranging between two and fifteen years.

(5) The perpetrator of the acts referred to in paragraphs 1 through 3 of this article who voluntarily releases the abducted person before his request for which he had committed the abduction had been fulfilled,

may be freed from punishment.

Lawless Deprivation of Liberty

Article 145

1. Whoever imprisons, keeps imprisoned or otherwise restricts the freedom of movement of another in a lawless way,

shall be fined or punished by imprisonment not exceeding one year.

2. If the offense described under paragraph 1 of this article has been done by an official by abuse of his official position or authority, the perpetrator

shall be punished by imprisonment not exceeding three years.
3. If the lawless deprivation of liberty from paragraphs 1 and 2 of this article lasted longer than fifteen days, or has been done in a cruel way, or the person deprived of liberty in a lawless way has suffered serious damage of his health or some other grievous consequences, the perpetrator

shall be punished by imprisonment ranging between one and five years.
4. Should a consequence of the offense described under paragraphs 1, 2, and 3 a death of the person lawlessly deprived of liberty occur, the perpetrator

shall be punished by imprisonment term ranging between two and twelve years.
5. The attempt to commit the offenses described under paragraphs 1 and 2 of this article is punishable.

Preventing return of refugees and displaced persons

Article 146

(1) Whoever by use of force, serious threat or another illegal way prevents or restricts a displaced person, refugee or any other person to come back to the place where they had lived before, or to some other place within the Republika Srpska, or to use his/her property,

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

(2) Whoever commits the offense described under paragraph 1 of this article in an organized manner, or takes part in a group of people committing the same offense, or a person has suffered grievous bodily injury,

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

(3) Should a person die in result of committing the offenses described under paragraphs 1 and 2 of this article,

shall be punished by imprisonment term of at least ten years.

Abuse

Article 147

(1) Whoever by rough behavior maltreat another, or by doing so causes severe physical or mental suffering of another,

shall be fined or punished by imprisonment term not exceeding one year.

(2) If the offense described under paragraph 1 of this article had been committed against a child or a juvenile, the perpetrator

shall be punished by imprisonment term not exceeding two years.

Imperiling Security

Article 148

(1) Whoever imperils the security of a person by a serious threat to kill, inflict grievous bodily injury, deprive of freedom or abduct him or a person close to him, or inflict harm by arson, explosion or other generally dangerous deed or means,

shall be fined or punished by imprisonment term not exceeding one year.

(2) If the offense described under paragraph 1 of this article had been committed against an official in relation to execution of his duty, or against a number of persons, or within a group or criminal organization, the perpetrator

shall be punished by imprisonment term not exceeding three years.

Infringing the Inviolability of a Dwelling

Article 149

(1) Whoever enters without authorization into an apartment or closed premises of another, or fails to leave them upon request of the authorized person,

shall be fined or punished by imprisonment term not exceeding one year.

(2) The punishment described under paragraph 1 shall also be pronounced to whoever searches the dwelling or premises from the previous paragraph of this article without appropriate authorization.

(3) If the act referred to in paragraph 1 of this article had been committed by an official abusing position or authority of office, the perpetrator

shall be punished by imprisonment not exceeding three years.

(4) Attempt is also punishable.

Illegal Search

Article 150

(1) Whoever without authorization searches a person or his things,
shall be fined or punished by imprisonment not exceeding one year.

(2) If the offense described under paragraph 1 of this article had been carried out by an official abusing his position or authority of his office, the perpetrator
shall be punished by imprisonment term not exceeding three years.

(3) Attempt is also punishable.

Impairing the Secrecy of Letters and Other Consignments

Article 151

(1) Whoever without authorization opens a letter, telegram or any other sealed written material or consignment of another, or in any other way breaches confidentiality thereof or withholds them without authorization, or who conceals, destroys or delivers to a wrong person a letter, telegram, fax, closed writings or consignment of another,

shall be fined or punished by imprisonment term not exceeding six months.

(2) Whoever for the purpose of gaining a benefit for himself or someone else, or for the purpose of inflicting damage to another, tells to a third person the secret he learned by impairing secrecy of a letter, cablegram or some other sealed writing or consignment belonging to another, or himself uses what he had learned thereby,

shall be fined or punished by imprisonment term not exceeding two years.

(3) If the acts referred to in paragraphs 1 and 2 of this article have been committed by an official while carrying out his official duty, postal or other official to whom transport, taking or delivering letters, telegrams or other consignments belonging to another, the perpetrator

shall be punished for the act referred to in paragraph 1 by imprisonment for a term not exceeding three years, and for the act referred to in paragraph 2 by imprisonment for a term ranging between three months and five years.

1. Prosecution of the offenses described under paragraph 1 of this article shall be instituted upon personal complaint.

Unauthorized Disclosure of a Professional Secret

Article 152.

(1) An attorney, medical doctor or any other person who without authorization discloses classified information which had learned in the exercise of his profession,

shall be fined or punished by imprisonment term not exceeding one year.

(2) There is no criminal offense described under paragraph 1 of this article if the secret has been disclosed in the public interest or in the interest of another person which outweighs that of keeping the secret.

(3) Prosecution shall be instituted upon personal complaint.

Unauthorized Tapping and Sound Recording

Article 153.

(1) Whoever, by use of special devices, without authorization taps or records a conversation or a statement which was not intended for him to hear, or enables an uninvited person to learn of a conversation or a statement that was tapped or recorded without authorization,

shall be fined or punished by imprisonment term not exceeding one year.

(2) The punishment from paragraph 1 of this article shall also be imposed on whoever makes an audio recording of a statement intended for him to hear, without the knowledge and consent of the person who gave the statement, with intention to abuse that statement, and whoever enables an uninvited person to hear such statement.

(3) If the offense defined under paragraphs 1 and 2 of this article has been committed by an official carrying out his duty, the perpetrator

shall be punished by imprisonment term not exceeding three years.

(4) The prosecution for the offense described under paragraph 1 of this article shall be instituted upon personal complaint.

Unauthorized Photographing

Article 154.

(1) Whoever takes a photograph, film or another visual recording of another person or his/her personal premises without that person's consent, violating thereby his privacy substantially, or who passes on or displays such a photograph to a third person or enables the third person in some other way to have a direct access to the photograph,

shall be fined or punished by imprisonment term not exceeding one year.

(2) If the offense described in paragraph 1. of this article is committed by an official abusing his duty or authority, the perpetrator

shall be punished by imprisonment not exceeding three years.

(3) Prosecution for the offense described in paragraph 1. of this article shall be instituted upon personal complaint.

Unauthorized Use of Personal Data

Article 155

1. Whoever in contravention of the conditions set forth under law, without consent of the citizens, obtains, processes, makes available to another, or uses their personal data,

shall be fined or punished by imprisonment term not exceeding one year.
2. Punishment defined under paragraph 1 of this article shall also be imposed on whoever enters without authorization into a computer data base of personal data with intention to use them for his or somebody else's benefit, or for inflicting damage to somebody else.
3. If the offense described under paragraphs 1 and 2 of this article has been committed by an official abusing his position or authorization, the perpetrator

shall be punished by imprisonment term not exceeding two years.
4. Attempt is punishable.

Infringing Right to Litigate

Article 156

1. Whoever prevents another to exercise his right to file a complaint, appeal, objection or any other legal means or submission,

shall be fined or punished by imprisonment term not exceeding one year.
2. If the offense described under paragraph 1 of this article has been committed by an official abusing his position or authorization, the perpetrator

shall be punished by imprisonment term not exceeding three years.

Violating Religious Freedom or Freedom to Carry out Religious Rituals

Article 157

1. Whoever restricts freedom of religion or practicing religion

shall be fined or punished by imprisonment term not exceeding one year.
2. The punishment defined under paragraph 1 of this article shall also be imposed on whoever denies the same right to equal treatment to a religious community acting in accordance with law as have other religious communities, or whoever denies to a religious community the freedom of practicing their religious rituals publicly.

Infringing Freedom to Express Ethnic Origin

Article 158

1. Whoever prevents another to express his national or ethnic origin or his national or ethnic culture

shall be fined or punished by imprisonment term not exceeding one year.
2. The punishment defined under paragraph 1 of this article shall also be imposed on whoever forces another to express his national or ethnic origin.
3. If the offense described under paragraphs 1 and 2 of this article has been committed by an official abusing his position or authorization, the perpetrator

shall be punished by imprisonment term not exceeding two years.

Infringing Right to Expression of Thoughts

Article 159

1. Whoever in an unlawful manner denies or restricts freedom of another to speak or appear in public, establish institutions of public information, freedom of press or other means of public information,

shall be fined or punished by imprisonment term not exceeding one year.

(2) The punishment from paragraph one of this article shall also be imposed on whoever censors or orders censorship, prevents or restricts access to an information or freedom of information to a journalist, except when at issue is a state, military or official secret.

Preventing Printing and Disseminating Printed Materials and Broadcasting

Article 160

1. Whoever in contravention of the law prevents printing, recording, sale or distribution of books, magazines, journals, audio and video cassettes, or other printed or recorded materials, or production or broadcasting radio or TV program,

shall be fined or punished by imprisonment term not exceeding one year.

Violation of the Right to Free Association and Political Organization

Article 161

Whoever, by violating law or in any other unlawful way, denies or makes impossible a politic, trade union, or any other association of citizens, or whoever makes the work of their political, union and other organizations and associations of citizens impossible,

shall be fined or punished by imprisonment term not exceeding one year.

Preventing or Hindering a Public Gathering

Article 162

(1) Whoever denies or restricts the right of citizens to peaceful gathering or public meeting organized in accordance with law,

shall be fined or punished by imprisonment term not exceeding one year,

(2) Whoever by force, serious threat, deception or in any other way prevents or hinders the calling or holding of a peaceful gathering or public assembly which has been organized in accordance with law,

shall be punished by imprisonment term not exceeding two years.

Breaches of Copyrights

Article 163

(1) Whoever, under his own or a name of another, publishes, shows, performs, presents, or transmits performance or presentation or broadcasts a creation belonging to another, or a part thereof, or records, copies, or broadcasts an interpretation of another, or approves this to be done,

shall be fined or punished by imprisonment term not exceeding two years.

(2) Whoever without permission of the author changes or alters some work of another, or changes someone else's recorded interpretation, or in any other way interferes with an author's work of another without his consent,

shall be fined or punished by imprisonment term not exceeding one year.

Infringing Right to Use of Legal Remedy

Article 164

1. Whoever, without the consent of the holder of copyright reproduces, puts in circulation, publicly performs, publicly transmits, publicly shows, broadcasts, changes, leases or otherwise uses a copyrighted work,,

shall be fined or punished by imprisonment term not exceeding six months.

2. Whoever with intention of acquiring personal gain for himself or for another puts into circulation or with the intention of putting into circulation offers copies of author's work or leases them, , in spite of knowing that they have been illegally published, recorded or copied,

shall be punished by imprisonment term not exceeding two years.

3. If the property gain acquired through commission of the offenses described under previous paragraph

the perpetrator shall be punished by imprisonment term ranging between six months and three years.

(4) The copies of the author's work, and the means for reproduction, shall be taken away

Chapter Seventeen

CRIMINAL OFFENSES AGAINST ELECTORAL RIGHTS

Prevention of Holding Elections and Voting

Article 165

(1) Whoever by force or serious threat or in some other illegal way prevents or renders impossible holding the elections or voting, or whoever in similar manner prevents or makes impossible the determination and announcement of the electoral results,

shall be fined or punished with a term of imprisonment not exceeding two years.

1. If the offense described under paragraph 1 of this article has been committed in organized way by several persons taking part in it, or in two or more election units, the perpetrators

shall be punished by imprisonment term not exceeding three years,

Violation of Right to be a Candidate

Article 166.

Whoever in violation of the law or other regulations or in any other unlawful way prevents or makes impossible candidature in elections,

shall be fined or punished by imprisonment term not exceeding one year.

Violating right to Vote

Article 167

Whoever with the intention to prevent a person to vote, unlawfully fails to enter his name in the voters' roll, deletes it from the roll or otherwise unlawfully prevents to vote,

shall be fined or punished by imprisonment term not exceeding one year.

Violating Freedom of Free Choice at Voting

Article 168

(1) Whoever, during elections or voting, coerces or influences another by force, serious threat, bribery or in any other illegal way to vote or not to vote, or vote for or against a particular proposal to be decided upon at, or not to vote at all.

shall be fined or punished by imprisonment term not exceeding one year.

1. If the acts referred to in paragraph 1 of this article have been committed by a member of election commission or some other person in the discharge of duty entrusted to him regarding the elections or voting, the perpetrator

shall be punished by imprisonment term not exceeding two years.

(3) The given present or material gain shall be forfeited.

Abuse of the Right to Vote

Article 169.

(1) If a person at elections or voting votes under the name and in lieu of another person, or if he votes or tries to vote again after having voted once already, he

shall be fined or punished by imprisonment term not exceeding one year.

(2) The same punishment shall be imposed on whoever votes without having the right to vote.

Bribe at Elections or Voting

Article 170

1. Whoever offers, gives, or promises a gift or any other benefit to the voter for voting for or against a particular candidate or a list, or to vote for or against a particular recall, or to vote for or against a particular proposal, or not to vote at all,

shall be fined or punished by imprisonment term not exceeding three years.

2. The punishment defined under paragraph 1 of this article shall be imposed on the voter who requests or receives a gift or a promise of a gift or any other benefit to vote for or against a particular proposal, , or not to vote at all, or to vote in a certain way
3. The given award, present or any other material benefit shall be forfeited.

Breach of the Secrecy of Voting

Article 171

(1) Whoever breaches the secrecy of the vote at elections, or voting,

shall be fined or punished by imprisonment term not exceeding six months.

(2) If the offense referred to in paragraph 1 of this article was committed by a member of election commission or some other person in discharge of duty related to the elections or voting, the perpetrator

shall be fined or punished by imprisonment term not exceeding two years.

(3) The punishment described under paragraph 2 of this article shall also be imposed on whoever by force, serious threat, abuse of official, working or economical dependence or in any other way makes another tell whether he had voted or how.

Election Forgery

Article 172

(1) Whoever by adding, subtracting, deleting or in any other way falsifies the results of elections or voting,

shall be punished by imprisonment term not exceeding three years.

(2) Attempt is punishable.

Destroying Election and Voting Documents

Article 173

(1) Whoever at elections, or voting destroys, conceals, damages or without authorization takes away a ballot or any document concerning the elections or the recall vote, or any other object that is used for the elections or the voting,

shall be fined or punished by imprisonment term not exceeding one year.

(2) If the offense described under paragraph 1 of this article is committed by a member of an election commission, election board or other individual discharging duty in connection with the elections or voting, the perpetrator

shall be punished by imprisonment term not exceeding three year.

Chapter Eighteen

CRIMINAL OFFENSES AGAINST HONOR AND REPUTATION

Insult

Article 174

(1) Whoever insults another person

shall be fined or punished by imprisonment term not exceeding three months.

(2) If the act defined under paragraph 1 of this article had been committed through press, television, radio or other means of public information, or at a public gathering, the perpetrator

shall be fined or punished by imprisonment term not exceeding six months.

(3) If the insultee returns the insult, the court may punish both or only one side or free both or one side.

Defamation

Article 175

(1) Whoever asserts or circulates something false concerning another person, which might damage his honor and reputation,

shall be fined or punished by imprisonment term not exceeding six months.

(2) If the act referred to in paragraph 1 of this article has been committed through the press media, or by other means of public information, or at a public gathering, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

(3) In the case that the substance of what is falsely being asserted or circulated is of such significance that it has led to grave consequences to the victim, the perpetrator

shall be punished by imprisonment term not exceeding two years.

(4) If the defendant succeeds in proving the authenticity of his/her statement, or if he/she proves that he/she has had a well-founded reason to believe the authenticity of what he asserted or circulated, he/she shall not be punished for defamation, but he/she may be punished for insult (Article 174) or for disparaging through reproach of commission of a criminal offense (Article 177).

(5) Whoever falsely asserts or circulates that another has committed a criminal offense prosecutable "ex officio", shall be punished for defamation even though he has had a well-founded reason to believe in the veracity of the matter asserted or circulated, unless the assertion or circulation of rumor have been in accordance with provisions under Article 181, paragraph 2 of this law. The veracity of the fact that someone has committed a criminal offense subject to public prosecution may only be proved through a legally effective conviction, and through other evidence only when the prosecution or trial could not be held or was not allowed.

Assertion of Personal or Family Conditions

Article 176

(1) Whoever asserts or circulates a matter concerning the personal or family life of another person which may hurt his honor or reputation,

shall be fined or punished by imprisonment term not exceeding six months.

(2) If the act referred to in paragraph 1 of this article has been committed through the medium of the press or by other means of public information or at a public gathering, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

(3) In the case that the asserted or circulated matter be of such a significance that it has led to grave consequences to the victim, the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

(4) The veracity or falsity of the matter asserted or circulated concerning the personal or family life of a person can not be subject to proving, except in the case referred to in Article 181, paragraph 3 of this law.

Disparaging Through Reproach of Commission of a Criminal Act

Article 177

(1) Whoever, with the intention of disparaging another reproaches him for having committed a criminal offense or for having been convicted for a criminal offense, or whoever with the same intent communicates the same matter to someone else,

shall be fined or punished by imprisonment term not exceeding three months.

(2) If the offense described under paragraph 1 of this article has been committed by means of press, radio, television or other means of public information, or at a public gathering, the perpetrator

shall be fined or punished by imprisonment term not exceeding six months.

Damaging Reputation of Court

Article 178

Whoever during a trial before court brings into derision the court, judge or a juror judge, or do the same act by means of written submission to the court,

shall be fined or punished by imprisonment term not exceeding six months.

Exclusion of Illegality of the Criminal Offenses against Honor and Reputation

Article 179

- (1) What has been described under articles 174 through 180 does not constitute criminal offense if the insulting expression or something untrue has been asserted in a scientific, literary or artistic work, serious review, discharge of official duty, journalistic profession, or political or other social activity, in defending a right or in protecting justified interests, shall not be punished unless from the manner of expression or other circumstances clearly follows that the expression has been made for the purpose of disparagement.
- (2) In the cases referred to in paragraph 1 of this article, a person is not punishable who asserts or circulates that another has committed a criminal offense subject to public prosecution despite the lack of a legally effective conviction (Article 175, para. 5), providing he manages to prove that he has had a well-founded reason to believe the veracity of the asserted or circulated matter.
- (3) There will be no criminal offense when perpetrator asserts or circulates personal or family conditions of another person when made in the discharge of an official duty, political or other social activity, in defending a right or protecting a justifiable interest, providing he manages to prove that he has had a well-founded reason to believe the veracity of the asserted or circulated matter.

Pronouncing Court Admonition and Freeing from Absolving from Punishment for Criminal Offenses Provided under Articles 174 through 177

Article 180

- (1) The court may pronounce admonition to the perpetrator of the offense described under articles 174 through 177, especially in cases when the perpetrator has been provoked by indecent or boisterous behavior of the victim, if he expresses his readiness to apologize to the victim before the court or, if he withdraws the asserted or circulated matter before the court.

Prosecution of Criminal Acts Against Honor and Reputation

Article 181

- (1) Prosecution for acts referred to in Articles 174 through 177 of this law shall be instituted upon personal complaint.
- (2) Prosecution for the acts referred to in Article 178, as well as in Articles 175 176 and 177 of this Code, when committed against a state body or against an official or military person in connection with their official duty, shall be undertaken ex officio.
- (3) If the acts referred to in Articles 174 through 176 of this law have been committed against a deceased person, prosecution shall be instituted upon personal complaint instituted by a marital partner, children, parents, adoptive parents, brothers or sisters of the deceased person.
 1. Prosecution of the offense described under article 180 shall be undertaken upon approval of the Republic Public Prosecutor.

Publishing of Conviction

Article 182

The court decision finding the perpetrator guilty for committing criminal offenses from this chapter through press, radio, television or other means of information, or at a public gathering, may, when ordered by the court, be in whole or in part made public at the expense of the convictee.

Chapter Nineteen

CRIMINAL OFFENSES AGAINST SEXUAL INTEGRITY

Rape

Article 183

(1) Whoever by force or threat of immediate attack upon life and limb, or life or limb of a close person, compels another person to sexual intercourse, or some other sexual act.

shall be punished by imprisonment term ranging between one and ten years.

(2) If the criminal offense described under paragraph 1 of this article has been committed against a juvenile, or in a particularly brutal or degrading way, or the rape was at the same occasion repeated once or several times by one or several individuals, the act has caused grievous bodily injury or a serious disturbance of health or pregnancy of the female victim, the perpetrator

shall be punished by imprisonment term ranging between three and fifteen years.

(3) If the act referred to under paragraphs 1 and 2 of this article has caused death of the victim, the perpetrator

shall be punished by imprisonment term exceeding five years.

(4) Whoever forces another to sexual intercourse by serious threat that he would disclose something what would harm his or honor and reputation of a person close to him, or that he would cause some other evil,

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

Sexual Violence against a Helpless Person

Article 184

(1) Whoever performs sexual intercourse or another sexual act with a person taking advantage of his mental disease, mental underdevelopment, other mental disorders, infirmity, or any other state of that person which makes that person incapable of resisting,

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

(2) If the criminal offense described under paragraph 1 of this article is committed against a juvenile, or in a particularly brutal or degrading way, or several acts were committed by several persons, or grievous bodily injury, impairment of health, or pregnancy of the helpless female victim were brought about, the perpetrator

shall be punished by imprisonment term ranging between three and fifteen years.

(3) If the offences described under paragraphs 1 and 2 of this article have resulted by death of the victim, the perpetrator

shall be punished by imprisonment term exceeding five years.

Sexual Intercourse with a Child

Article 185

(1) Whoever performs sexual intercourse or another sexual act with a child,

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

(2) Whoever commits the act of rape or another sexual action with a child (article 183) or with a helpless child (article 184),

shall be punished by imprisonment term ranging between three and fifteen years.

(3) In case that the offense described under paragraphs 1 and 2 of this article had been committed by a teacher, educator, guardian, step-father, medical doctor or any other person who had abused his position with respect to the child entrusted to him for teaching, educating, guarding or taking care of, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

(4) If the criminal offense described under paragraphs 1, 2, and 3 of this article is committed in a particularly brutal or degrading way, or several acts were committed by several persons on the same occasion, or grievous bodily injury, impairment of health, or pregnancy of the female victim were brought about, the perpetrator

shall be punished by imprisonment term exceeding five years.

(5) If the offenses described under paragraphs 1, 2, 3, and 4 of this article had caused death of the child, the perpetrator

shall be punished by imprisonment term of at least ten years.

