Republika e Kosovës Republika
Kosovo - Republic of Kosovo ***Kuvendi -***
Skupština - Assembly

Law No. 04/L-129

ON AMENDING AND SUPPLEMENTING THE CRMINAL CODE OF THE REPUBLIC OF KOSOVO NO. 04/L-082

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves:

LAW ON AMENDING AND SUPPLEMENTING THE CRMINAL CODE OF THE REPUBLIC OF KOSOVO NO. 04/L-082

Article 1
Purpose

This Law aims to remove Articles 37, 38 and 39 of the Criminal Code of the Republic of Kosovo.

Article 2
Repeals in the Criminal Code of the Republic of Kosovo

Articles 37, 38 and 39 of the Criminal Code of the Republic of Kosovo shall be deleted.

Article 3
Entry into force

This Law shall enter into force on January 1, 2013.

Law No. 04/L-129
19 October 2012

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI

Republika e Kosovës Republika
Kosovo - Republic of Kosovo ***Kuvendi - Skupština - Assembly***

Code No. 04/L-082

CRIMINAL CODE OF THE REPUBLIC OF KOSOVO

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves

CRIMINAL CODE OF THE REPUBLIC OF KOSOVO

GENERAL PART

CHAPTER I
GENERAL PROVISIONS

Article 1
Basis and limits of criminal sanctions

1. Criminal offenses and criminal sanctions are foreseen only for those actions that infringe and violate the freedoms, human rights and other rights and social values guaranteed and protected by the Constitution of the Republic of Kosovo and international law to the extent that is not possible to protect these values without criminal sanctions.

2. The criminal offenses and the types of measures and the severity of the criminal sanctions for the perpetrators of criminal offenses are based on the necessity of criminal justice enforcement and the proportionality of the level and nature of the danger for human rights and freedoms and social values.

Article 2
Principle of legality

1. Criminal offenses, criminal sanctions and measures of mandatory treatment are defined only by law.

2. No criminal sanction or measure of mandatory treatment may be imposed on a person for an act, if prior to the commission of the act, the law did not define the act as a criminal offense and did not provide a criminal sanction or measure of mandatory treatment for the act.

3. The definition of a criminal offense shall be strictly construed and interpretation by analogy shall not be permitted. In case of ambiguity, the definition of a criminal offense shall be interpreted in favor of the person against whom the criminal proceedings are ongoing.

Article 3
Application of the most favorable law

1. The law in effect at the time a criminal offense was committed shall be applied to the perpetrator.

2. In the event of a change in the law applicable to a given case prior to a final decision, the law most favorable to the perpetrator shall apply.

3. When a new law no longer criminalizes an act but a perpetrator has been convicted by a final decision in accordance with the prior law, the enforcement of the criminal sanction shall not commence or, if it has commenced, shall cease.

4. A law, which was expressly in force only for a determined time, shall be applicable to criminal offenses committed while it was in force, even if it is no longer in force, unless the law itself expressly provides otherwise.

Article 4
Criminal sanctions and measures of mandatory treatment

1. The criminal sanctions are:

1.1. principal punishments;

1.2. alternative punishments;

1.3. accessory punishments; and

1.4. judicial admonition.

2. The measures of mandatory treatments that may be imposed on a perpetrator who is not criminally liable or is addicted to drugs or alcohol are:

2.1. mandatory psychiatric treatment and custody in a health care institution;

2.2. mandatory psychiatric treatment at liberty; and

2.3. mandatory rehabilitation treatment of persons addicted to drugs or alcohol.

Article 5
Limitations on the execution of criminal sanctions and measures of mandatory treatment

In the execution of a criminal sanction or a measure of mandatory treatment, certain rights of the perpetrator may be denied or restricted only to the extent that is commensurate with the nature or the content of the sanction or measure and only in a manner that provides for the respect of his or her human dignity, and is in compliance with international law.

Article 6
Application of the general part of this Code

The provisions of the General Part of this Code apply to all criminal offenses defined in the Laws of the Republic of Kosovo.

CHAPTER II
CRIMINAL OFFENSES AND CRIMINAL LIABILITY

Article 7
Criminal offense

A criminal offense is an unlawful act which is defined by law as a criminal offense, the characteristics of which are defined by law and for which a criminal sanction or a measure of mandatory treatment is prescribed by the law.

Article 8
Manner of commission of criminal offenses

1. A criminal offense may be committed by an act or omission.

2. A criminal offense is committed by omission only when the perpetrator was obliged to undertake an act but fails to do so.

Article 9
Time of commission of criminal offenses

A criminal offense is committed at the time the perpetrator acted or ought to have acted, irrespective of when the consequence occurred.

Article 10
Location of commission of criminal offenses

1. A criminal offense is committed at the location where the perpetrator acted or ought to have acted, as well as at the location where the consequence occurred.

2. A criminal offense is attempted at the location where the perpetrator acted, as well as at the location where the perpetrator intended the consequence to occur.

Article 11
Act of minor significance

An act shall not constitute a criminal offense even though it has the characteristics of a criminal offense as defined by law if it is an act of minor significance. The act shall be deemed to be of minor significance when the danger involved is insignificant due to the nature or gravity of the act; the absence or insignificance of intended consequences; the circumstances in which the act was committed; the low degree of criminal liability of the perpetrator; or, the personal circumstances of the perpetrator.