Sexual Intercourse by Abuse of Position

Article 186

(1) Whoever by abuse of position induces another person who is in a subordinate or dependent position in relation to him into sexual intercourse or another sexual act,

shall be punished by imprisonment term not exceeding three years.

(2) A teacher, educator, guardian, adoptive parent, step-father or any other person who by the abuse of his status commits sexual intercourse or another sexual act with a juvenile who has been entrusted to him for the purpose of instructing, educating, custody or care,

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

Satisfaction of Sexual Lust in front of Another

Article 187

(1) Whoever in front of another, on a public place, performs sexual acts,

shall be fined or punished by imprisonment term not exceeding one year.

(2) Whoever in front of a child or a juvenile performs acts intended to satisfy his own or somebody's else sexual lust, or who induces the child to perform such actions in front of him or another person,

shall be fined or punished by imprisonment term not exceeding three years.

Trade with humans for the purpose of prostitution

Article 188

(1) Whoever for profit, induces, incites or lures other persons into offering sexual services, , or in some other way enables a person□ s transfer to another for the purpose of offering sexual services, or whoever takes part in any way in organizing or maintaining offering sexual services,,

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

(2) Whoever, with the intention to acquire personal gain, by use of force or serious threat of force or other significant harm, compels or lures another to provide sexual services,

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

(3) Punishment described under paragraphs 2 of this article shall also be imposed on whoever for the purpose of getting profit, in the manner described under previous paragraph, by abusing the difficult situation originating from the person's stay in another country, compels or induces that person to offer sexual services, or hires in a professional way another person to induce the person.

(4) If the offense described under paragraphs above has been committed against a person under twenty one years of age, the perpetrator

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

(5) For the purposes of this article, it does not matter whether the person forced, induced or procured had already been prostituting before.

Abusing children and juveniles for pornographic purposes

Article 189

(1) Whoever abuses a child or a juvenile for the purpose of making pictures, audio-visual material or other objects of pornographic content, or abuses a child or a juvenile for a pornographic show,

shall be punished with imprisonment term ranging between six months and five years.

1. The objects and means from paragraph 1 shall be forfeited.

Producing and Showing Children Pornography

Article 190

(1) Whoever offers, distributes, shows or renders available through a public display or in any other way writings, pictures, audiovisual and other objects containing children pornography or whoever for that purpose produces, acquires or keeps such materials, or whoever shows a children pornographic show

shall be fined or punished by imprisonment not exceeding one year.

(2) If a juvenile under 16 years of age has been involved in committing the offense described under paragraph 1 of this article, the perpetrator

shall be punished by imprisonment term not exceeding three years.

(3) If the offenses described under paragraphs above have been committed through the means of public information or through internet, the perpetrator

shall be punished with imprisonment term ranging between six months and five years.

(4) For the purposes of this provision, children pornography denominates all pornographic material visually showing: (a) a child or a juvenile engaged in apparently sexual behavior, and (b) realistic pictures presenting a child or a juvenile engaged in apparently sexual behavior.

(5) The objects used in committing the offense from paragraphs 1 and 2 of this article shall be confiscated.

Incest

Article 191

(1) Whoever has had sexual intercourse with relative by blood in straight line, or with brother or sister,

shall be punished by imprisonment term not exceeding three years or fined.

(2) Whoever commits the offense from paragraph 1 of this article with a child or juvenile,

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

(3) Against the victim from paragraph 2 who was underage at the time of commencement of the crime, no criminal sanctions will be applied. This will be applied even though the offence continues after the victim attain the age of majority.

Chapter Twenty

CRIMINAL OFFENSES AGAINST MARRIAGE, FAMILY AND THE YOUNG

Bigamy

Article 192

(1) Whoever, being already married, contracts a new marriage,

shall be fined or punished by imprisonment term not exceeding two years.

(2) The punishment defined in paragraph 1 of this article shall also be imposed on whoever contracts a marriage with another person while knowing such person to be married.

(3) If the earlier marriage has terminated or been annulled, the prosecution shall not be started, or if it had already been started, it shall stop.

Connivance at Contracting Illicit Marriage

Article 193

An authorized official person before whom a marriage is being entered into, or a registrar who in the exercise of his duty knowingly permits a marriage to be contracted which is prohibited, null or considered non-existent under the law,

shall be fined or punished by imprisonment term not exceeding two years.

Cohabitation with a Juvenile

Article 194

(1) An adult who cohabitates in a non-matrimonial union with a juvenile who is aged between 14 and 16 years,

shall be fined or punished by imprisonment term not exceeding two years.

(2) The punishment referred to under paragraph 1 of this article shall also be imposed on a parent, adoptive parent or guardian who permits the juvenile referred to under paragraph 1 of this article to cohabitate (live in a non-matrimonial union) with another person, or induces him to do so.

(3) If the offense referred to in paragraph 2 of this article has been committed for personal gain, the perpetrator

shall be punished by imprisonment term not exceeding three years.

1. In the event that marriage is contracted, the prosecution shall not be instituted, or if it had been instituted, it shall be discontinued.

Abduction of a Juvenile

Article 195

(1) Whoever unlawfully takes or keeps a juvenile away from his parents, adoptive parents, guardian or institution or person to which it has been entrusted, who holds or prevents him from being with the person who is entitled to him, or who prevents the execution of a court decision entrusting the child to somebody,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the offense described under paragraph 1 of this article has been committed for the purpose of acquiring material gain or from other low motives, or has caused serious detriment of health, education or schooling of the juvenile, the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

(3) The perpetrator of the offense described under paragraphs 1 and 2 of this article who voluntarily surrenders the juvenile to a person or institution to which the juvenile had been entrusted, or enables execution of the decision on care of the juvenile, may be absolved.

(4) When pronouncing conditional sentence for the offense referred to under paragraphs 1 and 2 of this article, the court may order that the perpetrator submit the juvenile to the person or institution designated to take care of him, or to enable execution of the decision entrusting the juvenile to a person or an institution within a given time.

Changing Family Status

Article 196

(1) Whoever by foisting a child upon another, substituting it or in some other way changes the family status of the child,

shall be punished by imprisonment term not exceeding two years.

(2) Whoever by replacing or otherwise unintentionally changes the family status of the child,

shall be fined or punished by imprisonment term not exceeding one year.

(3) The attempt to commit the offense from paragraph 1 is punishable.

Maltreating or Neglecting a Juvenile

Article 197

(1) A parent, adoptive parent, guardian or any other person who by gross negligence of his duty to care and tutor neglects a juvenile whom he is has the obligation to take care of,

shall be fined or punished by imprisonment term not exceeding two years.

(2) A parent, adoptive parent, guardian or any other person who abuses a juvenile, or compels him to do excessive work or work that is not suitable for a juvenile of his age, or to beg, or for gain forces him to engage in other activities damaging to his development,

shall be punished by imprisonment term not exceeding three years.

(3) If, as a result of the act referred to in paragraphs 1 and 2 of this article, a grievous bodily injury or serious infringement of health of the juvenile, or the juvenile started prostituting or abusing alcohol or became engaged in other forms of asocial behavior, the perpetrator

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

Family Violence

Article 198

(1) Whoever by use of force, brazen and rude behaviour endangers peace, bodily integrity or mental health of a member of his family or family community,

shall be fined or punished by imprisonment term not exceeding one year.

(2) If a weapon, dangerous tools or other means appropriate for inflicting grievous bodily harm or infringement of health in commission of the offense described under previous paragraph of this article the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

(3) If in the consequence of the offenses described under paragraphs 1 and 2 of this article a grievous bodily injury occurs, or serious infringement of health, or the offense had been committed against a juvenile, the perpetrator

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

(4) If the offense described under previous paragraph of this article has caused death of a family member or a member of family community,

shall be punished by imprisonment term ranging between two and twelve years.

(5) Whoever kills a family member or a member of family community whom he had previously abused,

shall be punished by imprisonment term exceeding ten years.

(6) For the purposes of this article, the term "family or family community" also includes former spouse, children of former spouse, as well as parents of former spouse.

Breach of Family Obligations

Article 199.

(1) Whoever in gross violation of his legal family obligations leaves in a difficult situation a member of his family who is not capable of taking care of himself,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the offense describe under paragraph 1 of this article has caused serious harm to health of a family member, the perpetrator

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

(3) If the offense described under paragraph 1 of this article has caused death of a family member, the perpetrator

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

(4) In imposing a conditional sentence the court may impose as a condition that the perpetrator should regularly fulfill his obligations of taking care, tutoring and supporting.

Evading Support Maintenance

Article 200

(1) Whoever evades providing support for another person whom he is obliged to support on the basis of a decision of the court, or an effective settlement agreement entered into before court or another competent body,

shall be fined or punished by imprisonment term not exceeding one year.

(2) If, as a consequence of the offense described under paragraph 1 of this article, serious harm is done to the supported person, the perpetrator

shall be punished by imprisonment term not exceeding two years and fined.

(3) When imposing a conditional sentence, the court may order payment of all arrears and regular support in future.

Chapter Twenty One

CRIMINAL ACTS AGAINST PUBLIC HEALTH

Transmitting a Contagious Disease

Article 201

(1) Whoever fails to abide by the regulations or ordinances whereby a competent health care body orders medical examinations, disinfecting, quarantine or some other measures for suppressing or preventing contagious diseases in people, and who by doing so causes a contagious disease to be transmitted,

shall be fined or punished by imprisonment term not exceeding two years.

(2) The punishment referred to in paragraph 1 of this article shall be imposed on a person who, by failing to abide by the regulations and ordinances referred to in paragraph 1 of this article as to

suppressing and preventing contagious diseases in animals, causes a contagious disease to be transmitted to people.

(3) If the offense described under paragraph 1 of this article results with contracting an incurable contagious disease, the perpetrator

shall be punished with imprisonment ranging between one and ten years.

(4) Whoever commits the acts referred to in paragraphs 1 and 2 of this article by negligence,

shall be fined or punished by imprisonment term not exceeding six months.

(5) In case that the offenses described under paragraphs above result with a serious bodily injury or damage to health of one or several persons, the perpetrator

shall be punished for the offense described under paragraphs 1 and 2 of this article by imprisonment term ranging between one and eight years,

and for the offense described under paragraph 4 of this article by imprisonment term not exceeding three years.

(6) In case that the offenses described under paragraphs 1, 2, 3 and 4 of this article result with death of one or several persons, the perpetrator

shall be punished for the offense described under paragraphs 1 and 2 of this article by imprisonment term ranging between two and twelve years,

for the offense described under paragraph 3 of this article by imprisonment term ranging between two and fifteen years,

and for the offense described under paragraph 4 of this article by imprisonment term between one and eight years.

Failure to Comply with Sanitary Regulations During an Epidemic

Article 202

(1) Whoever at the time of an epidemic of a contagious disease among people fails to abide by the ordinances and decisions made on the basis of the regulations of competent institution which establishes measures for its suppression or prevention,

shall be fined or punished by imprisonment term not exceeding two years.

(2) The punishment defined under paragraph 1 of this article shall be imposed on whoever at the time of an epidemic of a contagious animal disease which can be transmitted to people fails to abide by the ordinances and decisions made on the basis of the regulations of competent institution which establishes measures for its suppression or prevention,

(3) If the offenses described under paragraphs 1 and 2 above had been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

Failure to Apply the Measures for Protection from Contagious Diseases

Article 203

(1) Whoever in a hospital, obstetrics hospital, boarding home, school, company or another organization or shop providing food making or sanitary services fails to apply the appropriate sanitary measures, or, in contravention of health regulations hires or keeps employed a person suffering from a contagious disease, and thereby causes transmitting the contagious disease,

shall be fined or punished by imprisonment term not exceeding one year.

(2) Of the offense described under paragraph 1 has been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding six months.

(3) If the offense described under paragraphs 1 and 2 of this article has caused grievous bodily injury or damage to health of one or more persons, the perpetrator

shall be punished for the offense described under paragraph 1 by imprisonment term ranging between one and five years, and

for the offense described under paragraph 2 of this article by imprisonment term not exceeding three years.

(4) If the offense described under paragraphs 1 and 2 of this article has caused death of one or more persons, the perpetrator

shall be punished for the offense described under paragraph 1 by imprisonment term ranging between two and twelve years, and

for the offense described under paragraph 2 of this article by imprisonment term ranging between one and eight years.

Unconscientiously Rendering Medical Aid

Article 204

(1) A physician who in extending medical aid fails to apply rules of the medical profession, and thereby causes the condition of someone's health to deteriorate significantly,

shall be punished by imprisonment term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this article shall also be imposed on any health care worker who in rendering medical aid fails to apply the rules of medical profession and thereby causes the condition of someone's health to deteriorate significantly.

(3) If the acts referred to in paragraphs 1 and 2 of this article have been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

(4) If the offenses described under paragraphs 1, 2, and 3 have brought about a grievous bodily injury or serious damage to health of one or several persons, the perpetrator

shall be punished for the offenses described under paragraphs 1 and 2 by imprisonment term ranging between one and eight years, and

for the offense described under paragraph 3 by imprisonment term not exceeding three years.

(5) If the offenses described under paragraphs 1, 2, and 3 have brought about death of one or several persons, the perpetrator

shall be punished for the offenses described under paragraphs 1 and 2 by imprisonment term ranging between two and twelve years, and

for the offense described under paragraph 3 by imprisonment term ranging between one and eight years.

Failure to Render Medical Aid

Article 205

(1) A doctor of medicine or other health worker who contrary to his medical duty refuses to render medical aid to a sick person or person who needs such help, and whose life is in imminent danger, or there is a danger of grievous bodily injury or serious infringement of health,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the offense described under paragraph 1 of this article has resulted in serious deterioration of the health condition of the person to whom medical assistance has not been rendered, or other kind of grievous bodily injuries have occurred, the perpetrator

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

(3) If the offense described under paragraph 1 of this article should lead to death of the person to whom the medical assistance has not been rendered, the perpetrator

shall be punished by imprisonment term ranging between two and twelve years.

Quackery (Illegal Rendering Medical Aid)

Article 206

(1) Whoever, in contravention of regulations, without authorization engages in offering medical treatment or some other medical services,

shall be punished by imprisonment term not exceeding two years and fined.

(2) If the offense described under paragraph 1 of this article has caused grievous bodily injury or damage to health of one or more persons, the perpetrator

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

(3) If the offense described under paragraph 1 of this article has caused death of one or more persons, the perpetrator

shall be punished by imprisonment term ranging between two and twelve years.

Illegal Transplantation of Human Body Parts

Article 207

(1) Whoever for the purpose of transplantation takes from another or transplants to another a body part, although taking or transplanting that body part is not justified by medical reasons (reasons in accordance with the regulations of medical professions),

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

(2) The punishment defined under paragraph 1 shall also be pronounced to whoever takes a body part for the purpose of transplantation before the death has been duly confirmed.

(3) Whoever for the purpose of transplantation takes from another or transplants to another a body part without the consent of the donor or recipient or consent of their legal representatives in cases when the donor or recipient were not able to give their consent themselves,

shall be fined or punished by imprisonment term not exceeding three years.

(4) The punishment defined under paragraph above shall also be pronounced to whoever for award sells or mediates in giving body parts from alive or dead person for the purpose of transplantation.

Unconscientious Preparing and Issuing Drugs

Article 208

(1) A person authorized to issue drugs for medical use who issues a drug which is different from the prescribed or requested one, or if such substitution is not allowed, or if he does not make the drug in

the prescribed proportion or quantity, or who generally acts unconscientiously when putting drugs into circulation, and thereby causes health of a person to deteriorate,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the offense described under paragraph 1 of this article had been committed by negligence, the perpetrator

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

(3) In case that the offenses described under paragraphs 1, and 2 of this article result with a serious bodily injury or damage to health of one or several persons, the perpetrator

shall be punished for the offense described under paragraph 1 of this article by imprisonment term ranging between one and five years,

and for the offense described under paragraph 2 of this article by imprisonment term not exceeding three years.

(4) In case that the offenses described under paragraphs 1 and 2 of this article result with death of one or several persons, the perpetrator

shall be punished for the offense described under paragraph 1 of this article by imprisonment term ranging between two and twelve years,

and for the offense described under paragraph 2 of this article by imprisonment term ranging between one and eight years.

Manufacturing and Putting into Circulation Products Harmful for Medical Treatment

Article 209

(1) Whoever manufactures, sells, or otherwise puts into circulation drugs or other means for medical treatment which may harm health,

shall be punished by imprisonment term not exceeding two years and fined.

(2) Whoever obtains, processes or passes infected blood or other tissue or means of medical treatment made thereof,

shall be punished by imprisonment term ranging between six months and five years and fined.

(3) Whoever commits the offenses described under paragraphs 1 and 2 of this article by negligence,

shall be punished by imprisonment term not exceeding two years and fined.

(4) In case that the offenses described under paragraphs 1, 2 and 3 of this article result with a serious bodily injury or damage to health of one or several persons, the perpetrator

shall be punished for the offense described under paragraphs 1 and 2 of this article by imprisonment term ranging between one and eight years,

and for the offense described under paragraph 3 of this article by imprisonment term ranging between three months and three years.

(5) In case that the offenses described under paragraphs 1, 2 and 3 of this article result with death of one or several persons, the perpetrator

shall be punished for the offense described under paragraphs 1 and 2 of this article by imprisonment term ranging between two and twelve years,

and for the offense described under paragraph 3 of this article by imprisonment term ranging between one and eight years.

(6) The products defined under paragraph 1 of this article shall be confiscated.

Unauthorized Production and Circulation of Poisons

Article 210

(1) Whoever without authorization produces, circulates or uses poisons,

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

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

Manufacturing and Circulating Tainted Products

Article 211

(1) Whoever manufactures for sale, sells or in any other way puts into circulation food products, dishes, drink or other products harmful to people's health,

shall be punished by imprisonment term not exceeding two years, and fined.

(2) The punishment defined under paragraph 1 shall also be imposed on whoever manufactures, produces or otherwise puts into circulation means of personal hygiene, children toys or similar products for massive use which are harmful for health.

(3) Whoever commits the offense referred to under paragraphs 1 and 2 of this article by negligence, shall be punished by imprisonment term not exceeding one year and fined.

(4) In case that the offenses described under paragraphs 1, 2 and 3 of this article result with a serious bodily injury or damage to health of one or several persons, the perpetrator

shall be punished for the offense described under paragraphs 1 and 2 of this article by imprisonment term ranging between one and eight years,

and for the offense described under paragraph 3 of this article by imprisonment term not exceeding three years.

(5) In case that the offenses described under paragraphs 1, 2 and 3 of this article result with death of one or several persons, the perpetrator

shall be punished for the offense described under paragraphs 1 and 2 of this article by imprisonment term ranging between two and twelve years,

and for the offense described under paragraph 3 of this article by imprisonment term ranging between one and eight years.

(6) Tainted products and objects shall be confiscated.

Unconscientious Inspection of Foodstuffs

Article 212

(1) A veterinary surgeon or some other authorized veterinary worker who unconsciously inspects livestock to be slaughtered or meat for consumption, or contrary to the regulations fails to carry out the inspection and thus makes it possible for meat harmful to people's health to be put into circulation,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the act referred to in paragraph 1 of this article has been committed by negligence, the perpetrator

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

(3) In case that the offenses described under paragraphs 1 and 2 of this article result with a serious bodily injury or damage to health of one or several persons, the perpetrator

shall be punished for the offense described under paragraph 1 of this article by imprisonment term ranging between one and five years,

and for the offense described under paragraph 2 of this article by imprisonment term not exceeding three years.

(4) In case that the offenses described under paragraphs 1 and 2 of this article result with death of one or several persons, the perpetrator

shall be punished for the offense described under paragraph 1 of this article by imprisonment term ranging between two and twelve years,

and for the offense described under paragraph 2 of this article by imprisonment term ranging between one and eight years.

Pollution of Potable Water and Foodstuffs

Article 213

(1) Whoever by means of injurious substance renders dangerous for people's life or health the water they use for drink, and thereby causes danger for the lives and health of people,

shall be fined or punished by imprisonment term not exceeding two years.

(2) Whoever commits the act referred to in paragraph 1 of this article by negligence,

shall be fined or punished by imprisonment term not exceeding one year.

(3) In case that the offenses described under paragraph 1 and 2 of this article result with a serious bodily injury or damage to health of one or several persons, the perpetrator

shall be punished for the offense described under paragraph 1 of this article by imprisonment term ranging between one and five years,

and for the offense described under paragraph 2 of this article by imprisonment term not exceeding three years.

(4) In case that the offenses described under paragraphs 1 and 2 of this article result with death of one or several persons, the perpetrator

shall be punished for the offense described under paragraph 1 of this article by imprisonment term ranging between two and twelve years,

and for the offense described under paragraph 2 of this article by imprisonment term ranging between one and eight years.

Unauthorized Production and Sale of Narcotics

Article 214

(1) Whoever without proper authorization, produces, processes, sells or offers for sale, or whoever for the purpose of selling purchases, keeps or transfers, or intercedes in a sale or purchase, or otherwise puts into circulation substances or preparations which are declared intoxicating drugs,

shall be punished by imprisonment term ranging between one and ten years.

(2) If any offense described under 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 act has organized a network of middlemen or re-sellers,

he shall be punished by a sentence of imprisonment ranging between three and fifteen years.

(3) Whoever without authorization manufactures, procures, possesses or gives on use equipment, material or substances which he knows are intended for the production of intoxicating drugs,

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

(4) The perpetrator who reveals who he obtains the intoxicating drugs from may be punished less severely or set free by court.

(5) The intoxicating drugs and means for their processing shall be forfeited.

Enabling Another to Enjoy Narcotics

Article 215

(1) Whoever induces another to enjoy an intoxicating narcotic, or gives another an intoxicating narcotic or for his or the use of third person, or renders available premises for the enjoyment of an intoxicating narcotic, or otherwise enables another to enjoy an intoxicating narcotic,

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

(2) If the act referred to in paragraph 1 of this article has been committed against a juvenile or against a number of persons, or if the act caused particularly grave consequences, the perpetrator

shall be punished by imprisonment term ranging between one and ten years.

(3) The intoxicating drugs shall be forfeited.

Chapter Twenty Two

CRIMINAL OFFENSES AGAINST RIGHTS EMANATING FROM WORKING RELATIONS AND SOCIAL INSURANCE

Violation of Fundamental Rights of the Employees

Article 216

Whoever knowingly disobeys regulations or general acts or collective contracts on establishing or terminating a working relationship, on salary and other income, on working hours, vacation or leave, protection of women, the young or the disabled, or on ban to overtime or night work, and thus denies or restricts a right the employee is entitled to,

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

Violation of Rights During Temporary Unemployment

Article 217

(1) Whoever deprives another of or restricts another's right to free employment under equal conditions as set forth under law and other regulations,

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

(2) The punishment defined under paragraph 1 of this article shall also be imposed on whoever knowingly fails to abide by law or other regulations on individual rights during temporary unemployment and by doing so deprives of or restricts the right the another is entitled to.