Article 12
Necessary defense

1. An act committed in necessary defense is not a criminal offense.

2. An act is committed in necessary defense when a person commits the act to avert an unlawful, real and imminent attack against himself, herself or another person and the nature of the act is proportionate to the degree of danger posed by the attack.

3. An act that is disproportionate to the degree of danger posed by an attack exceeds the limits of the necessary defense.

4. When the perpetrator exceeds the limits of necessary defense, the punishment may be reduced. When the perpetrator exceeds the limits by reason of strong trauma or fear caused by the attack, the punishment may be waived.

Article 13
Extreme necessity

1. An act committed in extreme necessity is not a criminal offense.

2. An act is committed in extreme necessity when a person commits the act to avert an imminent and unprovoked danger from himself, herself or another person which could not have otherwise been averted, provided that the harm created to avert the danger does not exceed the harm threatened.

3. When the perpetrator caused the danger through negligence, or exceeds the limits of extreme necessity, the punishment may be reduced. When the perpetrator exceeds the limits in exceptionally mitigating circumstances, the punishment may be waived.

4. There is no extreme necessity if the perpetrator was obliged by law to expose himself or herself to the danger.

Article 14
Violence or threat

1. An act committed under the influence of unbearable violence or unbearable threat is not a criminal offense. An act will only be considered to have been committed under influence of unbearable violence or unbearable threat if, when the danger ceases to exist, the person immediately reports the influence of unbearable violence or unbearable threat and the unlawful act to the competent authority.

2. If the criminal offense is committed under the influence of a bearable violence or bearable threat the punishment may be reduced. An act will only be considered to have been committed under influence of bearable violence or bearable threat if, when the danger ceases to exist, the person immediately reports the influence of unbearable violence or unbearable threat and the unlawful act to the competent authority.

3. Whoever uses the violence or threat as provided for in paragraph 1 and 2 of this Article, is considered a perpetrator of a criminal offense.

Article 15
Acts committed under coercion

1. An act committed under coercion is not a criminal offense.

2. An act is committed under coercion when a person, faced with imminent force, or threat of violence endangering life, body or liberty which cannot otherwise be avoided, commits an unlawful act to avert the danger from himself, herself or a person with whom he or she has a domestic relationship. An act will only be considered to have been committed under coercion if, when the danger ceases to exist, the person immediately reports the coercion and the unlawful act to the competent authority.

3. An act is not committed under coercion if, and to the extent that, the perpetrator could be expected under the circumstances to accept the danger, in particular because he or she caused the danger or because he or she was under a legal obligation to face such imminent force or threat of violence. In such circumstances the punishment may be reduced.

Article 16
Superior order

1. When a criminal offense has been committed by a person pursuant to an order of a government or of a superior, whether military or civilian, the perpetrator shall not be exempt from criminal liability unless:

1.1. the person was under a legal obligation to obey such an order;

1.2. the person did not know that the order was unlawful; and

1.3. the order was not manifestly unlawful.

2. Orders to commit genocide or other crimes against humanity in all circumstances are manifestly unlawful.

Article 17
Criminal liability

1. A perpetrator of a criminal offense is criminally liable if he or she is mentally competent and has committed the criminal offense intentionally or negligently.

2. A person is criminally liable for the negligent commission of a criminal offense only when this has been explicitly provided for by law.

3. A person is not criminally liable if, at the time of the commission of a criminal offense, he or she is under the age of fourteen (14) years.

Article 18
Mental incompetence and diminished mental capacity

1. A person who commits a criminal offense is considered mentally incompetent if, at the time of the commission of a criminal offense, he or she suffered from a permanent or temporary mental illness, mental disorder or disturbance in mental development that affected his or her mental functioning so that he or she was not able to understand the nature and importance or consequences of his or her actions or omissions or was not able to control his or her actions or omissions or to understand that he or she was committing a criminal offense.

2. A person who commits a criminal offense is considered to have diminished mental capacity if, at the time of the commission of a criminal offense, his or her ability to understand the nature and importance or consequences of his or her actions or omissions was substantially diminished because of the conditions in paragraph 1 of this Article. Such person is criminally liable but the court shall take these conditions into consideration when deciding the duration and the type of sanction or measure of mandatory treatment it imposes.

Article 19
Committing criminal offenses in a state of intoxication

A person is criminally liable if he or she, by use of alcohol, narcotics, or by another method, renders himself or herself in such a state that he or she cannot understand the significance of his or her own actions or omissions or control his or her own behavior, if prior to bringing himself or herself to such a state, such actions or omissions were intended or if he or she is negligent in relation to the criminal offense and the law provides for criminal liability for the negligent commission of this offense.

Article 20
Causal link

A person is not criminally liable if there is no causal connection between the action or omission and the consequences.

Article 21
Intent

1. A criminal offense may be committed with direct or eventual intent.

2. A person acts with direct intent when he or she is aware of his or her act and desires its commission.

3. A person acts with eventual intent when he or she is aware that a prohibited consequence can occur as a result of his or her act or omission and he or she accedes to its occurrence.

Article 22
Knowledge, intention, negligence or purpose

Knowledge, intention, negligence or purpose required as an element of a criminal offense may be inferred from factual circumstances.