Violation of rights Emanating from Social Insurance

Article 218

Whoever knowingly fails to abide by the regulations or other regulations relating to social security, and by doing so denies or restricts a right which another person is entitled to on the basis of social insurance,

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

Misuse of Rights emanating from Social Insurance

Article 219

Whoever by faking or causing an illness or working disability succeeds to be granted a right to social insurance benefit which he otherwise would not be allowed

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

Failure to Take Vocational Safety Measures

Article 220

(1) The person responsible for taking vocational safety measures at work who knowingly fails to abide by the law and other regulations on vocational safety measures, and thereby causes danger to life or to health of workers,

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

(2) In imposing suspended sentence, the court may impose as a condition on the perpetrator that he should act in accordance with the regulations and vocational safety measures within a determined time-limit.

Chapter Twenty Three

CRIMINAL ACTS AGAINST PROPERTY

Theft

Article 221

(1) Whoever abstracts someone else's movable property with the intention of making unlawful gain for himself or another person,

shall be fined or punished by imprisonment term not exceeding three years.

(2) If the value of the stolen property does not exceed 200 KM, and the perpetrator has acted with intention to appropriate an object of such value, the perpetrator

shall be fined or punished by an imprisonment term not exceeding one year.

(3) Prosecution for the offense described under paragraph 2 of this article shall be instituted upon private complaint.

(4) The attempt to commit the offense described under paragraph 1 of this article is punishable.

Aggravated Theft

Article 222

(1) Whoever commits theft:

1. by breaking open or breaking into or otherwise overcoming significant obstacles with intention to get to the object kept in closed buildings, rooms, strong-boxes, closets or other enclosures;
2. in a particularly dangerous or brazen manner;
3. by a person carrying weapon or dangerous tools intended for attack or defense;

4) by several persons who have joined forces to perform the theft;

5) abusing the commotion caused by fire, flood or a similar calamity,

6) by abusing helplessness or other difficult state of the other person.

shall be punished with imprisonment term ranging between one and eight years.

(2) If the value of the stolen goods exceeds 10.000 KM, the perpetrator

shall be punished by imprisonment term ranging between one and ten years.

(3) If the stolen goods is of special historical, scientific or cultural significance, or its value exceeds the amount of 50.000 KM, the perpetrator

shall be punished by imprisonment term ranging between three and fifteen years.

Robbery

Article 223

(1) Whoever, by the use of force against another person or by threatening instant attack against his life or limb, takes away another person's movable object with the intention of making an unlawful material gain for himself or for someone else,

shall be punished by imprisonment term ranging between one and ten years.

(2) If in the course of committing the robbery a grave bodily injury has intentionally been inflicted onto a person, or the offense was committed by several persons, or a dangerous weapon or tools was used, or the value of the stolen objects exceeds the amount of 50.000 KM, the perpetrator,

shall be punished by imprisonment term ranging between five and fifteen years.

(3) If in the course of committing the robbery a person has been intentionally killed, the perpetrator

shall be punished by imprisonment term of at least ten years or life imprisonment.

Theft in the Nature of Robbery

Article 224

(1) Whoever, surprised in the commission of theft, and with the intention of retaining possession of the stolen goods, uses force against another person or threatens instant attack on his life or limb,

shall be punished by imprisonment term ranging between one and ten years.

(2) If in the course of committing the robbery a grave bodily injury has been intentionally inflicted onto a person, or the offense has been committed by several persons or by use of a dangerous weapon or tool, or the value of the goods stolen exceeds 50.000 KM, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

(3) If in the course of committing the offense described under paragraph 1 of this article a person has been intentionally killed, the perpetrator

shall be punished by imprisonment of at least ten years, or life imprisonment.

Embezzlement

Article 225

(1) Whoever, with the intention of making an unlawful material gain for himself or for another person, fraudulently appropriates a movable object of another which has been entrusted to him,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the value of the appropriated property does not exceed 200 KM, and the perpetrator had the intention of appropriating an object of such value, the perpetrator

shall be fined or punished by imprisonment term not exceeding six months.

(3) If the act referred to in paragraph 1 of this article has been committed by a guardian, the perpetrator

shall be fined or punished by imprisonment term not exceeding three years.

(4) If the embezzled property is a cultural good, or its value exceeds the amount of 10.000 KM the perpetrator shall be punished by imprisonment term exceeding six months but not exceeding five years, and if the value of the goods exceeds 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and eight years.

(5) Whoever appropriates a movable object he had found or got in possession by chance with intention of acquiring material gain for himself or for another,

shall be fined or punished by imprisonment term not exceeding one year.

(6) Prosecution for the offense referred to in paragraphs 1, 2 and 5 of this article shall be instituted upon private complaint.

Appropriating an Object Belonging to Another

Article 226

(1) Whoever unlawfully appropriates or takes away a movable object of another, with no intention of deriving a material gain there from,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the object appropriated as described under paragraph 1 is an object of special historical, scientific, or cultural importance, or its value exceeds 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between six months and five years, and if the value exceeds 50.000 KM, by punishment of imprisonment ranging between one and eight years.

(3) The prosecution of the offense defined under paragraph 1 of this article shall be instituted on personal complaint.

Stealing a Motor Vehicle

Article 227

(1) Whoever steals a motor vehicle belonging to another with intention to use it illegally for driving, shall be fined or punished by imprisonment term not exceeding one year.

(2) If the use of vehicle lasted for a longer time, or a substantive damage has been made to the vehicle, the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

(3) The attempt is punishable.

Unauthorized entry into a protected computer data base

Article 228

(1) Whoever without authorization enters into a protected computer data base belonging to another and enters changes, destroys, copies, uses, hides, publishes, enters a new data or computer virus, or otherwise renders the computer data or programs belonging to another unserviceable,

shall be punished by imprisonment term not exceeding two years.

(2) If large property gain, or significant damage to another, has been acquired through commission of the offense described under paragraph 1 above, the perpetrator

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

(3) Attempt is punishable.

Fraud

Article 229

(1) Whoever, with the intention of making an unlawful material gain for himself or for another person, deceives someone through false representation or suppression of facts, or maintains him in deception, inducing him thereby to do or omit something to the detriment of his or someone else's property,

shall be punished by imprisonment term not exceeding three years.

(2) If the offense described under paragraph 1 of this article has resulted with a material benefit not exceeding 200 KM, and the perpetrator had the intention of acquiring such benefit or to cause such damage, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

(3) If the offense described under paragraph 1 of this article has resulted with material benefit, or property damage, exceeding 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between six months and five years; and if the amount exceeds 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and ten years

(4) Whoever commits the offense referred to in paragraph 1 of this article solely for the purpose of causing harm to another,

shall be fined or punished by imprisonment term not exceeding one year.

5. The attempt to commit the offense described under paragraph 1 of this article shall be punishable.

6. Prosecution for the offense described under paragraph 2 of this article shall be instituted upon private complaint.

Insurance Fraud

Article 230

(1) Whoever with intention to collect insurance payment from an insurance company destroys, damages, or conceals an object insured from listed risks, and reports the damage,

shall be punished by imprisonment term not exceeding three years.

(2) The punishment defined under paragraph 1 of this article shall also be imposed on whoever with intention to collect insurance payment from an insurance company for bodily harm, bodily injury or deteriorated health, or causes such harm, injury or deterioration of health to himself.

(3) If property gain acquired through commission of criminal offenses defined under paragraphs 1 and 2 of this article exceeds 10.000 KM, the perpetrator shall be punished by imprisonment term ranging six months and five years, and if this amount exceeds 50.000 KM, he shall be punished by imprisonment term ranging between one and ten years.

Organizing Not-allowed Games of Chance

Article 231

(1) Whoever with the intention of acquiring illegal material gain for himself or another organizes, participates or assists in organizing games where the players pay certain amounts to the players who had joined the game before them, expecting to receive amounts of money from the participants who will join the game after them,

shall be punished by imprisonment term not exceeding three years.

(2) The punishment from paragraph 1 of this article shall be imposed on whoever with the intention of acquiring illegal gain for himself or for another organizes, participates or assists in organizing the games of chance which had not been approved by the responsible body.

(3) If the offenses described under paragraphs 1 and 2 of this article resulted with a significant material damage, the perpetrator

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

Extortion

Article 232

1. Whoever by force or serious threat compels another to do an act or omit to do an act to the detriment of his or someone else's property, in order to procure an unlawful material gain for himself or a third person, or in the same way collects the debt,

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

(2) If by offense described under paragraph 1 of this article a property gain exceeding 10.000 KM has been acquired, the perpetrator shall be punished by imprisonment term ranging between one and eight years, and if the value exceeds 50.000 KM, or a weapon or dangerous tools have been used, or the offense has been committed by several persons, the perpetrator shall be punished by imprisonment for a term ranging between two and twelve years.

(3) Whoever for award commits extortion on regular basis,
shall be punished by imprisonment term ranging between three and fifteen years.

Blackmail

Article 233

(1) Whoever, with the intention of procuring an unlawful material gain for himself or a third person, threatens another to expose a matter regarding him or someone close to him of a nature likely to harm his honor or reputation, and thereby compels him to do an act or omit to do an act to the detriment of his or someone else's property, or in this manner collects the debt,

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

(2) If the commission of the offense described under paragraph 1 of this article has resulted with a material gain in excess of 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and eight years, and if this value exceeds 50.000 KM, or the offense has been committed by several persons, or in a particularly humiliating way, the perpetrator shall be punished by imprisonment term ranging between two and twelve years.

1. Whoever for an award engages himself in commission of blackmail,
shall be punished by imprisonment term ranging between three and fifteen years.

Breach of Trust

Article 234

(1) Whoever in representing the property interests of a person or taking care of his property fails to perform his duty or misuses the authority vested upon him with the design of procuring thereby an unlawful material gain for himself or for someone else or of causing injury to the person whose property interests he is representing or whose property he is attending,

shall be fined or punished by imprisonment term not exceeding three years.

(2) If the property gain acquired through commission of the offense described under paragraph 1 of this article exceeds the value of 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and five years, and if this amount exceeds 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and 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,

he shall be punished for the offense described under paragraph 1 by imprisonment term ranging between six months and five years, and for the offense described under paragraph 2 of this article, when the amount exceeds 10.000 KM, by imprisonment term ranging between one and eight years, and if the amount exceeds 50.000 KM by imprisonment term ranging between two and ten years.

Usury

Article 235

(1) Whoever, in return for providing money or consumable goods, or for a service performed to a person, accepts or contracts for himself or another a disproportionate property benefit by exploiting the financial predicament, difficult housing circumstances, an emergency, lack of experience or reduced judging ability of that person,

shall be punished by imprisonment term of not exceeding three years and fined.

(2) If the offense described under paragraph 1 of this article has resulted with grave consequences for the victim, or the perpetrator has acquired property benefit exceeding 10.000 KM in value, he shall be punished by imprisonment term ranging between six months and five years and fined, and if this value exceeds 50.000 KM, he shall be punished by imprisonment term ranging between one and ten years and fined,

Concealment

Article 236

(1) Whoever procures by sale or exchange, accepts as a pawn, or in some other way procures, conceals or otherwise acquires an item of which he knows has been obtained by a criminal offense, or something that has been received for it through sale or barter,

shall be fined or punished by imprisonment term not exceeding three years.

(2) If the offense described under paragraph 1 of this article has been committed by a group or criminal organization, or the value of the concealed goods exceeds 20.000 KM, the perpetrator shall be punished by imprisonment term ranging between six months and five years, and if the value exceeds 100.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and ten years.

(3) Whoever commits the offense referred to under paragraph 1 of this article, while he knew or had to know that the item had been obtained through a criminal offense,

shall be fined or punished by imprisonment term not exceeding two years.

Illegally Moving Into a Dwelling

Article 237

(1) Whoever illegally moves into a building, apartment, business premises or other premises belonging to another,

shall be fined or punished by imprisonment term not exceeding three years.

(2) The attempt is punishable.

(3) When pronouncing conditional sentence, the court may order to the perpetrator to vacate and empty the premises he had moved in.

Illegal Usurpation of Land

Article 238

(1) Whoever illegally usurps land belonging to another

shall be fined or punished by imprisonment term not exceeding two years.

(2) Whoever illegally usurps land belonging to another with intention to build on it,

shall be fined or punished by imprisonment term not exceeding three years.

Destroying or Damaging an Object Belonging to Another

Article 239

(1) Whoever destroys, damages or renders unusable an object belonging to another,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the offense described under paragraph 1 of this article has caused damage in the value exceeding 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between six months and five years, and if this value exceeded 50.000 KM, by imprisonment term ranging between one and eight years.

(3) The prosecution for the offense described under paragraph 1 is initiated on personal complaint.

Arson

Article 240

(1) Whoever burns a house or a building intended for living in it or economical use, or business building or a public building,

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

(2) If the offense described under paragraph 1 of this article has caused large scale damage, the perpetrator

shall be punished by imprisonment term ranging between two and twelve years.

Wrong to the Rights of Another

Article 241

(1) Whoever, for the purpose of frustrating the satisfaction of a claim on a thing conveys, destroys or abstracts an item owned by him on which another person has a lien or a right to use, and in doing so causes damage to that person,

shall be fined or punished by imprisonment term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this article shall also be imposed on whoever destroys, apparently sells, or renders useless his whole property or a part thereof, or recognizes an invalid claim, or compiles a false contract or by any other fraudulent action apparently or really reduces his wealth, and thereby reduces the possibility or prevents settlement of at least one of his creditors.

(3) Prosecution is initiated upon private complaint.

Damaging Dwelling and Business Buildings and Premises

Article 242

(1) An occupant of an apartment, inhabitant, manager, owner or any other person who removes from a dwelling or business building or housing or business premises removes or damages outer or inner devices, installations or parts thereof, or otherwise significantly reduces usability of the building or premises,

shall be fined and punished by imprisonment term not exceeding one year.

(2) If the offense described under paragraph 1 of this article has made the building, dwelling or business premises useless, the perpetrator

shall be punished by imprisonment term not exceeding three years.

Appropriating, Damaging, or Destroying Cultural Monuments and Protected Natural Objects or Any Other Object of Special Cultural and Historical Significance

Article 243

(1) Whoever during archeological, geological/palaentological or mineralogical researches and excavations, archive investigations or other appropriates the excavation site, materials or the finding which has cultural or historical significance, archive material or natural rarity,

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

(2) The punishment defined under paragraph 1 of this article shall also be imposed onto whoever in contravention of law destroys or damages a cultural monument, protected natural object or an object constituting a public good.

(3) Whoever without authorization carries out conservation, restoration or research work on a cultural monument, or whoever carries out archeological excavation or researches whereby causing significant damage or destruction of the monument,

shall be fined or punished by imprisonment term not exceeding three years.

(4) If the offenses set forth under paragraphs 1, 2 and 3 of this article have been committed against a cultural monument or a protected natural object of special value or if substantial damage has occurred, the perpetrator

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

Exporting the Objects of Special Cultural or Historical Significance or Natural Rarities

Article 244

(1) Whoever without authorization exports or takes abroad an object considered to be of special cultural or historical importance, or an object representing natural rarity, or enables another to do so,

shall be punished by imprisonment term not exceeding three years.

(2) If the offense described under paragraph 1 of this article has been committed in relation with a good of large cultural, historical or natural significance, the perpetrator

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

Sincere Penitence

Article 245

If the perpetrator of the offenses described under articles 221, 225, 226, 227, 237, 238, 239, 241, and 242, before having learnt of his discovery, returned the stolen or appropriated object, and compensated the damage he had caused, or otherwise removed harmful consequences of the criminal offense committed, the court may decide to absolve him from punishing.

Prosecution in Cases Where the Perpetrator is a Closely Related with the Victim

Article 246

For the criminal offenses described under articles 221 paragraph 1 , 222, 227, 229. Paragraph 1. and 4 234. Paragraph 1 and 236 paragraph 1 nad 3 249 of this Code, when committed against a spouse, straight line blood relative, brother, sister, adopter, adoptee, or other persons with whom the victim lives in a common household shall be instituted upon private complaint.

Chapter Twenty Four

CRIMINAL ACTS AGAINST ECONOMY AND PAYMENT TRANSACTIONS

Creating a Monopolistic Position on the Market

Article 247

The responsible person in a company or another entity of economic significance or an undertaker who in contravention of law and order regulation concludes an agreement whereby another company or legal person is restricted in free exchange of goods or services on a defined territory or with defined companies or other legal persons, or makes any other arrangement whereby he creates a monopolistic position of the company or other legal person on the market, and as a consequence, the company or other legal person acquires significant property gain or causes significant loss to another,

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

False Bankruptcy

Article 248

(1) Whoever, with intention to avoid paying his dues, by apparent or real reduction of his wealth causes bankruptcy by:

1. selling under market value, concealing, gives for free or destroys his whole property or a part thereof;
2. concludes false contracts on debt or recognizes non-existent claims;
3. conceals, destroys, alters or maintains his business books, documents or files he has to maintain in accordance with law in such a way that renders them useless in determining his real wealth, or presents his wealth, by compiling false documents or otherwise, presents so that he may start bankruptcy procedure

shall be punished by imprisonment term ranging between one and five years and fined.

(2) If grievous consequences have occurred as a consequence of the offense described under paragraph 1 of this article, the perpetrator

shall be punished by imprisonment term ranging between two and ten years.

Causing Bankruptcy by Unconscientious Performance

Article 249

(1) Whoever, knowing of their over-indebtedness or inability to pay, by irrational spending or alienating property under price, by undertaking disproportionate obligations, by taking or giving too many loans, recklessly contracting or extending contracts with individuals incapable of paying, by omitting to satisfy their claims in due time, or in any other way which is in obvious contradiction with his duties in managing the property and conscientious performance, causes bankruptcy or significant loss to a legal person and thereby harms another,

shall be punished by imprisonment term ranging between six months and three years, and fined.

(3) If the perpetrator of the offense has removed the harmful consequences of the offense before having learned of his disclosure, he shall be punished by imprisonment term not exceeding one year, and may also be absolved.

Abuse in Bankruptcy or Forced Settlement Procedure

Article 250

(1) Whoever in bankruptcy or forced settlement procedure reports false claims or puts claims in false order, to the end of exercising a right he is not entitled to,

shall be fined and punished by imprisonment term not exceeding one year.

(2) Creditor, member of the board of creditors or bankruptcy manager who for himself or another receives a property gain or a promise thereof, in exchange of making or not making a particular decision, or otherwise harm at least one creditor in the bankruptcy procedure or forced settlement procedure,

shall be fined and punished by imprisonment term not exceeding three years.

(3) The punishment defined under paragraph 1 of this article shall also be imposed onto whoever gives or promises a property gain to a creditor, member of a management board or bankruptcy manager for committing the offense described under paragraph 2 of this article.

Damaging or Favoring Creditors

Article 251

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

(2) The punishment defined under paragraph 1 of this article shall also be imposed onto whoever, knowing that he had become insolvent, and with intent to defraud or cause damage to a creditor, acknowledges a false claim, draws up false contracts or by some other fraudulent act damages at least one creditor.

(3) In case that the act referred to in paragraphs 1 and 2 of this article has caused extensive damage, or if the damaged party had to undergo the procedure of bankruptcy or forced settlement, the perpetrator shall be punished by imprisonment term ranging between one and eight years.

Misusing Powers in Economy

Article 252

(1) The responsible person in a company or other person engaged in a commercial activity, who with the intention of acquiring illegal profit for the his own or other legal person:

- 1) creates or keeps illicit funds in the country or abroad;
- 2) by drawing up documents of false contents, by false balance-sheets, setting of value, taking of inventory or other misrepresentation or concealment of facts, falsely displays the situation and flow of assets and business results;
- 3) puts the legal person into better position at the occasion of getting money or other conveniences which would not, by provisions of current regulations, be recognized to that legal person;
- 4) when executing his tax duties or other legal duties denies payment of the funds which constitute public revenue;
- 5) uses means he has available contrary to their purpose;
- 6) in some other way grossly violates his powers relating to the disposal, use or management of property,

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

(2) In case that the act referred to in paragraph 1 of this article has significant material benefit to the perpetrator, or extensive damage has occurred, the perpetrator

shall be punished by imprisonment term ranging between one and ten years.

Unconscientious Business Performance

Article 253

(1) Responsible person in a company or other legal person where he does not have a majority share, who knowingly breaches law or other regulation thereby causing significant property damage to that legal person,

shall be fined or punished by imprisonment term not exceeding three years.

(2) If the commission of the offense described under paragraph 1 of this article has brought about forced liquidation or bankruptcy of the legal person, the perpetrator

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

Business Fraud

Article 254

(1) Whoever, while carrying out a business activity, in concluding or executing a contract or business, deceives another by presenting facts in a way which leads to thinking that the obligations will be met, or concealment that the obligations will not be met, or that it will be impossible to meet the obligations, and for the purpose of partial or full non-fulfillment of obligations for another side or somebody else a significant material damage occurs,

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

(2) If the commission of the offense described under paragraph 1 of this article causes damage exceeding 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and eight years, and if this damage exceeds 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between two and ten years.

Concluding a Harmful Contract

Article 255

(1) Whoever, while acting as a representative or an agent of a legal person engaged in business activity, in which he has not major share, concludes a contract which he knows would be harmful for the legal person, or concludes a contract in breach of his authority thereby inflicting damage to the legal person,

shall be punished by imprisonment term not exceeding three years.

(2) If the offense described under paragraph 1 of this article had brought about a big damage for the legal person, the perpetrator

shall be punished by imprisonment term ranging between one and ten years.

Unallowed Acceptance of Gifts or Presents

Article 256

(1) Whoever, while carrying out business activity,, demands or accepts an award, gift or any other benefit in order to achieve an agreement be concluded or not concluded, or to have an action performed and not performed to the harm of the legal person, thereby causing significant damage to the legal person,

shall be punished by imprisonment term ranging between six months and eight years.

(2) The perpetrator from paragraph 1 of this article who after concluded or not concluded agreement, or any other action performed or not performed, demands or accepts an award, gift or any other benefit,

shall be punished by imprisonment term not ranging between six months and five years.

(3) The award, gift or any other benefit shall be confiscated.

Unallowed Giving Presents or Gifts

Article 257

(1) Whoever gives or attempts to give to a person engaged in business activity an disproportional award, gift or other benefit, for the purpose of acquiring some unjustified convenience when contracting a business deal from paragraph 1 of article 256 of this Code,

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

(2) Whoever gives or attempts to give to the person engaged in business activity an disproportional award, gift or any other material or non-material benefit as a counter-service for contracting a deal or executing a deal,

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

(3) The perpetrator of the offense described under paragraph above, who had given the award or gift at request, but reported the offense before it had been disclosed, or before he had learned of its disclosure,

may be absolved from punishment.