Article 23
Negligence

1. A criminal offense may be committed by conscious or unconscious negligence.

2. A person acts with conscious negligence when he or she is aware that a prohibited consequence can occur as a result of his or her act or omission but recklessly thinks that it will not occur or that he or she will be able to prevent it from occurring.

3. A person acts with unconscious negligence when he or she is unaware that a prohibited consequence can occur as a result of his or her act or omission, although under the circumstances and according to his or her personal characteristics he or she should or could have been aware of such a possibility.

Article 24
Liability for graver consequences

When the commission of a criminal offense causes consequences which exceed the intent of the perpetrator and the law has provided for a more severe punishment, the more severe punishment may be imposed if the consequence is attributable to the perpetrator's negligence.

Article 25
Mistake of fact

1. A person is not criminally liable if, at the time of committing a criminal offense, he or she is unaware of a characteristic of that act or he or she mistakenly believed that circumstances existed which, had they in fact existed, would have rendered the act permissible.

2. If a person's mistake is due to negligence, he or she is criminally liable for a criminal offense which has been negligently committed if the law specifically provides for criminal liability for the negligent commission of that offense.

Article 26
Mistake of law

1. A person who, for justifiable reasons, did not know or could not have known that an act was prohibited is not criminally liable.

2. If the mistake was avoidable, the person is criminally liable but the punishment may be reduced.

3. A mistake of law is avoidable if any person could have easily known that the act was unlawful or if the perpetrator, by reason of his or her profession, occupation or service was obliged to know the act was unlawful.

Article 27
Preparation of a criminal offense

1. Whoever intentionally prepares a criminal offense shall be punished only if expressly provided for by law.

2. If the law prescribes the punishment for the preparation of a certain criminal offense, the preparation of the criminal offense includes supplying or making available the means to commit a criminal offense; removing the impediments to the commission of a criminal offense; agreeing, planning or organizing with another person the commission of a criminal offense; as well as, other activities that create conditions for the direct commission of a criminal offense, but which do not constitute the act itself.

Article 28
Attempt

1. Whoever intentionally takes action toward the commission of an offense but the action is not completed or the elements of the intended offense are not fulfilled has attempted to commit a criminal offense.

2. An attempt to commit a criminal offense for which a punishment of three or more years may be imposed shall be punishable. An attempt to commit any other criminal offense shall be punishable only if expressly provided for by law.

3. A person who attempts to commit a criminal offense shall be punished as if he or she committed the criminal offense, however, the punishment may be reduced.

Article 29
Inappropriate attempt

The court may waive the punishment of a person who attempts to commit a criminal offense with inappropriate means or against an inappropriate object.

Article 30
Voluntary abandonment of attempt

1. The court may waive the punishment of a person for a punishable attempt of a criminal offense if such person voluntarily abandons the commission of a criminal offense which he or she has commenced, even though he or she is aware that according to all the circumstances he or she could continue the act or, if after the completion of such an act, he or she prevents the occurrence of the consequences.

2. The perpetrator shall be punished for those acts described in paragraph 1 of this Article which constitute another separate criminal offense.

COLLABORATION IN CRIMINAL OFFENSES

Article 31
Co-perpetration

When two or more persons jointly commit a criminal offense by participating in the commission of a criminal offense or by substantially contributing to its commission in any other way, each of them shall be liable and punished as prescribed for the criminal offense.

Article 32
Incitement

1. Whoever intentionally incites another person to commit a criminal offense shall be punished as if he or she committed the criminal offense if the criminal offense is committed.

2. Whoever intentionally incites another person to commit a criminal offense shall be punished as if he or she committed the criminal offense if the criminal offense is attempted but not committed.

3. Whoever intentionally incites another person to commit a criminal offense punishable by imprisonment of at least five (5) years and the offense is not even attempted, the inciter shall be punished for attempt.

Article 33
Assistance

1. Whoever intentionally assists another person in the commission of a criminal offense shall be punished more leniently.

2. Assistance in committing a criminal offense includes, but is not limited to: giving advice or instruction on how to commit a criminal offense; making available the means to commit a criminal offense; creating conditions or removing the impediments to the commission of a criminal offense; or, promising in advance to conceal evidence of the commission of a criminal offense, the perpetrator or identity of the perpetrator, the means used for the commission of a criminal offense, or the profits or gains which result from the commission of a criminal offense.

Article 34
Criminal association

1. Whoever agrees, explicitly or implicitly, with one or more persons to commit or to incite the commission of a criminal offense that is punishable by imprisonment of at least five (5) years, and undertakes preparatory acts for the fulfillment of such agreement, shall be punished as provided for the criminal offense.

2. The court may reduce or waive the punishment of a person who is criminally liable as provided for in paragraph 1 of this Article if such person:

2.1. voluntarily renounces the agreement;

2.2. voluntarily undertakes actions to prevent the continuous existence of the criminal association or the commission of a criminal offense consistent with its goals; or

2.3. voluntarily discloses knowledge of the agreement to the police while the planned criminal offense may still be prevented.

Article 35
Agreement to commit criminal offense

1. Whoever agrees with one or more other persons to commit a criminal offense and one or more of such persons does any substantial act towards the commission of the criminal offense, shall be punished as provided for the criminal offense.

2. For the purposes of this Article, the term "substantial act towards the commission of a crime," need not be a criminal act, but shall be a substantial preparatory step towards the commission of the crime which the persons have agreed to commit.