(4) The given award or benefit shall be confiscated, while in the case described under paragraph 3 of this article, it may be returned to the giver.

Disclosure and Unauthorized Procuring of Trade Secrets

Article 258

(1) Whoever without authorization communicates, passes on or in any other way makes accessible for another person information which constitute a trade (business) secret, as well as whoever obtains such information with the intention of handing them over to an uninvited person,

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

(2) The punishment defined under paragraph 1 of this article shall also be imposed on whoever, with intention of unauthorized use, illegally acquires information which constitutes a business secret.

(3) If disclosure or acquisition of information had been done with the aim of taking them abroad, or the offense had been committed out of greed, the perpetrator

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

(4) If the offense described under paragraphs 1 and 3 of this article has been done out of negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

(5) Business secret is considered to be any information or document which is by law, other regulation or decision by authorized body have been proclaimed business secret and whose disclosure would or could bring about harmful consequences for the company or any other legal person.

Disclosing and Using Insider's Stock Exchange Information

Article 259

(1) Whoever communicates the business information of a stock exchange which are not available to all to an uninvited person, or whoever gets into possession of such information and by using them obtains illegal property gain in the stock exchange,

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

(2) If the property gain obtained through commission of the offense described under paragraph 1 of this article exceeded the amount of 10.000 KM. the perpetrator shall be punished by imprisonment term ranging between one and eight years, and if the amount exceeded, 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between two and ten years.

Penetrating into a Computer System

Article 260

(1) Whoever in the course of commercial activity, for the purpose of acquiring material gain for himself or for another, or to inflict harm to another, without authorization enters changes, conceals, publishes, deletes or destroys computer data or programs belonging to another,

shall be punished by imprisonment term not exceeding three years.

(2) If the property gain obtained through commission of the offense described under paragraph 1 of this article exceeded the amount of 10.000 KM. the perpetrator shall be punished by imprisonment term ranging between six months and five years, and if the amount exceeded, 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and ten years.

1. Attempt to commit the offense from paragraph 1 is punishable.

Unauthorized Use of Another's Trade Name (Firma), Sample or Model

Article 261

(1) Whoever with intention of defrauding buyers or users of services uses a trade name, seal or trade mark belonging to another, mark on geographic origin, or any other special sign on goods belonging to another, or adopts particular features of the sign belonging to another into his trade mark, seal or special mark on the goods,

shall be fined or punished by imprisonment term not exceeding three years.

(2) The punishment defined under paragraph 1 of this article shall also be imposed on whoever with the intention stated in the paragraph above without authorization uses a model or sample belonging to another or puts into circulation products developed on their basis.

(3) The objects from paragraphs 1 and 2 of this article shall be confiscated.

Unauthorized Use of Another's Invention

Article 262

(1) Whoever in production or commercial exchange without authorization uses a protected or registered invention of another,

shall be punished by imprisonment term not exceeding three years.

(2) Whoever without authorization publishes the essence of an invention of another before it were published in a manner prescribed by law,

shall be fined or punished by imprisonment term not exceeding two years.

(3) The products made on the basis of the authorized use of an invention of another shall be forfeited.

Falsifying Money

Article 263

(1) Whoever makes a false money with intention of putting it into circulation as real, or whoever alters the real money for the same purpose or whoever puts into circulation the false money, or acquires false money with intention of putting it into circulation as real, ,

shall be punished by imprisonment term ranging between two and twelve years.

(2) If the offense described under paragraph 1 of this article has brought about disturbances in the economy of the country, the perpetrator

shall be punished by imprisonment term of at least five years.

(3) Whoever puts into circulation false money he had received as real after having learned it was falsified, or whoever knows that money has been falsified or put into circulation and fails to report that,

shall be fined or punished by imprisonment term not exceeding one year.

(5) The falsified money shall be confiscated.

Falsifying or Destroying Business or Trade Books or Documents

Article 264

(1) Whoever enters false information into business or trade books, documents or records he is obliged to maintain by law or some other regulation, or fails to enter an important piece of information, or by his signature or stamp certifies a business or trade book, document or record containing false information, or by his signature or stamp enables making a business or trade book, document or record with false information,

shall be fined or punished by imprisonment term not exceeding three years.

(2) The punishment defined under paragraph 1 of this article on whoever the false business or trade book, document, or record uses as true, or whoever destroys, conceals or otherwise renders useless a business book, document or record.

Falsifying and Using Securities

Article 265

(1) Whoever makes false securities with intention to use them as genuine or to let another person use them, or who uses such false securities as genuine or procures them for such purpose,

shall be fined and punished by imprisonment not exceeding two years.

(2) If the total value of the securities described under paragraph 1 of this article exceeds 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and eight years, and if this value exceeds the amount of 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between two and ten years.

(3) Whoever puts back into circulation the false securities he had received as genuine after having learned of their falsity,

shall be fined or punished by imprisonment term not exceeding one year.

(4) False securities shall be confiscated.

Falsifying Credit Cards and Other Non-Cash Payment Cards

Article 266

(1) Whoever makes a false credit card or other non-cash payment card, or alters a real card with intention to use it as real, or whoever uses such false card as genuine,

shall be fined or punished by imprisonment term not exceeding one year.

(2) If the perpetrator of the offense described under paragraph 1 of this article has acquired property gain by use of card,

he shall be fined and punished by imprisonment term not exceeding three years.

(3) If the perpetrator of the offense described under paragraph 1 of this article had acquired property gain value of which exceeds 10.000 KM, he shall be punished by imprisonment term ranging between one and eight years, and if such value exceeds the amount of 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between two and ten years.

Falsifying Marks of Value

Article 267

(1) Whoever makes false signs of value or whoever alters the genuine signs of value with the intention to use them as genuine, or let them be used by other, or whoever uses such signs of value as genuine, or acquires them for that purpose,

shall be fined and punished by imprisonment term not exceeding two years.

(2) If the total value of the signs of value described under paragraph 1 of this article exceeds 10.000 KM, he shall be punished by imprisonment term ranging between six months and five years, and if such value exceeds the amount of 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and eight years.

(3) Whoever by removing the seal canceling the marks of value or otherwise, for the purpose of using the same marks of value again, makes such signs 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 punished by imprisonment term not exceeding one year.

(4) The falsified marks of value shall be confiscated.

Making, Procuring or Giving to another the Forging Devices

Article 268

1) Whoever makes, procures, possesses, sells or gives for use to another the devices for falsifying money or securities,

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

(2) Whoever makes, acquires, possesses, sells or gives for use to another devices for making false marks of value,

shall be fined and punished by imprisonment term not exceeding two years.

(3) The devices mentioned under paragraphs 1 and 2 shall be forfeited.

Falsifying Signs for Marking Goods, Measures and Weights

Article 269

(1) Whoever with intention to use them as genuine makes false stamps, seals, marks or other signs for marking domestic or foreign goods which are used for marking gold or other precious metals, wood, cattle or any other commodity, or whoever alters such signs and uses them as genuine,

shall be punished by imprisonment term ranging between three months and three years.

(2) The punishment defined under paragraph 1 of this article shall also be imposed onto whoever falsifies measures or weights.

(3) Whoever makes, obtains, sells or gives for use by another means for making signs for marking goods, false measures and weights,

shall be fined or punished by imprisonment term not exceeding two years.

(4) The false signs, measures and weights shall be confiscated.

Money Laundering

Article 270

(1) Whoever accepts, exchanges, keeps, disposes of, uses in commercial activity the money or property he knows was acquired through commission of criminal offense, or otherwise conceals or attempts to conceal it

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

(2) If the perpetrator of the offense described under paragraph 1 of this article is at the same time the perpetrator or accomplice in commission of the criminal offense through which the money property gain mentioned under previous paragraph has been acquired

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

(3) If the money or property from paragraphs 1 and 2 of this article are of large value, the perpetrator

shall be punished by imprisonment term ranging between one and ten years.

(4) If the offenses from the previous paragraphs have been committed by several people organized for the purpose of commission of such offenses, the perpetrator

shall be punished by imprisonment term ranging between two and twelve years.

(5) If during the commission of the offenses from paragraphs 1, 2 and 3 of this paragraph the perpetrator had acted negligently with respect to the circumstance that the money or property gain have been acquired through commission of criminal offense,

he shall be punished by imprisonment term not exceeding three years.

(6) The money and property from paragraphs above shall be confiscated.

Illegal Trade

Article 271

(1) Whoever without authorization to trade procures goods or other objects of general consumption in a larger amount or value for the purpose of selling them, or whoever without authorization carries out trade or mediation in the trade or representation of domestic organization in traffic of goods and services,

shall be fined or punished by imprisonment term not exceeding two years.

(2) Whoever sells the goods whose production he had organized without proper authorization,

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

(3) The punishment from paragraph 2 of this article shall also be imposed on whoever sells, keeps for the purpose of sale, buys or exchanges goods or objects whose sale or traffic is restricted or prohibited

(4) If the perpetrator of the offense referred to in paragraphs 1, 2 and 3 of this article has set up a ring of middlemen or retailers, or has made a profit that exceeds 10.000 KM,

he shall be punished by imprisonment term ranging between one and eight years.

(5) Goods and commodities of illegal trade shall be forfeited.

Defrauding Buyers

Article 272

(1) Whoever with the intention of defrauding buyers puts in circulation a larger amount of products with a mark that shows information that does not comply with the content, brand, origin or quality of the product, or puts into circulation the products whose weight or quality does not comply to what is normally expected from such products, or puts on the products the registered sign even though such products are not protected by registration, or puts into circulation the products without indicating the content, brand, origin, expiration date or quality of the product whenever such a mark is prescribed;

shall be fined or punished by imprisonment term not exceeding three years.

(2) Whoever with the intention of defrauding buyers falsely publishes that the price of the goods has been reduced, or that there is a big sale of goods, or that increase in price is expected, or in any other way defrauds the buyers regarding the price of the products he is selling,

shall be fined or punished by imprisonment term not exceeding two years.

Defrauding in Granting Credits or other Conveniences

Article 273

(1) Whoever with the intention of getting for himself or for another a credit, investment assets, subsidies, or any other convenience, furnishes to the creditor the untrue or incomplete information on property status or other data of significance for awarding the credit or other convenience,

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

(2) Whoever through commission of the offense described under paragraph 1 of this article acquires material gain exceeding 10.000 KM, shall be punished by imprisonment term ranging between one and five years, and if this value exceeds 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between two and ten years.

(3) Whoever uses the awarded credit, investment means, subsidy or any other convenience for the purpose different from the approved one,

shall be punished by imprisonment term not exceeding two years and fined.

Illegal Banking

Article 274

(1) Whoever without authorization or in contravention of conditions under which such authorization had been issued gets engaged in banking,

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

(2) If property gain in excess of 10.000 KM had been acquired through commission of the offense stipulated under paragraph 1 of this article, the perpetrator shall be punished by imprisonment term ranging between one and eight years; and if the value of such gain exceeds the amount of 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between two and ten years, and if this value exceeds 200.000 KM, the perpetrator shall be punished by imprisonment term of at least five years.

Issuing Securities without Coverage

Article 275

The punishment of imprisonment term ranging between one and eight years shall be imposed onto:

1. responsible person in a bank or other legal person issuing securities who issues securities although he knew or must have known that would be impossible to meet the obligations of the issuer emanating from the issuance under conditions, in the time and in the way determined by law or decision on issuance;
2. an official who approves issuing securities although he knew or must have known that it would be impossible to meet the obligations emanating from the issuance under conditions, in the time and in the way determined by law or decision on issuance;
3. responsible person in the bank who approves guarantee on the basis of issuing securities although he knew or must have known that it would be impossible to perform the obligation of the bank giving guaranties under conditions, in time and in the way determined by law or the guarantee.

Issuing Check and Means of Non-Cash Payments without Coverage

Article 276

(1) Whoever with intention of acquiring for himself or for another illegal material benefit issues or puts into circulation a check he knows is not covered, and thereby acquires property gain in excess of 1.000 KM,

shall be fined and punished by imprisonment term not exceeding three years.

(2) The punishment defined under paragraph 1 of this article shall also be imposed onto whoever with intention of acquiring property gain for himself or for another issues, puts into circulation or uses non-dated payment order, bill of exchange, any guarantee, credit or payment card, or any other means of payment or payment security, knowing it is not covered, and thereby acquires property gain exceeding 1.000 KM.

(3) If the property gain acquired through commission of the offenses described under paragraphs 1 and 2 of this article exceeds the value of 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and eight years; if the value of gain exceeds 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between two and ten years.

(4) If the perpetrator of the offenses defined under paragraphs 1 and 2 of this article had provided coverage before he found out he was discovered, he may be absolved of the punishment.

Evading Payment of Taxes and Contributions

Article 277

(1) Whoever, with the intention that himself or someone else, in full or in a part, evades payment of taxes, social security and health (insurance) contributions (withdrawals) and other prescribed contributions, furnishes false information on his legally acquired income, on objects or other facts which may affect the determination of the amounts of such obligations, or whoever for the same purpose when the reporting is compulsory fails to report the lawfully acquired income or object or other facts which may affect the determination of such obligations, and the amount of the obligation evaded exceeds 2.000 KM,

shall be punished by imprisonment term not exceeding three years and fined.

(2) Should the amount of the obligation whose evasion has been attempted exceed the amount of 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and eight years, and if the amount exceeds 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between two and twelve years.

Smuggling

Article 278

(1) Whoever, by avoiding measures of customs control, moves across customs line goods in larger value, or whoever, by avoiding measures of customs control, is engaged in moving goods across customs line,

shall be fined or punished by imprisonment term not exceeding three years and fined.

(2)Whoever , without appropriate approval, avoiding custom control measures, transfer the goods which export, import is prohibited or limited or demands special approval or authorized body approval

shall be punished by imprisonment from six months to five years of fined.

(3)If by the act referred to in paragraph 1 and 2 the objects, goods or substances dangerous for life or health of people or which represent danger for public security, have been transferred trough the custom line, or if those acts have been committed by the use of weapons, force or threat the perpetrator

shall be sentenced to one to ten years of imprisonment.

(4)The goods which are being smuggled shall be confiscated.

1. The means of transportation the secret or hidden compartments of which were used for transporting the smuggled goods defined under paragraphs above or which had been intended for commission of such criminal offenses, shall be confiscated if the proprietor or user of the vehicle knew or should have known or had to know of them.

Organizing of the group or association for smuggling or distribution of goods on which the duties were not payed

Article 279

Who organizes group or other association for organized smuggling or network or middleman or mediators for sale or distribution of goods, on which the duties were not paid,

shall be punished by imprisonment ranging from six months to five years.

2) Who becomes a member of the group or association from the previous paragraph,

shall be punished by imprisonment not exceeding three years.

Custom fraud

Article 280

1) Who, with intention to avoid paying of duties, or other obligations that should be paid when importing the goods, make or submit false custom chart, certificate or some other false document, to the custom organ, and the amount of obligation which payment is avoiding exceed 5000KM,

shall be punished by imprisonment not exceeding three years and fined

2) If the obligation which payment is subject of avoiding exceed the amount of 20.000 KM, the perpetrator shall be punished by imprisonment from one to eight years and if that amount exceeds 80.000 KM shall be punished by imprisonment from two to twelve years.

Chapter Twenty Five

CRIMINAL ACTS AGAINST STATE

Attack onto Constitutional Establishment

Article 281

Whoever, by force or threat of force, or in some other illegal way, attempts to change the constitutional establishment of the Republika Srpska or Bosnia and Herzegovina or to overthrow their highest authorities,

shall be punished by imprisonment term ranging between two and twelve years.

Endangering Territorial Integrity

Article 282

(1) Whoever, by force or other unconstitutional means, attempts to detach a part of the territory of the Republika Srpska or Bosnia and Herzegovina, or to conjoin a part of the territory thereof with another country,

shall be punished by imprisonment term ranging between three and fifteen years.

(2) The punishment defined under paragraph 1 of this article shall also be imposed on whoever by use of force or in some other unconstitutional way attempts to change border line between the Republika Srpska and the Federation of BiH.

Endangering Independence

Article 283

A citizen of the Republika Srpska or Bosnia and Herzegovina who attempts to bring the Republika Srpska or Bosnia and Herzegovina into position of subjugation or dependence in respect to any other state,

shall be punished by imprisonment term ranging between three and fifteen years.

Violation of Territorial Sovereignty

Article 284

Whoever, violating the norms of international law penetrates on the territory of the Republika Srpska or Bosnia and Herzegovina with intention to violate their territorial sovereignty, shall be punished by imprisonment term ranging between two and twelve years.

Admitting Capitulation and Occupation

Article 285

An authorized person, who in breach of his authority signs or acknowledges the capitulation, or who accepts and recognizes the occupation of the Republika Srpska or Bosnia and Herzegovina or any part thereof, shall be punished by imprisonment term of at least five years.

Assassination of Representatives the Highest State Bodies

Article 286

Whoever with intention of jeopardizing the constitutional establishment or security of the Republika Srpska or Bosnia and Herzegovina deprives of his life a Representative of highest state bodies, shall be punished by imprisonment term of at least ten years.

Violence against Representatives of the Highest State Bodies

Article 287

(1) Whoever with intention of jeopardizing the constitutional establishment or security of the Republika Srpska or Bosnia and Herzegovina abducts a member of the highest state bodies or members of their families, or executes another violence against him applies any other violence against them, attacks their working or housing premises or means of transportation, shall be punished by imprisonment term between three and fifteen years.

(2) The perpetrator of the offense described under paragraph 1 of this article who voluntarily sets free the abducted person before having learned he was discovered, shall be punished with imprisonment term not exceeding two years, or may be absolved.

Armed Rebellion

Article 288

(1) Whoever takes part in an armed rebellion which is aimed against the constitutional establishment or security of the Republika Srpska or Bosnia and Herzegovina, or their highest bodies,

shall be punished by imprisonment term ranging between three and fifteen years.

(2) The organizer or the ringleader of the rebellion

shall be punished by imprisonment term ranging between five and fifteen years.

Terrorism

Article 289

(1) Whoever, with the intention of jeopardizing constitutional establishment or security of the Republika Srpska or Bosnia and Herzegovina causes an explosion, fire or performs some other generally dangerous action or a violent act, or threatens to use nuclear or other similar means of mass killing of people and thereby instigates feeling of personal insecurity or fear among the citizens,

shall be punished by imprisonment term ranging between three and fifteen years.

Diversions

Article 290

Whoever, with the intention of jeopardizing constitutional establishment or security of the Republika Srpska or Bosnia and Herzegovina, by demolition, arson, or in other way destroys or damages an industrial, agricultural or another commercial facility, means of transportation, plant or device, part of communication system, public supply device for water, heat, gas or energy, a dam, storage, building or any other facility which is significant for the security and normal supply to people or economy, or for functioning of public services,

shall be punished by imprisonment term ranging between three and fifteen years.

Sabotage

Article 2891

Whoever, with the intention of jeopardizing the constitutional establishment or security of the Republika Srpska or Bosnia and Herzegovina, in a deceitful, insidious or other similar way, while conducting his official duty, causes significant damage for the state body or legal person he is employed with, or any other state body or legal person,

shall be punished by imprisonment term ranging between two and fifteen years.

Espionage

Article 292

(1) Whoever discloses, delivers or renders available confidential economic, military, or official information or documents to a foreign country, foreign organization or a person in the service thereof,

shall be punished by imprisonment term ranging between three and fifteen years.

(2) Whoever, in the Republika Srpska or Bosnia and Herzegovina creates an intelligence service on account of a foreign country or organization, or whoever runs such service,

shall be punished by imprisonment term ranging between five and fifteen years.

(3) Whoever becomes a member of a foreign intelligence service, collects information for it or in some other way assists its activity,

shall be punished by imprisonment term ranging between one and ten years.

(4) Whoever compiles confidential information or documents with the intention of disclosing or delivering them to a foreign country, foreign organization or a person in the service thereof,

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

(5) If the offenses described under paragraphs 1 and 2 of this article have resulted with serious detriment to the security, economic or military power of the country,

the perpetrator shall be punished by imprisonment term of at least five years.

(6) Confidential are all those military, economic or official information or documents which have been declared confidential by virtue of law, some other regulation or decision of the competent body made on the basis of the law, which are available to a limited number of persons, which need to be kept secret because their disclosure would cause grave detrimental consequences for the security and defense the country, or for political, military or economic interests of the country.

Imparting a State Secret

Article 293

(1) Whoever without authorization passes on or renders accessible information or documents entrusted to him or which he had obtained otherwise, which constitute a state secret of the Republika Srpska or Bosnia and Herzegovina, to a person not entitled to receive such documents, shall be punished by imprisonment term ranging between one year and ten years.

(2) If the offense referred to in paragraph 1 of this article has been committed during a state of war or imminent war danger, or armed conflict, or if it had led to the endangerment of the security, economic or military power of the country, the perpetrator shall be punished by imprisonment term ranging between three and fifteen years.

(3) If the offense referred to under paragraph 1 of this article has been committed by negligence, the perpetrator shall be punished by imprisonment term ranging between six months and five years.

(4) If the offense referred to under paragraph 2 of this article has been committed by negligence, the perpetrator shall be punished by imprisonment term ranging between one and eight years.

(5) The term state secret shall be understood to mean the information or documents which have been declared secret by virtue of law, some other regulation or decision of the competent body made on the basis of the law, disclosure of which would produce or might produce detrimental consequences for political, economic or military interests of the country.

Dispatching and Transferring Armed Groups, Arms and Ammunition onto the Territory of The Republika Srpska or Bosnia and Herzegovina

Article 294

Whoever dispatches or transfers to the territory of the Republika Srpska or Bosnia and Herzegovina armed groups, terrorists, spies, raiders, weapons, explosives, poisons, equipment, ammunition or other material for the purpose of committing criminal offenses described in this chapter, shall be punished by imprisonment term ranging between one and ten years.

Calling onto a Forceful Alteration of Constitutional Establishment

Article 295

(1) Whoever with intention to jeopardize constitutional establishment or security of the Republika Srpska or Bosnia and Herzegovina calls on or incites forceful alteration of their constitutional establishment or to overthrow the highest government bodies,

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

(2) Whoever commits the offense described under paragraph 1 of this article with a help from abroad,

shall be punished by imprisonment term ranging between one and eight years,

(3) Whoever with intention of disseminating them makes or copies material which is by its content such as to call on or incites performance of the offenses described under paragraph 1 of this article, or whoever sends or dispatches to the territory of the Republika Srpska or Bosnia and Herzegovina such material or keeps larger amount of such material with intention of having it disseminated by himself or somebody else,

shall be punished by imprisonment term not exceeding three years.