Article 36
Limits on criminal liability and punishment for collaboration

1. A co-perpetrator is criminally liable within the limits of his or her intent or negligence.

2. A person who incites or assists in the commission of a criminal offense shall be held criminally liable within the limits of his or her intent.

3. Personal circumstances including relations and capacities which may result in exemption from criminal responsibility, waiver of punishment, the existence of graver or lighter forms of the criminal offense or which have an effect on the determination of the punishment shall only be taken into account with respect to the person to whom they relate. However, if the personal circumstances which relate to the offender have an impact on a more severe or a more lenient punishment, and these circumstances constitute an element of the criminal offense, the co-perpetrator, inciter or assistant is liable for the punishment foreseen for the criminal offense when he or she knew about this circumstance, even if it did not relate to him or her.

SPECIAL PROVISIONS ON CRIMINAL LIABILITY FOR CRIMINAL OFFENSES COMMITTED THROUGH THE MEDIA

Article 37
Criminal liability of chief editors, publishers, printers or manufacturers

1. The author of the information is criminally liable when a criminal offense has been committed through the publication of information in the newspapers or other type of periodical, radio, television, internet or other means of communication.

2. The responsible chief editor or the person replacing him or her at the time of the publication of information is criminally liable when:

2.1. the author cannot be found or tried before a court of the Republic of Kosovo;

2.2. the publication of the information was made without the knowledge of the author or against his or her will; or

2.3. if during the time of publication of the information, factual and legal impediments existed for the initiation of criminal proceedings against the perpetrator and continue to exist.

3. The chief editor or the person replacing him or her at the time of publication of information is not held criminally liable if for justified reasons he or she was not aware of a circumstance as provided for in paragraph 2 of this Article.

4. The publisher of a newspaper or other type of periodical is criminally liable when the chief editor or the person replacing him or her at the time of the publication of information in the newspaper or other type of periodical is criminally liable in accordance with paragraph 2 of this Article.

5. When the publisher is criminally liable in accordance with paragraph 4 of this Article and it is not possible to punish the publisher due to legal or factual impediments, the person who printed the information is criminally liable if he or she knew that such legal or factual impediments existed.

6. The manufacturer is criminally liable when the chief editor or the person replacing him or her at the time of the publication of information by means of magnetic tape, film, slides, photographs or other video and audio devices intended for the mass media or for presentation to the public or to a large number of persons are criminally liable in accordance with paragraph 2 of this Article.

7. When the publisher, the printer or the manufacturer who is criminally liable pursuant to this Article is a legal person or a public entity, the person responsible for the printing or manufacturing activities is criminally liable.

8. The persons referred to in this Article are not criminally liable if the publication of information is an accurate report of a session of a public entity or a statement by an official person.

Article 38
Protecting sources of information

1. A person who takes part as a professional in the publication of information or as a member of an editorial board of the media and his or her assistant are not criminally liable if they refuse to disclose the author of a publication or the sources of information.

2. The persons referred to in paragraph 1 of this Article are criminally liable if the court finds that:

2.1. the disclosure of information is necessary to prevent an attack that constitutes an imminent threat to life or physical integrity of any person.

Article 39
Application of general provisions on criminal liability

The provisions on the criminal liability of persons referred to in Articles 37 and 38 of this Code are applicable only if those persons are not held criminally liable under general provisions on criminal liability defined in this Code.

Article 40
Criminal liability of legal persons

1. A legal person is liable for the criminal offence of the responsible person, who has committed a criminal offence, acting on behalf of the legal person within his or her authorizations, with the purpose to gain a benefit or has caused damages for that legal person. The liability of legal person exists even when the actions of the legal person were in contradiction with the business policies or the orders of the legal person.

2. Under the conditions provided for in paragraph 1 of this Article, the legal person shall also be liable for criminal offences in cases of the responsible person, who has committed the criminal offence, who was not sentenced for that criminal offence.

3. The liability of the legal person is based on the culpability of the responsible person.

4. The subjective element of the criminal offence, which exists only for the responsible person, shall be evaluated in relation with the legal person, if the basis for the liability provided for in paragraph 1 of this Article, was fulfilled.

CHAPTER III
PUNISHMENTS

Article 41
Purpose of punishments

1. The purposes of punishment are:

1.1. to prevent the perpetrator from committing criminal offenses in the future and to rehabilitate the perpetrator;

1.2. to prevent other persons from committing criminal offenses;

1.3. to provide compensation to victims or the community for losses or damages caused by the criminal conduct; and

1.4. to express the judgment of society for criminal offenses, increase morality and strengthen the obligation to respect the law.

Article 42
Types of punishments

1. The types of punishment are:

1.1. principal punishments;

1.2. alternative punishments; and

1.3. accessory punishments.

PRINCIPAL PUNISHMENTS

Article 43
Principal punishments

1. The principal punishments are:

1.1. punishment of life long imprisonment;

1.2. punishment of imprisonment;

1.3. punishment of a fine.

Article 44
Punishment of life long imprisonment

1. The law may provide for the punishment of life long imprisonment for the most serious criminal offenses committed under especially aggravating circumstances or criminal offenses that have caused severe consequences.

2. The law shall not prescribe the punishment of life long imprisonment as the only principal punishment for a particular criminal offense.