Aiding the Perpetrator After Commission of Criminal Offense against Constitutional Establishment and State Security

Article 2896

(1) Whoever hides, provides with a shelter, food, material, money or other means, or otherwise helps the perpetrator of the offenses stipulated under articles 281 through 295 of this Code in order to prevent or hinder his disclosure or capture,

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

(2) There is no criminal offense if the aide to the perpetrator of the offenses stated under paragraph 1 of this article is his spouse, cohabitating partner, or straight blood relative or brother or sister, adopter or adoptee, or spouse or cohabitating partner of any of the said persons.

Organizing Criminal Association for the Purpose of Committing Criminal Offenses against the State

Article 2897

(1) Whoever organizes or otherwise activates joined action of a number of persons with the goal of committing the criminal offenses referred to under articles 281 through 287, articles 299 through 291 and article 294 of this Code,

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

(2) Whoever becomes a member of an organization described under paragraph 1 of this article,

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

(3) The perpetrator of the offense described under paragraphs 1 and 2 of this article who, by disclosing the organization or in some other way prevents execution of criminal acts defined under paragraph 1 of this article

shall be punished by imprisonment term not exceeding two years, or may be absolved of punishment.

Preparing Criminal Offenses against State

Article 298

(1) Whoever organizes, plans or conspires with another to commit, or who procures or facilitates means for commission, or takes any other actions thereby creating immediate preconditions for commission of criminal offenses stipulated under articles 281 through 295 and article 292, paragraph 1 and 2 of this Code,

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

(2) The perpetrator of the offenses stipulated under paragraph 1 of this article who voluntarily prevents commission of the criminal offense from the said articles,

shall be punished by imprisonment term not exceeding one year, or absolved.

Punishing for the Gravest Forms of Criminal Offenses against State

Article 299

(1) For a criminal offense referred to under articles 281, 282, and articles 288 through 291 of this Code, which brought about the death of a person or a number of persons, heavy violence or a large-scale destruction, the perpetrator

shall be punished by imprisonment term of not less than ten years

(2) If in the course of committing acts referred to in paragraph 1 of this article the perpetrator has intentionally deprived of life one or more persons,

he shall be punished by imprisonment term not less than ten years, or by life imprisonment.

Chapter Twenty Six

CRIMINAL ACTS AGAINST DEFENSE AND ARMY OF THE REPUBLIKA SRPSKA

Evasion of a Summons to Military Service

Article 300

(1) Whoever hides himself in order to evade recruiting, compulsory military service, military conscription for the war assignment, military training or any other military duty, even though he has been summoned by an individual or general call-up,

shall be fined or punished by imprisonment term not exceeding two year.

(2) Whoever escapes abroad or remains abroad with a view to evading the military duties mentioned under paragraph 1 of this article,

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

(3) Whoever calls on or incites a number of persons to commit the offense described under paragraph 1 or 2 of this article,

shall be punished for the offense defined under paragraph 1 of this article by imprisonment term not exceeding one year, and for the offense defined under paragraph 2 by imprisonment term ranging between six months and five years.

(4) Perpetrator of the offense referred to in paragraphs 1 and 2 of this article who voluntarily reports himself to the competent state authorities may have his punishment reduced or remitted.

Evasion of Military Service by Self-Mutilation or Deceit

Article 301

(1) Whoever, with intention to evade military service or be assigned to an easier duty, maims or otherwise temporarily disables himself or permits another to temporarily disable him for military service, as well as the one who, with his consent, temporarily disables the person with the same intention,

shall be punished by imprisonment term not exceeding three years.

(2) If permanent disability for military service resulted from the commission of the offense described under paragraph 1 of this article, or another had been disabled for military service without his consent, the perpetrator

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

(3) Whoever with the same intention as said under paragraph 1 of this article simulates a sickness or for himself or other uses false document or acts in any other deceitful way,

shall be punished by imprisonment term not exceeding three years.

Illegal Exemption from Military Service

Article 302

Whoever, by misusing his position or authority, causes exemption of a military person or a person subject to conscription from military service, or his assignment to an easier duty,

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

Arbitrary Abandonment and Desertion from the Army of the Republika Srpska

Article 303

(1) A military person who arbitrarily leaves his unit or service and fails to return on duty within ten days, or fails to return on duty from an authorized furlough from the unit or service within the same period, as well as a military person who without authorization stays away from his unit or service two times for a period less than 10 days, or who arbitrarily leaves his unit or service during the execution of an important mission or increased level of combat readiness of his unit;

shall be fined or punished by imprisonment term not exceeding one year.

(2) A military person who has hidden himself in order to evade military service, or who arbitrarily deserts his military unit or service and does not return to his duty after thirty days, or fails to return within the same time from an allowed furlough from the unit or service,

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

(3) A military person who escapes abroad or remains abroad in order to evade service in the armed forces, or for the same purpose prepares escape abroad,

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

(4) Whoever calls on or incites a number of persons to commit the offense defined under paragraphs 1, 2 and 3 of this article

shall be punished for the offense defined under paragraph 1 by imprisonment not exceeding two years, and for the offenses defined under paragraphs 2 and 3 by imprisonment term ranging between one and five years.

(5) The perpetrator of the offense described under paragraphs 2 and 3 of this article who reports to any state body of his own free will, may be punished less severely.

Failure or Refusal to Execute Order

Article 304

(1) A military person who fails or refuses to execute a legal order of a superior given in the line of duty, and if as a result of such failure or refusal occurs an impossibility of conducting the service or

the service can be conducted only under seriously deteriorated conditions, or a danger to lives of people or high value property has occurred,

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

(2) If especially harmful consequences for the military service have occurred through commission of the offense described under paragraph 1 of this article, the perpetrator

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

(3) A military person who disobeys a guard, patrolman, officers on duty, or another military person while performing their duty, as well as a military person who fails to comply to their call or fails or refuses to execute their order,

shall be fined or punished by imprisonment term not exceeding one year.

Refusal to Accept or Use Arms

Article 305

(1) A military person who, in contravention of regulations and without a justifiable reason, refuses to accept arms or to use the same as ordered in accordance with law or pursuant to the rules of the service,

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

(2) Military draftee who in contravention of regulations and without a justifiable reason refuses to accept arms given to him in connection with the service in reserve military forces,

shall be fined or punished by imprisonment term not exceeding two years.

Resisting a Superior

Article 306

(1) A military person who in concert with other military persons refuses legal order of the superior given in the line of duty, or refuses to discharge his duty,

shall be punished by imprisonment term ranging between three months and three years.

(2) If the act referred to under paragraph 1 of this article had been committed in an organized manner, the perpetrator

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

(3) If the act referred to in paragraphs 1 and 2 of this article has been committed with the use of arms, the perpetrator

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

(4) The military person who while committing the offense defined under paragraph 3 of this article kills another by negligence,

shall be punished by imprisonment term ranging between two and ten years.

(5) The military person who while committing the offense defined under paragraph 3 of this article intentionally kills another,

shall be punished by imprisonment term of at least five years

Coercion Against a Military Person in the Execution of his Military Duty

Article 307

(1) Whoever by force or threat of immediate use of force prevents a military person in execution of official duties, or compels him in the same manner to execute his official duties,

shall be punished by imprisonment term not exceeding three years.

(2) If the perpetrator of the act described in paragraph 1. of this article has seriously offended a military person, treated him rudely, he

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

(3) The attempt of the act described in paragraph 1. of this article is punishable.

Assault Against a Military Person Executing of his Military Duty

Article 308

(1) Whoever attacks or seriously threatens to attack a military person executing his duty,

shall be punished by imprisonment term not exceeding three years.

(2) If the commission of the act referred to in paragraph 1 of this article has resulted in light bodily injury to the military person or if he has been threatened with arms, the perpetrator

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

(3) If the commission of the act referred to under paragraph 1 of this article had brought about a severe bodily injury to the military person, or grievous consequences for the military service, the perpetrator

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

(4) If during the commission of the offense referred to under paragraph 1 of this article the perpetrator intently deprives of life the military person, he shall be punished by imprisonment term of at least seven years.

Maltreatment of a Subordinate or a Military Person of Lower Rank

Article 309

(1) A military superior who in the line of duty or in connection with his service maltreats his subordinate or a person of lower military rank or treats him in a way offensive to human dignity, shall be fined or punished by imprisonment term not exceeding two years.

(2) If the act referred to in paragraph 1 of this article has been committed against several persons, the perpetrator shall be punished by imprisonment term ranging between six months and three years.

Violation of Special Military Duty

Article 310

(1) A military person who acts contrary to the regulations concerning sentry, patrol, interior guard or other similar duty, bringing about serious harmful consequences for the service or the service is brought into serious jeopardy, shall be fined or punished by imprisonment term not exceeding two years.

(2) In the event that the offense referred to in paragraph 1 of this article has been committed at arms or ammunition depots, at depots of explosive substances or other facility of great importance, the perpetrator shall be punished by imprisonment term ranging between three months and three years.

(3) If the offenses referred to in paragraphs 1 and 2 of this article have resulted in a serious bodily injury, or if damage to property on a large scale, the perpetrator shall be punished by imprisonment term ranging between six months and five years.

(4) If the offenses referred to in paragraphs 1 and 2 of this article have resulted in death of one or several persons, the perpetrator shall be punished by imprisonment term ranging between one year and ten years.

(5) In the event that the offenses referred to in paragraphs 1, 2, 3 and 4 of this article have been committed by negligence,

the perpetrator shall be punished for the offense under paragraph 1 with a fine or imprisonment term not exceeding six months,

for the offense under paragraph 2 by imprisonment term not exceeding one year,

for the offense under paragraph 3 by imprisonment term not exceeding two years, and

for the offense under paragraph 4 by imprisonment term ranging between one and five years.

Breach of Duty to Secure State Border

Article 311

(1) A military person who, while carrying out duty on the border, acts in contravention of the regulations related to protection of state border, thereby bringing about heavier harmful consequences, or the service has been significantly jeopardized,

shall be fined or punished by imprisonment term not exceeding two years

(2) If the offense described in paragraph 1. of this article has resulted in grievous bodily injury or a large size property damage, the perpetrator

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

(3) If death of one or several persons has resulted from the offense described in paragraph 1. of this article, the perpetrator

shall be punished by imprisonment term ranging from one to ten years.

(4) If the offense from paragraph 1. of this article has been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year;

(5) If the offense from paragraph 4. of this article has resulted in graver consequences described under paragraph 2. of this article, the perpetrator

shall be punished by imprisonment not to exceed two years, and if the consequence described in paragraph 3 of this article has occurred as a result of the offense, the perpetrator shall be punished by imprisonment term between six months and five years.

Submitting Untrue Official Reports

Article 312

(1) A military person who presents to his superior military officer, verbally or in writing, an official report whose contents is untrue but of significance for the service, or withholds knowledge of a true

fact which he ought to have mentioned in a report, or passes such report despite knowing that the information contained therein is false, thereby causing serious harmful consequences, or the service is seriously jeopardized,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the offense described under paragraph 1 of this article has been committed by submitting a report of exceptional importance, or especially grievous consequences have occurred, the perpetrator

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

(3) If the offense described under paragraph 2 of this article has been done out of negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

Failure to Take Measures for the Protection of a Military Unit

Article 313

(1) A military commander who, within his authority, fails to take prescribed, ordered or other manifestly necessary measures toward protecting the lives and health of men entrusted to him, toward securing and maintaining objects and means of combat readiness, toward ensuring regular supply of his unit with food, military equipment or material of the unit entrusted to him, toward keeping and taking care of livestock, toward the timely and proper execution of defensive works or protection of facilities entrusted to him, and by doing so jeopardizes lives of people or seriously jeopardizes the health of people or a property of a high value,

shall be punished by imprisonment term not exceeding three years.

(2) If the offense referred to in paragraph 1 of this article has resulted in a serious bodily injury, or if damage to property on a large scale or other especially grievous consequences occurred, the perpetrator

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

(3) If an offense referred to in paragraph 1 of this article has resulted in the death of one or more persons, the perpetrator

shall be punished by imprisonment term ranging between one and ten years.

(4) In the event that the offense referred to in paragraph 1 of this article has been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

(5) In the event that the offense under paragraph 4 of this article resulted in a consequence referred to in paragraph 2 of this article, the perpetrator

shall be punished by imprisonment term not exceeding two years,
and in case of a consequence referred to in paragraph 3, the perpetrator
shall be punished by imprisonment term ranging between six months and five years.

Deficient Protective Measures at Drills

Article 314

(1) A military person who fails to take the prescribed, ordered or manifestly necessary safety or precautionary measures during drills, exercises, training courses, or in the course of conducting a test, and thus bring into danger lives of people or seriously jeopardizes the health of people or property of a high value,

shall be punished by imprisonment term not exceeding three years.

(2) If the offense referred to in paragraph 1 of this article has resulted in a serious bodily injury, or if damage to property on a large scale or other especially serious consequences occurred, the perpetrator

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

(3) If the offense referred to in paragraph 1 of this article has resulted in the death of one or more persons, the perpetrator

shall be punished by imprisonment term ranging between one and ten years.

(4) In the event that the offense referred to in paragraph 1 of this article has been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

(5) In the event that the offense under paragraph 4 of this article resulted in a consequence referred to in paragraph 2 of this article, the perpetrator

shall be punished by imprisonment term not exceeding two years,

and in case of a consequence referred to in paragraph 3, the perpetrator

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

Improper Care of Entrusted Arms

Article 315

(1) Whoever improperly keeps, guards or handles arms, ammunition or explosives of a military unit or establishment which have been entrusted to him and thereby causes a substantial damage to the aforementioned items, their destruction or disappearance,

shall be fined or punished by imprisonment term not exceeding two years.

(2) The manager of the warehouse where the weapons, ammunition, explosives or other combat means are stored who fails to take measures for securing and maintaining them, and thereby causes large scale damage, destruction or disappearance of those means of combat,

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

(3) If the offense described under paragraph 2 of this article resulted with large scale property damage, the perpetrator

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

(4) In case that the offense described under paragraph 2 of this article was committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding two years.

(5) If the offense provided for under paragraph 4 of this article resulted with the consequence described under paragraph 3 of this article, the perpetrator

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

Illegal Disposition of Arms Entrusted

Article 316

Whoever appropriates, takes away, pawns, confers to another for use, damages or destroys arms, ammunition or explosive which are given to him for use and which serve for the national defense purposes,

shall be punished by imprisonment term ranging between three months and three years.

Stealing Weapon or Part of Combat Asset

Article 317

(1) Whoever steals weapons, ammunition, explosives or a part of combat asset which serves the purpose of defense,

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

(2) If the value of the object from paragraph 1 of this article exceeds the amount of 5.000 KM, or the theft had been committed by breaking open or breaking into closed buildings, rooms, strong-rooms, cabinets, or other closed premises, or by especially dangerous or brazen manner, or by a

person wearing arms or dangerous tools for the purpose of attack or defense, or during a fire, flood, earthquake or other catastrophe, the perpetrator

shall be punished by imprisonment term ranging between one and ten years.

(3) If the value of the object from paragraph 1 of this article exceeds the amount of 50.000 KM, the perpetrator

shall be punished by imprisonment term ranging between two and twelve years.

Disclosure of Military Secrets

Article 318

(1) A military or another person who in contravention of his duties regarding the keeping of a military secret communicates, confers or otherwise makes accessible to another information which constitutes a military secret, or compiles such information with a view to convey it to an uninvited person,

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

(2) With punishment from the previous paragraph shall be punished whoever acquire the information that are according to his/her knowledge military secret on illegal way or whoever publish that information.

(3) In the event that the offense referred to in paragraph 1 of this article has been committed out of greed, or if it involves especially confidential information, or for the purpose of disclosing or using the information abroad, the perpetrator

shall be punished by imprisonment term of at least one year.

(4) In the event that the offense referred to in paragraph 1 of this article has been committed by negligence, the perpetrator

shall be punished by imprisonment term not exceeding three years.

(5) There will not be the criminal offense from paragraph 2 of this article if the perpetrator publishes or mediates in publishing of a military secret the content of which contravenes with constitutional establishment of the Republika Srpska with the purpose of publicly disclosing the irregularities in organizing, acting and leading the defense forces and their combat readiness for defending the Republika Srpska, if such disclosure did not bring about harmful consequences for the Republika Srpska.

(6) Military secret shall be so construed as to mean the information or documents which have been designated as a military secret by virtue of law, other statutory provision or decision of a competent body which is in compliance with the law, the disclosure of which would bring about harmful consequences for the Army of the Republika Srpska or defense or security of the country.

Undermining Military or Defensive Power

Article 319

(1) Whoever, destroys, renders useless or enables to pass into the hands of the enemy the defense installations, defense objects, positions, arms or other military or defensive means, or surrenders the military unit to the enemy before all resources have been exhausted, or otherwise hinders or jeopardizes the military or defense measures,

shall be punished by imprisonment term ranging between two and twelve years.

(2) Whoever commits the offense from paragraph 1 of this article with intention of aiding the enemy,

shall be punished by imprisonment term ranging between five and fifteen years.

(3) If the offenses described under paragraphs 1 and 2 of this article caused death of one or more persons, or brought about danger for the lives of people or were followed with heavy violence or large scale destruction, or brought the security and economic or military power of the country into jeopardy, the perpetrator

shall be punished by imprisonment term of at least ten years.

(4) If while committing the offenses described under paragraphs 1 and 2 of this article the perpetrator had killed one or several persons, he

shall be punished by imprisonment term of at least ten years or life imprisonment.

Preventing Fight Against Enemy

Article 320

(1) Whoever at time war or armed conflict prevents the citizens of the Republika Srpska from fighting against the enemy,

shall be punished by imprisonment term ranging between two and twelve years.

(2) Whoever at time of war or armed conflict by propaganda or otherwise dissuades the citizens of the Republika Srpska or citizens of its allies from fighting against the enemy

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

Joining or Surrendering to the Enemy

Article 321

(1) A military person who at the time of war or armed conflict joins the ranks of the enemy army,

shall be punished by imprisonment term of at least five years.

(2) A military person who at the time of war or armed conflict surrenders to the enemy before he has exhausted all defensive options,

shall be punished by imprisonment term ranging between one and ten years.

Service in the Army of the Enemy

Article 322

(1) A citizen of the Republika Srpska who serves in the enemy's army or other enemy's armed formations in time of war or armed conflict, or participates in war or armed conflict as a combatant against the Republika Srpska,

shall be punished by imprisonment term ranging between three and fifteen years.

(2) Whoever lures citizens of the Republika Srpska for service in the enemy's army or other enemy's armed formations, or for participation in war or armed conflict against the Republika Srpska,

shall be punished by imprisonment term ranging between five and fifteen years.

Aiding the Enemy

Article 323

(1) A citizen of the Republika Srpska who aids the enemy in making a requisition, in seizing food and other goods, or in performing other coercive measures against the people in time of war or armed conflict,

shall be punished by imprisonment term ranging between one and ten years.

(2) A citizen of the Republika Srpska who politically or economically collaborate with the enemy in time of war shall also be punished by the sentence referred to in paragraph 1 of this article.

(3) Should the offenses provided under paragraphs 1 and 2 of this article result with a death of one or more persons, or danger for lives of people, or was followed by heavy violence or large scale destruction, or had jeopardized security, economic or military power of the country, the perpetrator

shall be punished by imprisonment term of not less than ten years.

(4) If, while committing the offense described under paragraph 1 of this article, the perpetrator deprives of life one or more persons,

shall be punished by imprisonment term of not less than ten years or life imprisonment.

Not Fulfilling Duty during Combat

Article 324

1) A military person who during the combat or immediately before the combat fails to execute his duty and thus causes detrimental consequences for the military unit or combat situation,

shall be punished by imprisonment term ranging between one and ten years.

2) If the offense described under paragraph 1 of this article has resulted with particularly grave consequences, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

Arbitrary Desertion of Duty during Combat

Article 325

1) A military person who during the combat or immediately before the combat arbitrarily or in a deceitful manner deserts his duty,

shall be punished by imprisonment term ranging between one and ten years.

2) If the offense described under paragraph 1 of this article has resulted with particularly grave consequences, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

Deserting the Combat Position Against an Order

Article 326

1) An army officer who in contravention to orders deserts the combat position with the unit entrusted to him before exhausting all possibilities of defense,

shall be punished by imprisonment term ranging between one and ten years.

2) If the offense described under paragraph 1 of this article has resulted with particularly grave consequences, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

Deserting a Damaged Vessel or Aircraft before the Due Time

Article 327

1) The commander of a military vessel who during the war deserts the damaged vessel before he had carried out all his duty prescribed by regulation on service at ships,

shall be punished by imprisonment term ranging between one and ten years.

2) A member of the crew in a battle ship who during the war deserts the damaged vessel before the commander has issued the order to desert the vessel, or a member of crew of a military aircraft who during the war deserts the damaged military aircraft,

shall be punished by imprisonment term ranging from one to eight years.

3) If the offense described under paragraphs 1 and 2 of this article have resulted with particularly grave consequences,

the perpetrator shall be punished for the offense from paragraph 1 by imprisonment term ranging between five and fifteen years, and for the offense from paragraph 2 by imprisonment term ranging between two and ten years.

Leaving the Undamaged Combat Assets to the Enemy

Article 328

1) A military person who allows that a not significantly damaged military storage, ship, aircraft, tank or any other means of combat falls in the hands of enemy,

shall be punished by imprisonment term ranging from one to ten years.

2) The punishment provided under paragraph 1 of this article shall also be applied to whoever, in contravention of the order issued, allows that not significantly damaged plant or other facility of importance for national defense falls in the hands of enemy.

3) If the offenses described under paragraphs 1 and 2 of this article have been done out of negligence,

the perpetrator shall be punished by imprisonment term not exceeding three years.

Weakening Combat Moral and Combat Situation

Article 329

1) Whoever during the combat or immediately before the combat, by causing dissatisfaction among the soldiers, by spreading upsetting news, running away, throwing away the weapon or ammunition, causing or spreading the feeling of fear, or otherwise weakening combat moral of the military unit or harming the combat situation,

shall be punished by imprisonment term ranging between two and twelve years.

2) A military officer who fails to take necessary measures in respect to his inferior or subordinate who during the combat or immediately before the combat, spreads the feeling of fear, causes commotion or confusion, or otherwise weakens combat moral of the military unit or harms the combat situation

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

3) If the offense described under paragraph 1 and 2 of this article has resulted with particularly grave consequences, the perpetrator

shall be punished by imprisonment term of at least five years.

Failure to Secure Military Unit

Article 330

1) A military person who during the state of war fails to secure the military unit entrusted to him, thus causing detrimental consequences towards it,

shall be punished by imprisonment term ranging between two and twelve years.