3. Life long imprisonment cannot be imposed on a person who at the time of committing the criminal offense was under twenty one (21) years of age or on a person who at the time of committing the offense had substantially diminished mental capacity.

Article 45
Punishment of imprisonment

1. The punishment of imprisonment may not be shorter than thirty (30) days or more than twenty five (25) years.

2. The punishment of imprisonment is imposed in full years and months and in cases where the term is up to six (6) months, in full days.

Article 46
Punishment of fine

1. The punishment of a fine may not be less than one hundred (100) European Euros (hereinafter "EUR"). The punishment of a fine may not exceed twenty five thousand (25,000) EUR or, in the case of criminal offenses related to terrorism, trafficking in persons, organized crime or criminal offenses committed to obtain a material benefit, it may not exceed five hundred thousand (500,000) EUR.

2. The judgment shall determine the deadline for the payment of a fine. The deadline may not be less than fifteen (15) days or more than three (3) months, but in justifiable circumstances, the court may allow the fine to be paid in installments over a period not exceeding two (2) years. The judgment shall also determine when the installments are to be paid and state that the privilege of paying by installments will be revoked if the convicted person fails to pay an installment on time.

3. If the convicted person remains unwilling or unable to pay the fine, the court may replace the punishment of fine with the punishment of imprisonment. When a punishment of imprisonment is substituted for a fine, one day in prison is calculated as twenty (20) EUR of the fine. However, the punishment of imprisonment shall not exceed three (3) years.

4. If the convicted person is unwilling or unable to pay the full fine, the Court shall replace the balance of the unpaid fine with punishment of imprisonment as provided for in paragraph 3 of this Article. If the convicted person pays the balance of the fine, the execution of his sentence shall be stayed.

5. If the convicted person remains unwilling or unable to pay the fine, instead of imposing a punishment of imprisonment, the court may, with the consent of the convicted person, substitute an order for community service work for the fine. An order for community service work shall calculate eight (8) working hours of community service work for each twenty (20) EUR of the fine. The community service work shall not exceed two hundred forty (240) working hours.

6. A fine shall not be collected after the death of the convicted person.

Article 47
Replacement of imprisonment with punishment of fine

The court may, with the consent of the convicted person, replace the punishment of up to six (6) months imprisonment with the punishment of fine.

Article 48
Replacement of punishment with order for community service work

1. The court may, with the consent of the convicted person, replace the punishment of up to six (6) months imprisonment with an order for community service work.

2. When imposing an order for community service work, the court shall order the convicted person to perform unpaid community service work for a specified term of thirty (30) to two hundred forty (240) working hours. The probation service will determine the type of community service to be performed by the convicted person, designate the specific organization for which the convicted person will perform the community service, decide on the days of the week when the community service work will be performed and supervise the performance of the community service work.

3. The community service work shall be performed within a period specified by the court which shall not exceed one (1) year.

4. If, upon the expiry of the specified period, the convicted person has not performed the community service work or has only partially performed such community service work, the court shall order a term of imprisonment. One (1) day of imprisonment shall be ordered for every eight (8) hours of community service that was not performed.

ALTERNATIVE PUNISHMENTS

Article 49
Alternative punishments

1. The alternative punishments are:

1.1. suspended sentence;

1.2. semi-liberty; and

1.3. an order for community service work.

2. When imposing a suspended sentence, the court may also impose:

2.1. an order for mandatory rehabilitation treatment; and

2.2. an order for supervision by the probation service.

Article 50
Purpose of suspended sentences

The purpose of a suspended sentence is to not impose a punishment for a criminal offense that is not severe when a reprimand with the threat of punishment is sufficient to prevent the perpetrator from committing a criminal offense.

Article 51
Suspended sentence

1. The court may impose a suspended sentence on the perpetrator in accordance with the provisions of this Code.

2. In imposing a suspended sentence, the court shall determine a punishment for the perpetrator of the criminal offense and at the same time order that this punishment shall not be executed if the convicted person does not commit another criminal offense for the verification time determined by the court. The verification period cannot be less than one (1) year or more than five (5) years.

3. Within a suspended sentence the court may order that the punishment be executed if, within a determined time, the convicted person does not return the material benefit acquired from the commission of the criminal offense, does not compensate for the damage caused by the criminal offense or does not perform another obligation provided

for by provisions in this Code. The court shall determine a deadline for the performance of these conditions within the verification period.

4. When the court imposes a punishment of imprisonment or a fine, the court may impose a suspended sentence for both punishments or only for the punishment of imprisonment.

Article 52
Conditions for imposing suspended sentences

1. A suspended sentence may be imposed on a perpetrator of a criminal offense for which the punishment of imprisonment of up to five (5) years is provided for by the law.

2. A suspended sentence may be imposed on a perpetrator of a criminal offense for which the punishment of imprisonment of up to ten (10) years is provided by for the law if the provisions of mitigation of the punishment are applied.

3. A suspended sentence may be imposed on a perpetrator as foreseen in paragraph 1 and 2 of this Article when the court imposes a punishment of a fine or of imprisonment of up to two (2) years, either for a single offense or concurrent offenses.

4. When determining whether to impose a suspended sentence, the court shall consider, in particular, the purpose of a suspended sentence, the past conduct of the perpetrator, his or her behavior after the commission of the criminal offense, the degree of criminal liability and other circumstances under which the criminal offense was committed.