2) If the offense described under paragraph 1 of this article has resulted with particularly grave consequences for the military unit, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

3) If the offense described under paragraph 1 of this article has been committed out of negligence, the perpetrator

shall be punished by imprisonment term ranging from one to eight years.

4) If the offense described under paragraph 3 has resulted with the consequences described under paragraph 2 of this article, the perpetrator

shall be punished by imprisonment term ranging between two and ten years.

Failure to Report to Military Bodies

Article 331

1) Whoever during the state of war or imminent war danger fails to report to his superior or headquarters on an event which manifestly requires immediate military action,

shall be punished by imprisonment term not exceeding two years.

2) If the offense described under paragraph 1 of this article has resulted with particularly grave consequences, the perpetrator

shall be punished by imprisonment term ranging from one to eight years.

Not Fulfilling Duty when Conducting Mobilization

Article 332

1) A military or official person who while conducting mobilization during the state of war or in case of imminent war danger caused by state of war or armed conflict, contrary to his duty, fails to ensure acceptance, deployment and stay of the mobilized people, transport and other means and livestock, or fails to ensure supply to the mobilized people and livestock, or fails to execute some other duty related to mobilization, in consequence of which failure grave consequences occurred , shall be punished by imprisonment term ranging from one to eight years.

2) Of the offense described under paragraph 1 of this article has been done out of negligence, the perpetrator

shall be punished by imprisonment term not exceeding three years.

Mitigating Punishment or Absolving

Article 333

Perpetrator of the offenses set forth under article 304 paragraph 1 and 3 , article 306, paragraph 1, article 307, paragraphs 1 and 2, and article 308, paragraphs 1 and 2 of this Code, who was provoked by illegal or rough treatment by the military person, may be punished less severely or absolved.

Conditions for Pronouncing Disciplinary Measures

Article 334

Commission of a criminal offense against Defense and Armed Forces of the Republika Srpska for which law prescribes a punishment of up to three years in prison may be punished by a disciplinary measure prescribed by regulations dealing with disciplinary responsibility in the Army of the Republika Srpska instead with the criminal sanction, if the offense took a particularly light form or if this is required by interests of the service.

Responsibility for Criminal Offenses Committed as Ordered by Superior

Article 335

There is no criminal offense when a subordinate commits a criminal offense pursuant to order of a superior given in the line of official duty, except when such order has been directed toward

committing genocide, war crime or any other criminal offense punishable by imprisonment term of ten years or harsher punishment, or if it was obvious that the execution of the order constitutes a criminal offense.

Punishing for the Offenses Committed during the State of War or Imminent War Danger

Article 336

(1) The law of the Republika Srpska may prescribe more severe punishments for the criminal offenses against the Defense and Military Forces of the Republika Srpska which are committed during the state of war or imminent war danger.

(2) During the state of war or imminent war danger, the law of the Republika Srpska may prescribe other criminal offenses against Defense and Military Forces of the Republika Srpska.

Chapter Twenty Seven

CRIMINAL ACTS AGAINST OFFICIAL DUTY

Abuse of Office or Official Authority

Article 337

(1) An official or responsible person who, with intention to acquire non-property gain for himself or another or causing damage to a third person, takes advantage of his office or official authority to exceed the limits of his official authority or fails to execute his official duty,

shall be punished by imprisonment term ranging between three months and three years.

(2) If a significant damage to property or rights of the third party have been seriously breached through the commission of an act referred to in paragraph 1 of this article, the perpetrator

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

(3) The official or responsible person who with intention to obtain property gain for himself or another, abuses his position or authority, and exceeds the limits of his authority or fails to perform his official duty,

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

(4) If the property gain acquired through commission of the criminal offense described under paragraph 3 of this article exceeds 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and eight years, and if the amount exceeds 50.000 KM, by imprisonment term ranging between two and ten years.

Embezzlement in Office

Article 338

(1) Whoever illegally appropriates money, securities, or other movables entrusted to him by virtue of his office, or generally while he is working in a state body or legal person

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

(2) If the property gain has been acquired as a result of an act referred to in paragraph 1 of this article which exceeds the amount of 200 KM, and the perpetrator had intention to acquire small value, the perpetrator

shall be fined punished by imprisonment term not exceeding one year.

(3) If the property gain has been acquired as a result of an act referred to in paragraph 1 of this article, which gain exceeds the amount of 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and eight years, and if it exceeds the amount of 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between two and ten years.

Fraud in Office

Article 339

(1) An official or responsible person who, in the course of performing his duty, with the intention of acquiring an unlawful property gain for himself or another, by submitting false accounts or in some other way deceives an authorized person into making an illegal disbursement,

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

(2) If a property gain in excess of 10.000 KM has been acquired through commission of the offense referred to in paragraph 1 of this article, the perpetrator shall be punished by imprisonment term ranging between one year and eight years, and if the gain exceeds the amount of 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between two and ten years.

Using Property of the Office

Article 340

Whoever who makes an unauthorized use of money, securities or other movable entrusted to him by virtue of his office, or generally while working in a government body or a legal person, or without authorization confers these things to another person for unauthorized use,

shall be fined or punished by imprisonment not exceeding three years.

Accepting Bribe

Article 341

(1) An official or responsible person who demands or accepts a gift or any other benefit or who accepts a promise of a gift or a benefit for the doing within the scope of his official powers of an official act which ought not to be performed by him, or for the omission of an official act which ought to be performed by him,

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

(2) An official or responsible person who demands or accepts a gift or any other benefit or who accepts a promise of a gift or a benefit for a doing which is normally within the scope of his official powers or an official act which ought to be performed by him, or for the omission of an official act which ought not to be performed by him,

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

(3) An official or responsible person who demands or accepts a gift or any other benefit following the performance or omission of an official act referred to in paragraphs 1 to 3 of this article, and in relation to it,

shall be punished by imprisonment term not exceeding three years.

(4) The gifts or any other benefits shall be forfeited.

Giving Bribe

Article 342

(1) Whoever gives or promises a gift or any other benefit to an official to perform an act from within his competence that ought not to be done, or not to perform an act from within his competence that ought to be done, or who mediates in such bribing of an official or responsible person, or who mediates in such bribing of the official or responsible person,

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

(2) Whoever gives or promises a gift or any other benefit to an official for the doing within the scope of his official powers of an official act which ought to be performed by him, or for the omission of an official act which ought not to be performed by him, or who mediates in such bribing of the official or responsible person,

shall be punished by imprisonment term not exceeding three years.

(3) The perpetrator of the offenses described under paragraphs 1. and 2. of this article who had given a bribe on request of the official, but reported the deed before it being discovered or before learning that the deed has been discovered,

shall be freed from punishment.

(4) The gifts or any other benefits shall be forfeited, while in case described under paragraph 3. of this article, it shall be returned to the giver.

Illegal Influence

Article 343

(1) Whoever accepts a reward or any other benefit for mediating in an official act be or not be performed, taking advantage of his official or social position,

shall be punished by imprisonment term not exceeding three years.

(2) Whoever by taking advantage of his official or social position, intercedes that an official act be performed which ought not to be performed, or that an official act be not performed which ought to be performed,

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

(3) If the offense described under paragraph 2 of this article had been committed in relation with initiating or conducting criminal procedure against a person, the perpetrator

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

(4) If a reward or any other benefit has been received in return for the intercession referred to in paragraphs 2 and 3 of this article, the perpetrator

shall be punished by imprisonment term ranging between two and ten years.

(5) The award or property gain shall be forfeited.

Unconscientious Work in the Office

Article 344

(1) An official who knowingly breaches laws or other regulations by failing to exercise due supervision or in any other way manifestly acts in a clearly unconscientious manner in the discharge of his official duties, despite having been aware or having to be aware that such action of his may result with a grave violation of rights of another or a large scale property damage,

shall fined or be punished by imprisonment term not exceeding two years.

(2) If a serious violation of another man's right or damage to property exceeding 50.000 KM has occurred as a result of an act referred to in paragraph 1 of this article, the perpetrator

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

Disclosure of Official Secrets

Article 345

An official who, without authorization communicates, conveys or in any other way makes accessible to another person information which constitutes an official secret, or who obtains such information with the intention of conveying it to an unauthorized person who is not supposed to have it,

shall be punished by imprisonment term ranging between three months and three years.

(2) The punishment defined under paragraph 1 of this article shall also be imposed on whoever, for the purpose of using them without authorization gets into possession of data kept as official secret or publishes them without authorization.

(3) If the offense referred to in paragraph 1 of this article was committed out of greed or in respect of particularly confidential information or for the purpose of disclosing or using the information abroad, the perpetrator

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

(4) If the offense referred to in paragraph 1 of this article has been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

(4) The person who, with the aim of publicly disclosing irregularities in organizing, acting and leading the office, publishes or mediates in publishing of a secret the content of which contravenes the constitutional establishment of the Republika Srpska, and such disclosure does not result with harmful consequences for the Republika Srpska, shall be considered not having committed the criminal offense described under paragraph 2 of this article

(4) An official secret shall be so construed as to understand information or documents which have been designated as official secret by virtue of law, some other regulation or a decision by a competent body made on the basis of law, whose disclosure would cause, or might cause substantial detrimental consequences to the office.

Illegal Collection and Disbursement

Article 346

Official or responsible person who collects from another something which the latter is not obligated to pay, or in excess of what he is obligated to pay, or who delivers or pays less than required during a payment or a delivery,

shall be fined or punished by imprisonment term not exceeding one year.

Unlawful Freeing a Detainee

Article 347

Official who unlawfully frees another person detained and entrusted to him, or who aids his escape, or enables illegal connection or correspondence whose purpose is preparation of escape, shall be punished by imprisonment term ranging between three months and three years.

Extortion of Statement

Article 348

(1) Official who in discharge of his duty uses force, threat or other not allowed means or not allowed manner with intention of extorting testimony or other statement from a defendant, witness, expert witness or any other person,

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

(2) If the extortion of the testimony or statement was followed with heavy violence, or had resulted by especially harmful consequences for the defendant in the criminal proceedings, the perpetrator

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

Violation of Human Dignity by Abuse of Official Position or Authority

Article 349

Official who in discharge of his duty, by abuse of his position or authority, grossly maltreats, scares, inflicts bodily injury or generally treats another in away insulting to his dignity,

shall be punished by imprisonment term not exceeding three years.

Unlawful Appropriation of Objects while Searching or Conducting Execution

Article 350

(1) Official who, during the search of apartments, premises or persons, or while conducting execution in judicial or administrative proceedings, takes a movable object with the intention of obtaining illegal material benefit for himself or another,

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

(2) If the appropriated object is of large value, the perpetrator

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

Chapter Twenty Eight

CRIMINAL OFFENSES AGAINST ADMINISTRATION OF JUSTICE

Failure to Report Preparation of a Criminal Offense

Article 351

(1) Whoever, having knowledge of the preparation to commit a criminal offense which is threatened by five years of imprisonment or a harsher punishment by law, fails to report the fact at the time when the commission of the offense may still be averted, and the offense does get committed or attempted,

shall be fined or punished by imprisonment term not exceeding one year.

(2) In the event of failure to inform of preparation to commit a criminal offense threatened by life imprisonment by law, the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

(3) There is no criminal offense from paragraph 1 of this article if the offense had not been reported by a person to whom the perpetrator is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child and their spouses or cohabiting partners.

(4) A milder punishment may be pronounced for the offense described under paragraph 2 of this article if the perpetrator is in any of the relations defined under paragraph 3 of this article with the person who prepares to commit the criminal offenses.

Failure to Inform of a Criminal Offense or a Perpetrator

Article 352

(1) Whoever, having knowledge of the identity of the perpetrator of a criminal offense threatened by law with imprisonment of twenty years or life imprisonment, or whoever having merely knowledge of the commission of such offense, fails to report the fact before the offense or the perpetrator have been discovered,

shall be fined or punished by imprisonment term not exceeding three years.

(2) Official who knowingly fails to report criminal offense he had learned of in discharge of his duty if the offense is threatened by five years of imprisonment or a harsher punishment under a statutory provision, and is prosecutable ex officio,

shall be punished by imprisonment term not exceeding three years.

(3) There is no criminal offense from paragraph 1 of this article if the person who failed to report the perpetrator is his spouse, cohabiting partners, first-line blood relative, brother or sister, adoptive parent or adopted child and their spouses or cohabiting partners, or the perpetrator's defense lawyer, physician or confessional priest.

Accessory After Commission of Criminal Offense

Article 353

(1) Whoever harbors a person who has committed a criminal offense subject to public prosecution, or aids him to elude discovery by concealing instruments, traces or in any other way, or whoever harbors a convicted person or takes steps towards frustrating the execution of punishment, security measures or educational measures of committal to an educational institution and committal to an educational-reformatory home,

shall be fined or punished by imprisonment term not exceeding one year .

(2) Whoever renders assistance to the perpetrator of a criminal offense threatened by a punishment of imprisonment exceeding five years,

shall be punished by imprisonment term ranging between three months and three years.

(3) Whoever renders assistance to the perpetrator of a criminal offense threatened by life imprisonment,

shall be punished by imprisonment term ranging between one year and eight years.

(4) The punishment referred to in paragraph 1 of this article can not be harsher either in type or in magnitude, than the punishment prescribed for a criminal offense in respect of which accessory after the fact took place.

(5) There is no offense described under paragraphs 1 through 3 of this article if the person helping the perpetrator is his spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child and their spouses or cohabiting partners.

False Information about Criminal Offense

Article 354

(1) Whoever reports a designated person to have committed a criminal offense subject to public prosecution, knowing that such person is not the perpetrator,

shall be fined or punished by imprisonment term not exceeding two years.

(2) The punishment referred to in paragraph 1 of this article shall also be imposed on a person who forges evidence of a criminal offense or in some other way causes the institution of prosecution for a criminal offense subject to public prosecution against another person whom he knows not to be the perpetrator.

(3) Whoever charges himself with the commission of a criminal offense subject to public prosecution, although he has not committed it,

shall be fined or punished by imprisonment term not exceeding six months.

(4) The punishment referred to in paragraph 3 of this article shall be imposed on those who report a criminal offense subject to public prosecution although they know that such act has not been committed.

Giving False Statements

Article 355

(1) A witness, expert witness, translator or interpreter who makes a false statement in the course of proceedings before a court, disciplinary, procedure on minor offense or administrative proceedings or other proceedings prescribed by law,

shall be fined or punished by imprisonment term not exceeding two years.

(2) The punishment referred to in paragraph 1 of this article shall be imposed on a party who gives a false testimony in giving evidence at the trial or administrative proceedings, and if the court relies its decision upon that testimony.

(3) If the false statement has been made in the course of criminal procedure, the perpetrator

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

(4) If particularly grave consequences for the defendant occur as a result of an act referred to in paragraph 3 of this article, the perpetrator

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

(5) If the perpetrator voluntarily withdraws his false statement before the final decision was made,

he shall be fined, and may also be absolved.

Tampering With Evidence

Article 356

(1) Whoever, with the intention of preventing or hampering the collection of evidence, conceals, destroys, damages or renders unserviceable, someone else's object or documents used as evidence,

or whoever moves or dislocates a boundary marker, geodetic mark or any other sign marking the ownership of real estate, or whoever with the same purpose erect false sign,

shall be fined or punished by imprisonment term not exceeding one year.

(2) Whoever by use of threat or any other form of force or promise of a gift or some other benefit makes a witness or expert testifying in trial, procedure on minor offenses, or administrative procedures, or in disciplinary procedures, to give a false statement ("or induce him to giving false statement")

shall be punished by imprisonment term ranging between three months and three years.

Breach of Secrecy of Proceedings

Article 357

(1) Whoever without authorization discloses information he had learned in the course of trial, minor offense, administrative or any other proceedings prescribed by law, which should not be published or has been proclaimed secret by decision of the court or another body having jurisdiction,

shall be fined or punished by imprisonment term not exceeding one year.

(2) The same punishment shall also be imposed on whoever without the court's permission publishes the course of criminal proceedings being conducted against a juvenile, the juvenile's name or decision which had been made in the proceedings.

Coercion Against Judiciary Employee

Article 358

1. Whoever , by force or with serious threat, force judge, jury judge, public prosecutor, public defender or their deputies, to do something , not do something or suffer

shall be fined or sentenced up to two years in prison.

2. Whoever, do the act from paragraph 1 of this article with threat of death, hard body injury, kidnapping or as a member of group or criminal organization

shall be sentenced by prison from 6 months to five years.

Non-Execution of Court's Decision

Article 359

1. An official or responsible person who knowingly fails to act upon final and binding decision of court,

shall be fined or punished by imprisonment term not exceeding three years.

(2) The punishment defined under paragraph 1 of this article shall also be imposed onto an official or responsible person who refuses to execute decision of the Constitutional Court he is liable to execute.

(3) If the offense described under paragraph above had resulted with grievous violations of right of another or significant material damage, the perpetrator

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

Violation of Court's Decision on Barring Performance of Particular Duty or Profession

Article 360

Whoever makes it possible to another to perform profession, activity or duty, despite knowing that a final and binding decision of court had imposed the measure of prohibiting performance of a duty, profession or calling, or protective measure of prohibiting performance of certain duties, or such prohibition has emanated as a legal consequence of conviction,

shall be fined or punished by imprisonment term not exceeding one year.

Mutiny of Persons Deprived of Freedom

Article 361

(1) Persons, who have been deprived of freedom on the basis of the law, who gather with the intention of freeing themselves in a violent way or of jointly attacking persons entrusted with their surveillance, or of compelling the aforementioned persons, by force or threat of immediate use of force, to do an act or omit to do an act in breach of their duties,

shall be punished by imprisonment term not exceeding three years.

(2) Those who commit the offense referred to in paragraph 1 of this article and actually use of force or threat,

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

(3) The perpetrator of the offense from paragraph 1 who voluntary desists the mutiny before force or threat of force was actually used, shall be absolved.

Escape of Persons Deprived of Freedom

Article 362

A person deprived of freedom on the basis of law who by force or threat of immediate attack upon life or limb, escapes,

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

Enabling Escape of a Person Deprived of Freedom

Article 363

(1) Whoever by force or threat, deceits or in some other way enables escape of a person who has been lawfully deprived of freedom,

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

(2) If the offense referred to in paragraph 1 of this article has been committed by several persons who have joined forces, or escape of several persons has been made possible, the perpetrators

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

Chapter Twenty Nine

CRIMINAL OFFENSES AGAINST LEGAL TRANSACTIONS

Forging Documents

Article 364

(1) Whoever drafts a false document or alters a genuine document for the purpose of using such document as genuine, or whoever uses a false or altered document as genuine,

shall be fined or punished by imprisonment term not exceeding three years.

(2) Whoever makes a false public document, will, bill of exchange, check, public or official book or some other book that has to be kept by virtue of a legal provision, or whoever alters a real document, or whoever such false or altered document puts into circulation or keeps it to use it as real or uses it as real,

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

(3) The attempt to commit the offense from paragraph 1 of this article is punishable.

Special Cases of Forging Documents

Article 365

He shall be deemed to have committed an act of forging documents, and subject to punishment pursuant to previous article:

- 1) whoever without authorization completes a document, form or some other item that has already been signed by another person with a statement that creates legal relations;
- 2) whoever deceives another person as to the content of a certain document and if the other person signs the paper, believing that he is signing some other document or some other content;
- 3) whoever issues a document on behalf of another person without his authorization or on behalf of a person that does not exist;
- 4) whoever as the person who issues a document claims by his signature that he holds a certain position, title or rank, although he does not, and if that has a substantial influence on the power of evidence of the document.
- 5) whoever drafts a document by way of using a genuine seal or mark without authorization.

Falsifying or Destroying a Public Document

Article 366

(1) An official or responsible person who enters false data or fails to enter an important information into an official or business document, book or record, or certifies by his signature or official stamp an official or business document, book or letter with untrue content, or who by signing or stamping by official stamp facilitates making of such document, book or letter with untrue content,

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

(2) The punishment defined under paragraph 1 of this article shall also be imposed on official or responsible person who uses such untrue official or business document, book or letter in his service or business as genuine, or who hides, substantially damages or otherwise renders unserviceable an official or business document, book or letter.

Making, procuring, possessing, selling or giving to use the tools for forging documents

Article 367

(1) Whoever makes, procures, possesses, sells or gives to use tools for forging documents,

shall be fined or punished by imprisonment term not exceeding two years.

(2) The tools for forging shall be forfeited.

Misleading to Certificate Untrue Matter

Article 368

(1) Whoever misleads a competent body into certifying any untrue matter in a public document, register or book, designed to serve as evidence in a legal matter,

shall be fined or punished by imprisonment term not exceeding two years.

(2) The punishment referred to in paragraph 1 of this article shall be imposed on those who make use of such a document, register or book despite being aware of its falsity.

Issuance or Use of an Untrue Medical or Veterinary Health Certificate

Article 369

(1) A physician or veterinary surgeon who issues an untrue medical or veterinary health certificate despite being aware of its falsity,

shall be fined or punished by imprisonment term not exceeding one year.

(2) The punishment defined under paragraph 1 of this article shall also be imposed on whoever uses a false medical or veterinary health certificate despite being aware of its falsity.

Chapter Thirty

CRIMINAL ACTS AGAINST PUBLIC ORDER AND PEACE

Criminal Association

Article 370

(1) Whoever organizes a group of people with the aim of committing criminal offenses for which the law provides five years of imprisonment or a heavier penalty,

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

(2) Whoever becomes a member of the group described in paragraph 1 of this article

shall be punished by imprisonment term not exceeding two years.

(2) The perpetrator of the offenses from paragraphs 1 and 2 of this article who prevents the commission of the criminal offenses stated under paragraph 1 of this article, or reports them in time, or exposes such organization and its leaders,

shall be relieved of punishment.

Agreement (Conspiracy) to Commit Criminal Offense

Article 371

Whoever agrees (conspires) with another to commit a criminal offense punishable by imprisonment term of five years or a harsher punishment,

shall be fined or punished by imprisonment term not exceeding one year.

Violent Behavior

Article 372

(1) Whoever by rude insult or mistreatment of another person, by committing violence against another person, jeopardizes the peace enjoyed by citizens or strongly disturbs public order,

shall be fined or punished by imprisonment not exceeding two years.

(2) If the offense referred to in paragraph 1 of this article has been committed by two or more persons, or there has been a serious humiliation or maltreatment of a number of persons, or the perpetrator had inflicted a bodily injury to somebody, the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

Participating in a Group Committing Criminal Offense

Article 373

(1) Whoever participates in a group of people who had joined forces to commit violence against people, destroy or damage property of larger value, or commits some other violence, or whoever attempts to commit such criminal acts,

shall be punished for participation only by imprisonment term ranging between three months and three years.

(2) If during the course of action of the group referred to under paragraph 1 of this article one or several persons have been killed or seriously injured, the perpetrator

shall be punished for participation only by imprisonment term ranging between one and five years.

(2) The organizer or leader of the group who had committed the offense set forth under paragraphs 1 and 2 of this article,

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

Obstructing an Official in Execution of Official Action

Article 374

(1) Whoever by force or threat of immediate use of force prevents an official from carrying out an official activity falling within the scope of his powers, or whoever, using the same manners, compels him to carry out an official activity,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If in the course of committing the criminal offense referred to in paragraph 1 of this article the perpetrator has insulted or abused the official, or if he has inflicted upon him a light bodily injury, or if he has threatened him with the use of weapons, the perpetrator

shall be punished by imprisonment term not exceeding three years.

(3) Whoever commits an act referred to in paragraphs 1 and 2 of this article in relation to a judge or public prosecutor while carrying their judicial or prosecuting duty, or an official engaged or person helping him in the performance of his duties of security, or apprehending those committing criminal offenses or guarding persons deprived of freedom,

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

(4) The attempt to commit any offense under paragraphs 1 and 2 of this article shall be punishable.

(5) If the perpetrator of any act referred to in paragraphs 1 to 3 of this article has been provoked by unlawful or brutal treatment on the part of the official,

he may be relieved of the punishment.

Attacking an Official in Execution of his Official Duty

Article 375

(1) Whoever attacks or seriously threatens to attack an official or a person whom he knows to assist an official in carrying out his official duty,

shall be punished by imprisonment term not exceeding three years.

(2) If, in the course of the commission of an act referred to in paragraph 1 of this article, a light bodily injury has been inflicted upon the official or the person he knows is assisting him, or if the perpetrator has threatened to use a weapon, the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

(3) If the offense referred to in paragraph 1 and 2 of this article were committed against a judge or public prosecutor in connection with their judicial or prosecuting duty, or an official engaged on security duty, the perpetrator

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

(4) If the perpetrator of any act referred to in paragraphs 1 to 3 of this article has been provoked by unlawful or brutal treatment on the part of the official or the person assisting him,

he may be relieved of punishment.

Participation in a Group which Obstructs an Official in Execution of his Official Activity

Article 376

(1) Whoever participates in a group of people which by concerted action obstructs or attempts to obstruct an official in the execution of an official action, or in the same way compels an official to carry out an official action,

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

(2) The organizer and leader of the group which has committed the offense referred to under paragraph 1 of this article,

shall be punished by imprisonment term ranging between one year and five years.

Inciting National, Racial or Religious Hatred, Discord or Hostility

Article 377

(1) Whoever incites or fans national, racial or religious hatred or discord or hostility, or advocates superiority of one race over the other

shall be fined or punished by imprisonment term not exceeding two years.

(2) If an 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 another's belongings, desecrating monuments or graves, the perpetrator

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

(3) If the offenses described under paragraphs 1 and 2 of this article have brought about disorder, violence or other grave consequences for the living together of peoples and other living in the Republika Srpska resulted from these acts,

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

(4) The materials and objects bearing messages from paragraph 1 of this article, as well as the tools for their production, copying or dissemination, shall be forfeited.

Organizing Resistance

Article 378

(1) Whoever organizes or calls on others to provide violent resistance against legal decisions or measures imposed by bodies having jurisdiction, or against officials carrying out their duty,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the commission of the offense described under paragraph 1 of this article had lead to non-implementation or much more difficult implementation of the legal decision or measure imposed by governmental bodies, the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

(3) The organizer or leader of the group shall be punished by imprisonment term ranging between six months and five years.

Illegal Alteration of Territorial Division of the Republika Srpska

Article 379

Whoever by use of force or serious threat of use of force or in any other illegal way alters the territorial division of the Republika Srpska as it is given by law,

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

Illegal Crossing of the State Border

Article 380

(1) Whoever, without having a prescribed permission, crosses or attempts to cross the state border while armed or by use of force;

shall be fined or punished by imprisonment term not exceeding one year.

(2) Whoever is involved in enabling unauthorized crossing of other persons across the state border, or who because of greed, gets another person across the border, or gets several persons across the border,

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

(3) Whoever commits the offense from previous article being a part of an organized group, , or large material benefit has been acquired through commission of that criminal offense,
shall be punished by imprisonment term ranging between one and ten years.

Unauthorized Work in Certain Professions

Article 381

Whoever without proper licenses and for award works in a certain profession for what the law or other regulations passed on the basis of the law prescribe necessity of obtaining license from the appropriate body or organization,
shall be fined or punished by imprisonment term not exceeding one year.

Removing or Damaging an Official Seal or Sign

Article 382

(1) Whoever removes or damages an official seal or sign put on by an authorized official for the purpose of safe-keeping certain objects or premises, or whoever enters upon such premises without removal of or damage to the seal or mark, or opens an object bearing official seal or mark,

shall be fined or punished by imprisonment term not exceeding one year.

(2) The attempt is punishable.

Abstracting or Destroying an Official Seal or Official Files

Article 383

(1) Whoever in contravention of law abstracts, conceals, destroys, damages or in some other way renders useless an official seal, book, file or document belonging or being in possession of a state body, company, institution or another legal person having public authority,

shall be punished by imprisonment term not exceeding three years.

(2) The attempt shall be punishable.

False Personation

Article 384

(1) Whoever falsely claims to be an official or a military person, or without authorization wears any insignia of an official or a military person, with a view to procuring a pecuniary benefit for himself or another, or to cause damage to a third person,

shall be fined or punished by imprisonment term not exceeding one year.

(2) The punishment referred to under paragraph 1 of this article shall also be imposed on whoever performs an activity which only a designated official or a military person is authorized to perform.

Autocracy

Article 385

(1) Whoever autocratically exercises a real or a right he believes is real,

shall be fined or punished by imprisonment term not exceeding six months.

(2) Whoever autocratically acquires a right he is or believes that he is entitled to by use of force or serious threat of attack at life or limb, or in the ranks of an organized group,

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

(3) Whoever commits the offenses described under paragraphs above for another,

shall be punished as prescribed for those offenses.

(4) Prosecution of the act described in paragraph 1 of this article shall be instituted upon private complaint.

Manufacturing and Procuring Weapons and Instruments Designed for Commission of Criminal Offenses

Article 386

(1) Whoever manufactures, keeps, procures or makes it possible for another to obtain weapons, explosive substances or implements necessary for their manufacture, as well as poisons which he knows to be designed for the commission of a criminal offense,

shall be punished by imprisonment term ranging between three months and three years.

(2) Whoever makes up or cedes to another a false key, a picklock or some other means of burglary despite knowing it is designed for the commission of a criminal offense,

shall be punished by imprisonment term not exceeding one year.

(3) Punishment from paragraph 2 of this article shall also be imposed on those who make, procure, sells or cedes the instruction or tools intended for breaking into a computer system.

(4) The objects mentioned under paragraphs 1 through 3 and the tools for making, moving or disseminating them shall be forfeited.

Illicit Possession of Weapons or Explosive Substances

Article 387

(1) Whoever without authorization manufactures, remodels, sells, procures or exchanges, imports in the country or takes out of the country firearms, chemical, biological, nuclear weapon, ammunition or explosive substances, or any other means of combat the production, procuring, sale or wearing or keeping of is either prohibited or restricted for private persons,

shall be punished by imprisonment term from 6 months to 5 years.

(2) If the object of an act referred to in paragraph 1 of this article is a large quantity of firearms, ammunition or explosive substances or other means of combat,, or the weapon or other asset at issue is of larger destructive power and danger, or the offense has been committed by a group of people, the perpetrator(s)

shall be punished by imprisonment term ranging between one and ten years.

(3) Whoever without authorization makes, procures, keeps, sells, exchanges, enters into the country or takes out from it parts or spare parts of a weapon, ammunition, explosive matters or some other type of means of combat or combat equipment, materials or parts for which he knows will be used for production or use of the objects mentioned under previous paragraphs,

shall be punished by imprisonment term ranging between three months and five years

(4) Whoever organizes a group for commission of criminal offenses described under paragraphs 1, 2, and 3 of this article

shall be punished by imprisonment term not exceeding three years.

(5) Whoever becomes a member of the group from previous paragraph,

shall be punished by imprisonment term not exceeding two years.

(6) The objects mentioned under paragraphs 1 and 2 of this article and the tools for making, moving and distributing them shall be forfeited.

Gambling

Article 388

(1) Whoever without proper permission organizes gambling or forbidden games of chance, shall be fined or punished by imprisonment term not exceeding one year.

(2) The punishment from paragraph 1 of this article shall also be imposed on whoever for award ceases the premises for gambling, or otherwise for award facilitates gambling.

(3) Whoever while gambling uses false or marked cards or cheats in any other manner, shall be punished by imprisonment term not exceeding three years and fined.

(4) The gambling objects and the money found shall be confiscated.

Defiling a Grave or a Corpse

Article 389

(1) Whoever without authorization digs over, demolishes, damages or rudely violates a grave or some other place of interment,

shall be fined or punished by imprisonment term not exceeding one year.

(2) Whoever without authorization digs out, takes away, damages, destroys or hides or otherwise desecrates a corpse or a part of a corpse, or the post-mortem remnants of the deceased,

shall be fined or punished by imprisonment term not exceeding two years.

(3) If the offense from paragraphs 1 and 2 of this article had been done in respect of two or more graves, or two or more individuals have done it, or the offense had been committed in a particularly crude way, the perpetrator

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

Chapter Thirty One

CRIMINAL OFFENSES AGAINST GENERAL SECURITY OF PEOPLE AND PROPERTY

Causing General Danger

Article 390

(1) Whoever endangers human life or property of substantial value by fire, flood, explosion, poison or poisonous gas, ionizing or radio-active radiation, mechanical force, electricity or other form of energy, or by shooting from firearms, or by some other publicly dangerous act or means,

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

(2) The punishment referred to in paragraph 1 of this article shall also be imposed on an official or any other competent person who fails to install proper devices for protection against fire, explosion, flooding, poison, poisonous gases or ionizing radiation, or radio active radiation, electric energy or other dangerous means, or fails to maintain the devices in a proper condition, or fails to put them to work, or generally fails to abide by the rules or technical regulations on protective measures, and who thus causes a danger to human life or to property of a large scale.

(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 punished by imprisonment term ranging between one and eight years.

(4) Whoever commits an act referred to in paragraphs 1 to 2 of this article by negligence,

shall be fined or punished by imprisonment term not exceeding three years.

(5) If the offenses described under paragraphs 1, 2, 3, and 4, of this article have resulted by grievous bodily injury of one or several persons, or a large scale property damage has been made, the perpetrator

shall be punished for the offense described under paragraphs 1 and 2 by imprisonment term ranging between one and ten years, for the offense described under paragraph 3 of this article by imprisonment term ranging between one and twelve years, and for the offense described under paragraph 4 of this law by imprisonment term ranging between six months and five years.

(6) If the offenses described under paragraphs 1, 2, 3 and 4 of this article have resulted with death of one or several persons, the perpetrator

shall be punished for the offense described under paragraphs 1, 2 and 3 by imprisonment term ranging between three and fifteen years, and for the offense described under paragraph 4 of this law by imprisonment term ranging between one and eight years.

Causing danger by Nuclear Substances

Article 391

(1) Whoever acquires, possesses, uses, transports, or otherwise handles nuclear substances and in the process acts in contravention of the regulations or technical rules on protective measures

shall be punished by imprisonment term not exceeding three years.

(2) If the offense described under paragraph 1 of this article had been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

(3) Whoever without authorization makes, produces, procures, possesses, transports, hides or cedes to another or enables to another access thereto,

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

(4) If the offenses defined under paragraphs 1, 2, and 3 of this article have resulted with grievous bodily injury of one or several persons, or large scale property damage has occurred, the perpetrator

shall be punished for the offense from paragraph 1 by imprisonment term ranging between one and five years, for the offense from paragraph 2 by imprisonment term not exceeding three years, and for the offense from paragraph 3 of this article by imprisonment term ranging between one and ten years.

(5) If the offenses defined under paragraphs 1, 2, and 3 of this article have caused death of one or several persons, the perpetrator

shall be punished for the offense from paragraph 1 by imprisonment term ranging between two and twelve years, for the offense from paragraph 2 by imprisonment term ranging between one and eight years, and for the offense from paragraph 3 of this article by imprisonment term ranging between three and fifteen years.

Creating Danger by Violation of Building Rules and Irregular Construction

Article 392

(1) The responsible person who, in the course of project design, in directing the construction or constructing bridges, roads or any other building, acts contrary to regulations and generally accepted technical rules, and thus causes danger to human life or physical safety or to property on a large scale,

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

(2) If the offense referred to in paragraph 1 of this article has been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding three years.

(3) If the offenses described under paragraphs 1 and 2 of this article have brought about grievous bodily injury of one or several persons, the perpetrator

shall be punished for the offense from paragraph 1 by imprisonment term ranging between one and ten years, and for the offense from paragraph 2, by imprisonment term ranging between six months and five years.

(4) If the offenses described under paragraphs 1 and 2 of this article have brought about death of one or more persons, the perpetrator

shall be punished for the offense from paragraph 1 by imprisonment term ranging between three and fifteen years, and for the offense from paragraph 2, by imprisonment term ranging between one and eight years.

(5) If illegal property gain has been acquired through commission of the offense described under paragraphs 1 of this article, or a damage was inflicted whose value exceeds 10.000 KM, the perpetrator shall be punished by imprisonment term ranging between one and eight years; and if this amount exceeds 50.000 KM, the perpetrator shall be punished by imprisonment term ranging between three and fifteen years.

Damaging Protective Equipment at work

Article 393

1. Whoever destroys, damages or removes, disconnects or otherwise renders unserviceable or non-functional the protective equipment in mines, factories, workshops or any other working sites, and by so doing causes danger to human life or property on a large scale,

shall be punished by imprisonment term ranging between one year and five years.

(2) The person responsible for taking protective measures in a mine, factory, workshop or any other working site who fails to install protective equipment or fails to maintain them in a fit condition, or fails to put them in operation when needed, or generally fails to observe the regulations or technical rules on protective measures, and thus causes danger to human life and property on a large scale,

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

(3) If the act referred to in paragraphs 1 and 2 of this article has been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

(4) If the offenses described under paragraphs 1, 2 and 3 of this article have brought about grievous bodily injury of one or more persons, or a large scale property damage the perpetrator

shall be punished for the offense from paragraphs 1 and 2 by imprisonment term ranging between one and ten years, and for the offense from paragraph 3, by imprisonment term ranging between six months and five years.

(5) If the offenses described under paragraphs 1, 2 and 3 of this article have brought about death of one or more persons, the perpetrator

shall be punished for the offense from paragraphs 1 and 2 by imprisonment term ranging between three and fifteen years, and for the offense from paragraph 3, by imprisonment term ranging between one and eight years.

Damaging or Destroying Public Facilities

Article 394

(1) Whoever destroys or damages, changes or renders useless or removes facilities for public use of water, heat, gas or electric or other energy, or communication system facilities or other public facilities, and thus causes their stoppage or difficult operation,

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

(2) If the offense described under paragraph 1 of this article had brought about serious disturbance in utilization of the facilities, the perpetrator

shall be punished by imprisonment term ranging between one year and eight years.

(3) Whoever commits the offense referred to in paragraph 1 and 2 of this article by negligence,

shall be punished for the offense from paragraph 1 of this article by fine or by imprisonment term not exceeding two years, and for the offense from paragraph 2 of this article by a fine or imprisonment term not exceeding three years.

Damaging Dams and Water Supply Facilities

Article 395

(1) Whoever damages facilities or dams serving as protection against natural disasters, shall be fined or punished by imprisonment term not exceeding one year.

(2) Whoever damages, destroys or otherwise renders unserviceable a watering facility of larger significance,

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

(3) If the offense described under paragraph 2 of this article was committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding three years.

Improper Transportation or Moving of Generally Dangerous Substances

Article 396

Whoever contrary to regulations applicable to the transportation of explosive substances or easily inflammable materials submits such materials for shipment by any public transportation media, or carries such material himself in public transportation media,

shall be fined or punished by imprisonment term not exceeding one year.

Misuse of Telecommunication Signals

Article 397

(1) Whoever maliciously or needlessly transmits an internationally used signal of distress or a danger signal, or whoever, by the use of a telecommunication signal, causes deception that there is no danger, or whoever misuses an internationally accepted telecommunication signal,

shall be punished by imprisonment term ranging between three months and three years.

(2) If the offense described under paragraph 1 of this article had brought about danger for lives of people or large scale property, the perpetrator

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

Failure to Avert Danger

Article 398

(1) Whoever fails to take measures toward averting a fire, flood, explosion, traffic accident or some other danger to human life or physical safety or to a property on a larger scale, by timely notifying competent bodies thereon or in some other way, even though he could have done so without subjecting himself or another to danger,

shall be fined or punished by imprisonment term not exceeding one year.

(2) Whoever by dissuasion or in some other way staves off another from taking steps toward averting a fire, flood, explosion, traffic accident or some other danger to human life or physical safety or to property on a large scale,

shall be punished by imprisonment term ranging between three months and three years.

Failure to Participate in Averting a Public Danger

Article 399

Whoever in breach of an order issued by a competent body or organization refuses, without justifiable cause, to participate in averting a danger of fire, flood or similar events,

shall be fined or punished by imprisonment term not exceeding one year.

Chapter Thirty Two

CRIMINAL ACTS AGAINST SAFETY OF PUBLIC TRANSPORTATION

Endangering Public Transportation

Article 400

(1) Whoever fails to abide by traffic regulations and thus causes a traffic accident where a person had suffered grievous bodily injury, or a damage in excess of 2.000 KM had been caused to another,

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

(2) Whoever commits an act referred to in paragraph 1 of this article by negligence,

shall be fined or punished by imprisonment term not exceeding three years.

(3) If the offenses described under paragraphs 1 and 2 of this article have caused death of one or several persons, the perpetrator shall be punished for the offense from paragraph 1 by imprisonment term ranging between two and twelve years, and for the offense from paragraph 2 by imprisonment term ranging between one and eight years.

Jeopardizing Special Forms of Traffic

Article 401

(1) Whoever in violation of traffic regulations on safety of rail, bus, tram, trolley bus, or cable railway, vessel traffic, and thus causes a traffic accident.

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

(2) Whoever commits an act referred to in paragraph 1 of this article by negligence,

shall be punished by imprisonment term not exceeding three years.

(3) If the offenses described under paragraphs 1 and 2 of this article have caused grievous bodily injury of a person, or large scale property damage,

the perpetrator shall be punished for the offense from paragraph 1 by imprisonment term ranging between one and eight years, and for the offense from paragraph 2 by imprisonment term ranging between six months and five years.

(4) If the offenses described under paragraph 1 of this article have caused death of one or several persons,

the perpetrator shall be punished for the offense from paragraph 1 by imprisonment term ranging between three and fifteen years, and for the offense from paragraph 2 by imprisonment term ranging between one and eight years.

Endangering Public Transportation by a Dangerous Means or Activity

Article 402

(1) Whoever by destroying, removing or seriously damaging traffic equipment, devices, signs or signaling devices designed for traffic safety, or by giving false signs or signals, putting up road blocks or in some other way jeopardizes public transportation to the point of endangering human life or body or property on a large scale,

shall be punished by imprisonment term not exceeding three years.

(2) Whoever commits the act referred to in paragraph 1 of this article by negligence,

shall be fined or punished by imprisonment term not exceeding one year.

(3) If the offenses described under paragraphs 1 and 2 of this article have caused grievous bodily injury of one or several persons, or large scale property damage,

the perpetrator shall be punished for the offense from paragraph 1 by imprisonment term ranging between six months and five years, and for the offense from paragraph 2 by imprisonment term not exceeding three years.

(4) If the offenses described under paragraph 1 of this article have caused death of one or several persons,

the perpetrator shall be punished for the offense from paragraph 1 by imprisonment term ranging between two and fifteen years, and for the offense from paragraph 2 by imprisonment term ranging between one and eight years.

Careless Supervision Over Public Transportation

Article 403

(1) Responsible person entrusted with the supervision of the condition and maintenance of roads and accessory objects, means of transport, public transportation, or the fulfillment of the prescribed conditions of work for drivers, or an authorized person who has been entrusted with the management of driving, and who by careless performance of his duties brings about a danger to human life or physical safety or property on a large scale,

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

(2) The punishment referred to in paragraph 1 of this article shall also be imposed on the responsible person who issues a travel order or permits 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 brings about danger to human life or physical safety or property on a large scale.

(3) If the offenses referred to in paragraphs 1 and 2 of this article have been committed by negligence, the perpetrator

shall be punished by imprisonment term not exceeding three years.

(4) If the offenses described under paragraphs 1, 2 and 3 of this article have caused grievous bodily injury of one or several persons, or large scale property damage,

the perpetrator shall be punished for the offense from paragraphs 1 and 2 by imprisonment term ranging between one and eight years, and for the offense from paragraph 3 by imprisonment term ranging between six months and five years.

(5) If the offenses described under paragraph 1 of this article have caused death of one or several persons,

the perpetrator shall be punished for the offense from paragraphs 1 and 2 by imprisonment term ranging between two and twelve years, and for the offense from paragraph 3 by imprisonment term ranging between one and eight years.

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

Article 404

(1) The driver of a motor vehicle or another means of transportation who abandons without aid a person injured by or because of that means of transportation,

shall be fined or punished by imprisonment term not exceeding 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 punished by imprisonment term ranging between six months and three years.

(2) If a grievous the death of the injured person has occurred as a result of the failure to render aid, the perpetrator

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

Jeopardizing Safety of an Aircraft's Flight

Article 405

(1) Whoever brings into danger the safety of an aircraft's flight by irregular or improper operating, failing to discharge duties or supervision in relation to safety of the air traffic, or giving untrue information of significance for safe flight of the aircraft, or in any other way, shall be punished by imprisonment term ranging between one and eight years.

(2) If the offense defined under paragraph 1 of this article was done by negligence, or negligent destruction or damage to navigation device, or negligent infliction of other kind of damage to the aircraft, the perpetrator

shall be punished by imprisonment term not exceeding three years.

(3) If during the course of commission of the offense from paragraph 1 of this article one or more people were intentionally killed, the perpetrator

shall be punished by imprisonment term of at least ten years or life imprisonment.

Jeopardizing Safety of Air Traffic by Violence

Article 406

(1) Whoever by violence against person in the aircraft, planting or importing into the aircraft an explosive or other device or substance, or damage or destruction of navigation device or causing other damage or the aircraft jeopardizes the safety of the aircraft's flight,

shall be punished by imprisonment term ranging between two and ten years.