5. When the court imposes a punishment of imprisonment and a fine, the court may impose a suspended sentence for both punishments or for only the punishment of imprisonment.

Article 53
Revocation of suspended sentence due to newly committed criminal offenses

1. The court shall revoke a suspended sentence if, during the verification period, the convicted person commits one or more criminal offenses for which a punishment of imprisonment of two (2) or more years has been imposed.

2. The court may revoke a suspended sentence if, during the verification period, the convicted person commits one or more criminal offenses for which a punishment of imprisonment of less than two (2) years or a punishment of a fine has been imposed, after considering all the circumstances related to the committed criminal offenses and the convicted person, and especially the similarity of the committed criminal offenses, their importance and the motives for committing the criminal offenses.

3. When revoking a suspended sentence, the court shall impose a single punishment for the criminal offense committed previously and the new criminal offense, in accordance with Article 80 of this Code and treat the revoked suspended sentence as determined.

4. If the court does not revoke a suspended sentence, it may impose a suspended sentence or a punishment of imprisonment or a punishment of a fine for the newly committed criminal offense. If the court imposes a suspended sentence for the newly-committed criminal offense, the court shall apply the provisions of Article 80 of this Code to impose a compound suspended sentence for both the previously committed and the newly committed criminal offense and it shall also determine a compound verification period which can be no less than one (1) year and no more than five (5) years, commencing on the day the sentencing decision becomes final. If the court imposes a punishment of imprisonment for the newly committed criminal offense, the period of time spent serving such term of imprisonment shall not be deducted from the verification period established by the suspended sentence for the previously committed act.

Article 54
Revocation of suspended sentences due to previously committed criminal offense

The court shall revoke the suspended sentence if, after imposing the suspended sentence, there is a final judgment establishing that the convicted person committed another criminal offense prior to the imposition of the suspended sentence and if the court determines that the suspended sentence would have not been imposed if that criminal offense had been known. In such a case, the provisions of paragraph 3 Article 53 of this Code shall apply.

Article 55
Revocation of suspended sentences due to failure to comply with conditions

If one or more conditions are imposed with a suspended sentence as provided for in paragraph 3 Article 51 and 59 of this Code and the convicted person fails to comply with the condition, or conditions, within the time determined by the court, the court may, within the verification period, extend the term for compliance with the condition or it may revoke the suspended sentence and execute the punishment provided for in the suspended sentence. If the court determines that the convicted person was unable to comply with the condition for justified reasons, the court shall waive the performance of that condition or replace it with another appropriate condition provided for by law.

Article 56
Deadlines for revocation of suspended sentences

1. A suspended sentence may be revoked during the verification period. If a convicted person commits a criminal offense requiring revocation of the suspended sentence during

the verification period but it is established by a final judgment only after the expiry of the verification period, the suspended sentence may be revoked no later than one (1) year after the expiry of the verification period.

2. If a convicted person fails to comply with a condition imposed by the court as provided for in paragraph 3 of Article 51 and 59 of this Code within the time determined by the court, the court may revoke the suspended sentence no later than one (1) year after the expiry of the performance of obligations.

Article 57
Suspended sentence with order for mandatory rehabilitation treatment

1. The court may impose a suspended sentence with an order for mandatory rehabilitation treatment, where the convicted person is a first time offender and a drug addict or alcoholic if the court, after reviewing the report of the probation service, determines that the primary factor motivating the criminal offense was related to his or her drug or alcohol addiction and that successful treatment would minimize the risk of the commission of another criminal offense. The court shall state the period during which the mandatory treatment program should commence and when it should be completed. The period of mandatory treatment shall not be less than three (3) months and shall not exceed twelve (12) months.

2. The probation service shall supervise the rehabilitation treatment program.

3. The punishment will be deemed as served upon completion of the rehabilitation treatment program as required by the Probation Service.

4. If the convicted person withdraws from the rehabilitation treatment program, does not maintain contact with the Probation Service or does not perform obligations related to the order for treatment, the court may replace the previous obligation with a different one, extend the duration of the order for treatment or revoke the suspended sentence and order the execution of the punishment provided for in the suspended sentence.

Article 58
Suspended sentence with order for supervision by the probation service

1. The court may impose a suspended sentence with an order for supervision by the probation service if the court determines that the integration of the convicted person into society or compliance with any conditions imposed by the court will be better achieved through supervision by the probation service.

2. When imposing a suspended sentence with an order for supervision by the probation service, the court shall order the convicted person to maintain contact with the probation service. The court may also impose one or more of the conditions set out in paragraph 3

of Article 51 or Article 59 of this Code. The duration of a condition imposed shall not be less than six (6) months or more than three (3) years.

3. When imposing the obligations provided for in Article 59 of this Code, the court shall consider, in particular, the age of the convicted person; his or her general health and mental condition; lifestyle and needs, especially those related to family, school and work; the motives for committing the criminal offense; his or her behavior after its commission; his or her past conduct; personal and family-related circumstances; and, other circumstances which are important for the selection of the kind of supervision and its duration.

4. If the convicted person fails to maintain contact with the probation service or to perform an obligation provided for in Article 59 of this Code, as ordered by the court, the court may replace the previous obligation with a different one, extend the duration of the supervision within the verification period, or revoke the suspended sentence.

Article 59
Types of obligations set forth in a suspended sentence

1. A suspended sentence may also include an order to perform one or more of the following obligations:

1.1. to receive medical or rehabilitation care in a health care institution;

1.2. to undergo a medical or rehabilitation treatment program;

1.3. to visit a psychologist and/or another consultant and act in accordance with their recommendations;

1.4. to receive vocational training for a certain profession;

1.5. to perform a work activity;

1.6. to use wage and other income or property to fulfill a family obligation;

1.7. to refrain from changing residence without informing the probation service;

1.8. to abstain from the use of alcohol or drugs;

1.9. to refrain from frequenting certain places or locales;

1.10. to refrain from meeting or contacting certain people;

1.11. to refrain from carrying any kind of weapon;

1.12. to compensate or restitute the victim of the offense;

1.13. to return the material benefit acquired from the commission of the criminal offense;

1.14. not to possess or use a computer or to access the internet as directed by the court; or,

1.15. to provide financial reports as directed by the court.

Article 60
Order for community service work

1. An order for community service work may be imposed on a convicted person, if the court imposed a punishment of a fine of up to two thousand five hundred (2,500) EUR or a punishment of imprisonment of up to one (1) year. Community service work may only be ordered upon the consent of the convicted person.

2. When imposing an order for community service work, the court shall order the convicted person to perform unpaid community service work for a specified term of thirty (30) to two hundred forty (240) working hours. The probation service will determine the type of community service to be performed by the convicted person, designate the specific organization for which the convicted person will perform the community service, decide on the days of the week when the community service work will be performed and supervise the performance of the community service work.

3. The community service work shall be performed within a period of time determined by the court which shall not exceed one (1) year.

4. When imposing an order for community service work, the court shall also order the convicted person to maintain contact with the probation service and may order the convicted person to perform one or more of the obligations provided for in paragraph 3 of Article 51 or Article 59 of this Code. The duration of an obligation provided for in of Article 59 shall not be less than six (6) months or more than three (3) years. Paragraph 3 of Article 58 shall apply *mutatis mutandis* to an obligation ordered under this paragraph.

5. If the convicted person fails to perform the community service work the court may extend the duration of the supervision within the verification period or revoke the sentence.

6. If, upon the expiry of the specified period, the convicted person has not performed the community service work or has only partially performed such community service work, the court shall order a term of imprisonment. One (1) day of imprisonment shall be ordered for every eight (8) working hours of community service that was not performed.

Article 61
Semi-liberty

1. When the court imposes a punishment of imprisonment of up to one (1) year, it may order the execution of the punishment in semi-liberty, due to the convicted person's obligations related to work, education or vocational training, essential family responsibilities, or need for medical or rehabilitation treatment.

2. When serving a punishment in semi-liberty, the convicted person is obliged to return to prison after performing his or her obligations outside the prison within the period of time determined by the court.

3. When the convicted person does not perform his or her obligations provided for in paragraph 1 of this Article, the court shall revoke the order for the execution of the punishment in semi-liberty and order that the remaining punishment be served in a prison.

4. When the court orders execution of the punishment in semi-liberty, it may also impose one or more of the conditions set out in paragraph 3 of Article 51 or Article 59 of this Code.

ACESSORY PUNISHMENTS

Article 62
Accessory punishments

1. An accessory punishment may be imposed together with a principal or alternative punishment.

2. The accessory punishments are:

2.1. deprivation of the right to be elected;

2.2. order to pay compensation for loss or damage;

2.3. prohibition on exercising public administration or public service functions;

2.4. prohibition on exercising a profession, activity or duty;

2.5. prohibition on driving a motor vehicle;

2.6. confiscation of a driver license;

2.7. confiscation;

2.8. order to publish a judgment; and

2.9. expulsion of a foreigner from the territory of the Republic of Kosovo.

3. The accessory punishment of a prohibition on driving a motor vehicle, or confiscation of an object may be imposed together with a suspended sentence, a judicial admonition or a waiver of punishment.

Article 63
Deprivation of right to be elected

The court shall deprive a perpetrator of the right to be elected for one (1) to four (4) years, if such person, with the intent of becoming elected, commits a criminal offence against voting rights or any other criminal offence for which a punishment of at least two (2) years imprisonment is provided.

Article 64
Order of restitution or compensation

1. The court, when sentencing a person who has been convicted of any offense involving the theft, loss, damage or destruction of property shall order that the perpetrator make restitution to the victim of the offense.

2. Restitution includes the costs equal to the value of any property stolen, lost, damaged or destroyed. Restitution shall also be ordered for any loss of income the victim experiences as a result of the offense and the related investigative and court proceedings.

Article 65
Prohibition on exercising public administration or public service functions

1. The court shall prohibit a perpetrator from exercising public administration or public service functions for one (1) to five (5) years after the punishment of imprisonment has been served, if such person has abused these functions and has been punished by imprisonment.

2. The court may prohibit a perpetrator from exercising public administration or public service functions for one (1) to three (3) years, if such person has abused these functions and has been punished by fine or suspended sentence.

Article 66
Prohibition on exercising a profession, activity or duty

1. The court may prohibit a perpetrator from exercising a profession, an independent activity, a management or administrative duty or duties related to the disposition, management or use of publicly owned property or the protection of such property, if such person has abused his or her position, activity or duty in order to commit a criminal offense or if there is reason to expect that the exercise of such profession, activity or duty can be misused to commit a criminal offense.