(2) If death of one or more persons, or the destruction of the aircraft, has been brought about as a result of any offense described in paragraph 1 of this article, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

(3) If a person was deliberately deprived of his life in the course of the commission of the offense referred to in paragraph 1 of this article, the perpetrator

shall be punished by imprisonment term of not less than ten years or with life imprisonment.

Hijacking an Aircraft or a Vessel

Article 407

(1) Whoever, by force or by serious threat of use of force, takes control over an aircraft on flight or a vessel while on cruise,

shall be punished by imprisonment term ranging between two and twelve years.

(2) If the offense referred to in paragraph 1 of this article has resulted in the death of one or more persons, or if it caused the destruction of the aircraft or vessel, or if other grievous consequences occurred, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

(3) If, in the course of an action referred to in paragraph 1 of this article, the perpetrator intentionally deprived a person or persons of life, the perpetrator

shall be punished by imprisonment term of not less than ten years or by life imprisonment.

Destroying or Removing Signs Used to Provide Security of Air Traffic

Article 409

Whoever destroys, damages or removes a sign which is used to provide security of air traffic shall be punished by imprisonment term not exceeding three years.

Chapter Thirty Three

CRIMINAL OFFENSES AGAINST ENVIRONMENT, AGRICULTURE AND NATURAL RESOURCES

Pollution of the (Living) Environment

Article 409

(1) Whoever breaching the regulations on protection and improvement of (living) environment pollutes air, land, water, water streams or sea in larger scope or on wider area,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the offense described under paragraph 1 of this article had lead to destruction or significant damage to forests, or plants on a wider area, or the environment is so polluted that health of humans and animals is in jeopardy, the perpetrator

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

(3) If the offenses from paragraphs 1. and 2. this article were done of negligence, the perpetrator

shall be punished for the offense from paragraph 1 by a fine or imprisonment term not exceeding one year, and for the offense from paragraph 2 by a fine or imprisonment term ranging between six months and two years.

Polluting Environment with Waste Materials

Article 410

(1) Whoever in contravention of regulations processes, disposes of, throws away, collects, stores or transports radioactive or other dangerous materials, or handles them in the way which is dangerous for air, land or water to the extent which may cause danger for health or lives of people or animals, or jeopardize survival of forests and plants,

shall be fined or punished by imprisonment term not exceeding two years.

(2) Whoever by abuse of official position or authority approves commission of the offense described under paragraph 1 of this article,

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

(3) If the offenses described under paragraphs 1 and 2 of this article had lead to destruction animal or plant world on in a larger scale, or the environment is so polluted that health of humans and animals is in jeopardy, the perpetrator

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

Pollution of Environment by Noise

Article 411

(1) Whoever in contravention of regulations creates noise which may harm health of people,

shall be fined or punished by imprisonment term not exceeding one year.

(2) If the offense described under paragraph 1 of this article had been done by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding six months.

Illegal Construction and Putting in Function Facilities and Plants

Article 412

(1) Official or responsible person who in contravention of regulation on protection, preservation and improvement of environment allows construction, putting in function or use of plants or facilities which to a larger extent or in a wider area pollute environment,

shall be punished by imprisonment term ranging between three months and three years.

(2) If the offense described under paragraph 1 of this article had lead to destruction or significant destruction of plant or animal world in a larger scale, or the environment is so polluted that health of humans and animals is in jeopardy, the perpetrator

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

Damaging Facilities and Devices for Protection of Environment

Article 413

(1) Whoever damages, destroys, removes, or otherwise renders unserviceable the facilities or devices for protection of environment, and thereby causes pollution of air, water or land in larger extent or in a wider area,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the offense described under paragraph 1 of this article had lead to destruction of animal or plant world in a larger scale, or the environment is so polluted that health of humans and animals is in jeopardy, the perpetrator

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

(3) If the offense described under paragraph 1 of this article had been done by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

Destruction or Damage to Protected Object of Nature

Article 414

(1) Whoever destroys or damages a protected object of nature of larger significance,

shall be fined or punished by imprisonment term not exceeding three years.

(2) If the destroyed or damaged object of nature is of special significance, the perpetrator

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

(3) If the offenses described under paragraphs 1 and 2 of this article were committed by negligence, the perpetrator

shall be punished for the offense from paragraph 1 of this article by a fine or imprisonment term not exceeding six months, and for the offense from paragraph 2 by a fine or punishment of imprisonment not exceeding two years.

Producing Injurious Substances for Treatment of Animals

Article 415

(1) Whoever manufactures for purposes of sale, or puts into circulation preparations for the treatment or prevention of disease among animals which are harmful to their health and life,

shall be fined or punished by imprisonment term not exceeding one year.

(2) Should the animals die or other significant damage occurs as a result of the offense referred to in paragraph 1 of this article, the perpetrator

shall be fined or punished by imprisonment term ranging between three months and three years.

(3) If the offenses referred to in paragraphs 1 and 2 of this article were committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding six months.

Contaminating Fodder or Water Used by Animals

Article 416

(1) Whoever, by the use of an injurious substance, contaminates water which is used for watering animals, and thereby endangers the life and health of the animals,

shall be fined or punished by imprisonment term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this article shall also be imposed on those who by using some injurious substance contaminate water in fish ponds, lakes, rivers and streams or channels, or by importing fish from contaminated waters thereby causing danger to the survival of animals in the water.

(3) If the death of animals or fish in larger numbers or of larger value has occurred as a result of the act referred to in paragraphs 1 and 2 of this article, the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

(4) If the offenses described under paragraphs 1 and 2 of this article were committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding six months.

Failure to Comply with Regulations for Suppressing Animal and Plant Diseases

Article 417

(1) Whoever fails to abide by an order or regulations whereby a responsible government body orders measures for suppressing or preventing the disease of plants or animals, and by doing so causes danger of spreading the disease or its transmitters or pests,

shall be fined or punished by imprisonment term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this article shall also be imposed on those who, during the danger period of diseases and pests that may threaten flora, fail to abide by order or regulations of a body responsible for prescribing measures for suppressing and preventing the disease or pests.

(3) If substantial damage has occurred as a result of the acts referred to in paragraphs 1 and 2 of this article, the perpetrator

shall be punished by imprisonment term not exceeding three years.

(4) If the acts referred to in paragraphs 1 to 3 of this article have been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding one year.

Unconscientious Action in Trade With Pesticides

Article 418

Whoever puts into circulation pesticides without proper authorization, or issues other pesticide instead of the prescribed one if the substitute is not allowed, or otherwise acts unconscientiously in trade with pesticide and by doing so causes danger to lives or health of people or harm to the environment,

shall be fined or punished by imprisonment term not exceeding two years.

Unconscientious Extension of Veterinary Aid

Article 419

(1) A veterinary surgeon or an authorized veterinary assistant who, in rendering veterinary aid, prescribes or administers a manifestly inadequate preparation or a manifestly inadequate method of treatment, or who proceeds unconscientiously in a general sense and causes thereby the death of livestock or poultry in large numbers,

shall be fined or punished by imprisonment term not exceeding two years.

(2) If the offense referred to in paragraph 1 of this article has been committed by negligence, the perpetrator

shall be fined or punished by imprisonment term not exceeding six months.

Unauthorized Rendering Veterinary Services

Article 420

A person without proper professional training, who performs the jobs of health protection of animals or other veterinary procedures,

shall be fined or punished by imprisonment term not exceeding one year.

Destroying Plantages

Article 421

Whoever by any injurious substance causes destruction of plants, fruit trees, or other plantages, and by doing so causes large scale damage,

shall be fined or punished by imprisonment term not exceeding two years.

Failure to Execute Decision on Environment Protection Measures

Article 422

(1) Official or responsible person who fails to abide by decision of a competent body on taking environment protection measures,

shall be fined or punished by imprisonment term not exceeding two years.

2. When pronouncing conditional sentence, the court may order the perpetrator to take the measures ordered by the competent body within a specified time.

Importing Dangerous Substances into the Republika Srpska

Article 423

(1) Whoever contrary to regulations imports into the Republika Srpska radio-active substances or other substances or waste materials harmful to the health and lives of people,

shall be fined or punished by imprisonment term not exceeding two years,

(2) Whoever by abuse of his position or authority, in contravention of regulations, enables import of substances and waste described in paragraph 1. of this article into the Republika Srpska, shall be punished by imprisonment term ranging between six months and five years.

(3) The attempt of the act described in paragraph 1. of this article shall be punished.

Forest theft

Article 424

1. Who, with the purpose of stealing timber, cuts down one or more tree trunks and the size of timber is larger than tree cubic meters, shall be fined or sentenced to prison for up to two years.
2. If the acts from paragraph 1 of this Article has been done in order to sell the tree trunks or if the size of the tree trunks is larger than eight cubic meters, or if the act has been done in protective forest, national park or any other forest with special purpose, the perpetrator

Shall be sentenced to prison from six months to five years and shall be fined.

Depredation of Forests

Article 425

(1) Whoever, in contravention of regulations or ordinances of competent bodies, lumbers or clears a forest, or whoever strips the bark off the trees, or in some other way devastates a forest, or cuts down more trees in a park or an alley,

shall be fined or punished by imprisonment term not exceeding one year.

(2) Whoever commits the act referred to in paragraph 1 of this article in a protective forest, national park or in some other woodland with a special purpose,

shall be punished by imprisonment term ranging between three months and three years.

Causing Fire

Article 426

(1) Whoever causes forest fire which brings about large scale damage,

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

(2) The punishment defined under paragraph 1 of this article shall also be imposed on whoever causes fire in a protected forest, national park, orchard or other woodland with special purpose, or crop fields.

(3) Whoever commits the offenses described under paragraphs 1 and 2 of this article by negligence, shall be fined or punished by imprisonment term not exceeding two years.

Torturing and Killing Animals

Article 427

(1) Whoever treats animals in a cruel way, or exposes them to unnecessary or long suffering, or in contravention of regulations kills them, destroys their habitat in a larger extent or on a wider area, shall be fined or punished by imprisonment term not exceeding one year.

(2) If the offense described under paragraph 1 of this article had brought about death of larger number of animals which are specially protected species, the perpetrator

shall be punished by imprisonment term ranging between three months and three years.

(3) If the offenses described under paragraphs 1 and 2 of this article were committed by negligence, the perpetrator

shall be punished for the offense from paragraph 1 by a fine or punishment of imprisonment not exceeding three months, and for the offense from paragraph 2 by a fine or imprisonment not exceeding one year.

Exporting Abroad Specially Protected Animal or Plant Species

Article 428

Whoever in contravention of regulations exports or takes abroad a specially protected plant or animal,

shall be fined or punished by imprisonment term not exceeding three years.

Usurping Real Estate

Article 429

(1) Whoever, with the purpose of exercising possession and use, usurps a real estate belonging to another which has been proclaimed a good of general significance, cultural monument or natural rarity, or any other natural resource,

shall be punished by imprisonment term not exceeding three years and fined.

(2) The punishment defined under paragraph 1 of this article shall also be imposed onto whoever has occupied a part of specially protected land, or which is a part of specially protected natural area, or other land with special purpose.

Game Poaching

Article 430

(1) Whoever hunts during the closed season,

shall be fined or punished by imprisonment term not exceeding six months.

(2) Whoever without authorization or on forbidden area hunts, kills or wounds the game, or catches it alive,

shall be fined or punished by imprisonment term not exceeding one year.

(3) If the offense from paragraph 2 of this article had been committed in respect to high game, the perpetrator

shall be fined or punished by imprisonment term not exceeding two years.

(4) Whoever hunts rare species of game whose hunting is prohibited, or whoever hunts without special permit a particular species for which such permit is required, or hunts by use of means or ways whereby the game is massively destroyed,

shall be fined or punished by imprisonment term not exceeding three years.

(5) The bag and hunting equipment shall be confiscated.

Fish Poaching

Article 431

(1) Whoever fishes by the use of explosives, electric power, poison or intoxicating substances, and who by so doing causes the death of a large number of fish, or who fishes in a way which is prejudicial to the propagation of the fish stock,

shall be fined or punished by imprisonment term not exceeding two years.

(2) The catch and fishing equipment shall be confiscated.

Chapter Thirty Four

CRIMINAL ACTS AGAINST HUMANITY

AND INTERNATIONAL LAW

Genocide

Article 432

Whoever, with the intention of destroying a national, ethnic, racial or religious group in whole or in part, orders the commission of killings or the inflicting of serious bodily injuries or serious disturbance of physical or mental health of the group members, or a forcible dislocation of the population, or that the group be inflicted conditions of life calculated to bring about its physical destruction in whole or in part, or that measures be imposed intended to prevent births within the group, or that children of the group be forcibly transferred to another group, or whoever with the same intent commits one of the foregoing acts,

shall be punished by imprisonment term not less than ten years or by life imprisonment.

War Crimes Against Civilians

Article 433

(1) Whoever in violation of rules of international law effective at the time of war, armed conflict or occupation, orders an attack against civilian population, settlement, individual civilians or persons unable to fight, which results in the death, grave bodily injuries or serious damaging of people's health; an indiscriminate 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, immense suffering or violation of bodily integrity or health; dislocation or displacement or forcible conversion to another nationality or religion; forcible prostitution or rape; application of measures of intimidation and terror, taking hostages, imposing collective punishment, unlawful bringing in concentration camps and other illegal arrests and detention, deprivation of rights to fair and impartial trial; forcible service in the armed forces of enemy's army or in its intelligence service or administration; forcible labor, starvation of the population, property confiscation, pillaging, illegal and self-willed destruction and stealing on large scale of a 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 foregoing acts,

shall be punished by imprisonment term of not less than ten years or by life imprisonment.

(2) The sentence defined in paragraph 1 of this article shall be imposed also on those who in violation of rules of international law effective at the time of war, armed conflict or occupation, orders: that an attack be launched against objects specifically protected by the international law, as

well as objects and facilities with dangerous power, such as dams, embankments and nuclear power stations; that civilian objects which are under specific protection of the international law, non-defended places and demilitarized zones be indiscriminately targeted; long-lasting and large-scale environment devastation which may be detrimental to the health or survival of the population, or whoever commits some of the aforementioned acts.

(3) Whoever in violation of rules of international law effective at 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 punished by imprisonment term not less than five years.

War crimes Against the Wounded and Sick

Article 434

Whoever, in violation of the rules of international law at the time of war or armed conflict, orders murders, tortures, inhuman treatment of the wounded, sick, the shipwrecked persons or medical personnel, including therein biological, medical or other scientific experiments, taking tissue or organs for the purpose of transplantation, causing of great sufferings or serious injury to the bodily integrity or health; or whoever orders unlawful and arbitrary destruction or large-scale appropriation of material, means of medical transport and stocks of medical facilities or units which is not justified by military needs, or whoever commits some of the foregoing acts,

shall be punished by imprisonment term not less than ten years or by life imprisonment.

War Crimes Against Prisoners of War

Article 453

Whoever, in violation of the rules of international law, orders murders, tortures or inhuman treatment of prisoners of war, including therein biological, medical or other scientific experiments, taking tissue or organs for the purpose of transplantation, causing great sufferings or serious injury to the bodily integrity or health, compulsive enlistment into the armed forces of an enemy power, or deprivation of the right to a fair and impartial trial, or who commits some of the foregoing acts,

shall be punished by imprisonment term not less than ten years or by life imprisonment.

War Crimes Committed by Use of Forbidden Means of Warfare

Article 436

(1) Whoever in time of war or armed conflict orders the use of means or practices of warfare prohibited by the rules of international law, or whoever makes use of such means and practice himself,

shall be punished by imprisonment term not less than ten year.

(2) If several persons have been killed as a result of the offense referred to in paragraph 1 of this article, or other specially grievous consequences have occurred, the perpetrator

shall be punished by imprisonment term not less than ten years or by life imprisonment.

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

Article 437

(1) Whoever organizes a group for the purpose of committing criminal offenses referred to in articles 443 through 447 of this Code,

shall be punished by imprisonment term ranging between two and twelve.

(2) Whoever becomes a member of a group referred to in paragraph 1 of this article,

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

(3) The perpetrator of the offenses from paragraphs 1 and 2 of this article who prevents commission of the criminal offenses stated under paragraph 1 of this article, or exposes it in good time,

shall be punished by imprisonment term not exceeding three years, but the court may also refrain from imposing a punishment on him.

(4) Whoever calls on or instigates the commission of criminal offenses referred to in articles 443 through 447 of this Code,

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

Unlawful Killing or Wounding the Enemy

Article 429

(1) Whoever in violation of the rules of international law in 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 punished by imprisonment term ranging between two and fifteen years.

(2) If the killing referred to in paragraph 1 of this article has been committed in a cruel or insidious way, out of greed or from other base motives, or if several persons have been killed, the perpetrator

shall be punished by imprisonment term of not less than ten years or by life imprisonment.

(3) The punishment defined under paragraph 2 of this article shall be imposed on whoever, in violation of the rules of international law at the time of war or armed conflict, orders that there be no surviving enemy soldiers in a fight, or whoever fights against the enemy on such basis.

Marauding

Article 439

(1) Whoever orders the unlawful appropriation of belonging from the killed or wounded on battlefield, or who carries out such appropriation,

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

(2) If the act referred to in paragraph 1 of this article has been committed in a cruel manner, or the value of the appropriated objects exceeds 50.000 KM, the perpetrator

shall be punished imprisonment for a term ranging between one year and ten years.

Violating the Protection Granted to Bearers of Flags of Truce

Article 440

Whoever in violation of the rules of international law in time of war or armed conflict insults, maltreats or detains the bearer of the flag of truce or his escort, or prevents them from returning, or in any other way violates their privilege of inviolability,

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

Cruel Treatment of the Wounded, Sick and Prisoners of War

Article 441

Whoever 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 accorded to them under international law,

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

Unjustified Delay of Repatriation of Prisoners of War

Article 442

Whoever in violation of the rules of international law, after the end of the war or armed conflict, orders or conducts unjustified delay of repatriation of the war prisoners or civilians,

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

Destruction of Cultural and Historical Monuments

Article 443

(1) Whoever, in violation of the rules of international law at the time of war or armed conflict, destroys cultural or historical monuments, or historical monuments, or other cultural goods or religious buildings or institutions, or buildings devoted to for science, art, education or humanitarian purposes,

shall be punished by imprisonment term ranging between two and twelve years.

(2) If an object, which has been under special protection of the international law as cultural heritage, had been destroyed by the offense defined in paragraph 1 of this article, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

Instigating an Aggressive War

Article 444

Whoever calls on or instigates an aggressive war,

shall be punished by imprisonment term ranging between one and ten years.

Misuse of International Emblems

Article 445

(1) Whoever 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, or symbols corresponding to them, or any other international symbols recognized for the protection of certain objects from military operations,

shall be punished by imprisonment term not exceeding three years.

(2) Whoever commits an act referred to in paragraph 1 of this article within a zone of war operations,

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

Establishing Slavery and Transporting Enslaved People

Article 437

(1) Whoever, in violation of the rules of international law, brings another person in slavery or similar relation, or keeps him in such relation, buys, sells or hands him over to another person, or whoever mediates in the buying, selling or handing over of such a person, or whoever incites another person to sell his freedom or freedom of persons he supports or takes care of,

shall be punished by imprisonment term ranging between one year and ten years.

(2) Whoever transports persons in slavery or similar relation from one country to another,

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

(3) Whoever commits the act described in paragraphs 1 and 2 of this article against a juvenile,

shall be punished by imprisonment term ranging between five and fifteen years.

International Terrorism

Article 447

(1) Whoever, with the intention of causing damage 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 causes danger for human lives and property of a large value,

shall be punished by imprisonment term ranging between one and ten years.

(2) Whoever for the purpose of forcing an international or governmental organization, natural or physical person, or state to do something or not to do something threatens to jeopardize lives of people or property of large value by use of nuclear substances or other means of mass destruction,

shall be punished by imprisonment term ranging between two and twelve years.

(3) If the death of one or more people results from commission of the offense referred to in paragraph 1 of this article, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

(4) If in the course of the commission of an act referred to in paragraph 1 of this article the perpetrator intentionally killed another person, he

shall be punished by imprisonment term of not less than ten years or by life imprisonment.

Endangering Persons under International Protection

Article 448

(1) Whoever jeopardizes safety of a person under international legal protection by serious threat of committing an attack at him, his official premises, private apartment or means of transportation, shall be punished by imprisonment term ranging between one and ten years.

(2) Whoever abducts or otherwise acts violently in respect to the person under international legal protection, or attacks him, his official premises, private apartment or means of transportation, shall be punished by imprisonment term ranging between two and fifteen years.

(3) If the death of one or more people took place as a consequence of the offense referred to in paragraph 1 of this article, the perpetrator shall be punished by imprisonment term ranging between five and fifteen years.

(4) If in the course of the commission of an act referred to in paragraph 1 of this article the perpetrator has deliberately killed another, he shall be punished by imprisonment term of not less than ten years or by life imprisonment.

Taking Hostages

Article 449

1. Whoever kidnaps a person and threatens to kill, hurt or keep him as a hostage with the intention of forcing a country or an international organization to do or not do something as a direct or silent condition for setting the hostage free,

shall be punished by imprisonment term ranging between one and fifteen years.

(2) Should the kidnapped person die as a result of the offense described under paragraph 1 of this article, the perpetrator

shall be punished by imprisonment term ranging between five and eighteen years.

(3) If in the course of the commission of an act described in paragraph 1 of this article, the perpetrator deliberately kills the kidnapped, he

shall be punished by imprisonment term of not less than ten years, or by life imprisonment.

Piracy

Article 450

(1) A crew member or a passenger on a private vessel or private aircraft who on the open sea or a location which is not under jurisdiction of any state commits violence or robbery against persons on other vessel or aircraft, or retains or damages the other vessel or aircraft, or goods which were on them,

shall be punished by imprisonment term ranging between three and twelve years.

(2) If the offense described under paragraph 1 of this article had brought about death of one or several persons, or destruction of the vessel or aircraft, or large scale property damage had been inflicted, the perpetrator

shall be punished by imprisonment term ranging between five and fifteen years.

(3) If in the course of committing the offense defined under paragraph 1 of this article one or several persons were intentionally killed, the perpetrator

shall be punished by imprisonment term of at least ten years or by life imprisonment.

TRANSITIONAL AND FINAL PROVISIONS

Article 451

The final and binding death punishment pronounced before the entry into force of this Code is turned into the sentence of life imprisonment.

Article 452

Criminal sanction pronounced in a final and binding sentence before entry into force of this Code, shall not be executed if this Code does not foresee the sentenced offense, and if execution has started it would be stopped.

Article 444

This Code enters in to the force on 1.October, 2000.

No. President of the NA

Date: Petar Djokic