2. The court shall determine the duration of the punishment ordered pursuant to paragraph 1 of this Article, which shall not be less than one (1) year and shall not exceed five (5) years, starting from the day the decision of the court becomes final. The period of time served in a prison or in a health care institution is not included in the duration of this punishment.

3. When imposing a suspended sentence, the court may decide that the suspended sentence will be revoked if the perpetrator does not comply with the prohibition on exercising a profession, activity or duty.

Article 67
Prohibition on driving motor vehicles

1. The court may prohibit a perpetrator who jeopardizes the safety of public traffic from driving a motor vehicle of a specific kind and category.

2. The court shall determine the duration of the punishment ordered pursuant to paragraph 1 of this Article, which shall not be less than one (1) year and shall not exceed five (5) years, starting from the day the decision of the court becomes final. The period of time served in a prison or in a health care institution is not included in the duration of this punishment.

3. When imposing a suspended sentence, the court may decide that such a suspended sentence will be revoked if the perpetrator violates the prohibition on driving the motor vehicle. This paragraph shall not apply if there are extra-ordinary circumstances which require the perpetrator to drive.

4. If the punishment provided for in paragraph 1 of this Article is imposed on a person who has a foreign license for driving a motor vehicle, the punishment shall prohibit the use of the foreign license within the territory of the Republic of Kosovo.

Article 68
Confiscation of driver's licenses

1. The court may confiscate a driver's license for a specific type and category of motor vehicle from a perpetrator who jeopardizes the safety of the public traffic and prohibit the perpetrator from obtaining a new driver's license for a period of one (1) to five (5) years. If the perpetrator does not have a driver's license, the court shall prohibit the perpetrator from obtaining a driver's license for a period of one (1) to five (5) years.

2. The court may impose the punishment provided for in paragraph 1 of this Article if the perpetrator has committed a criminal offense causing grievous bodily injury or death of a person or if the court establishes that driving in public traffic is dangerous to the safety of public traffic because of the perpetrator's inability to drive a motor vehicle safely.

3. The driving license shall be confiscated by a final decision of the court. The period of time served in a prison or in a health care institution shall not be included in the duration of the present punishment.

4. After the expiry of the period determined by the court, the perpetrator may obtain a new driving license according to the general conditions provided for obtaining the relevant driving license.

Article 69
Confiscation of objects

1. Objects used or destined for use in the commission of a criminal offense or objects derived from the commission of a criminal offense shall be confiscated.

2. Objects provided for in paragraph 1 of this Article may be confiscated even if they are not the property of the perpetrator if confiscation is necessary for the interests of general security or for moral reasons if such confiscation does not adversely affect the rights of third parties to obtain compensation from the perpetrator for any damage.

3. The law may provide for the mandatory confiscation of an object.

Article 70
Order to publish judgments

1. The court may order the publication of a judgment, if it determines that publication is in the interests of the public, the injured party or other persons.

2. An order to publish a judgment shall require that a judgment be published, in whole or in part, in a newspaper or a radio broadcast or television broadcast. The publication shall be at the expense of the perpetrator.

3. The date of the publication and its duration shall be determined by the court.

4. A newspaper, radio station or television station shall publish a judgment sent to them by the court.

5. The publication of the judgment shall not be ordered if such publication would endanger an official secret, the privacy of persons or the morals of society.

Article 71
Expulsion of foreigners from the territory of the Republic of Kosovo

1. The court may order the expulsion of a foreigner from the territory of the Republic of Kosovo for a period of one (1) to ten (10) years.

2. In determining whether to apply the punishment provided for in paragraph 1 of this Article and the duration of such punishment, the court shall take into account the type and the gravity of the criminal offense, the motives for committing the criminal offense and the perpetrator's attachment to the Republic of Kosovo.

3. The punishment provided for in paragraph 1 of this Article shall not be imposed if the execution of the punishment would be contrary to international law.

4. The duration of the expulsion shall start from the day the court decision becomes final. Time served in a prison or in a health care institution is not included in the duration of this punishment.

Article 72
Execution of accessory punishments

1. Subject to paragraph 2 of this Article, the execution of the accessory punishments provided for in Article 62 of this Code shall commence with the execution of a principal or alternative punishment.

2. The execution of the accessory punishments provided for in sub-paragraphs 2.1, 2.2, 2.3, 2.4, 2.5 and 2.8 of paragraph 2 of Article 62 of this Code shall commence after the term of imprisonment has been executed. While serving the punishment of imprisonment, the convicted person may not enjoy the rights limited by the accessory punishments.

CALCULATION OF PUNISHMENT

Article 73
General rules on calculating punishments

1. When determining the punishment of a criminal offense, the court must look to any minimum and maximum penalty applicable to the criminal offense. The court must then consider the purposes of punishment, the principles set out in this chapter and the mitigating or aggravating factors relating to the specific offense or punishment.

2. The punishment shall be proportionate to the gravity of the offense and the conduct and circumstances of the offender.

3. When determining the punishment the court shall consider but not be limited by following factors:

3.1. the degree of criminal liability;

3.2. the motives for committing the act;

3.3. the intensity of danger or injury to the protected value;

3.4. the circumstances in which the act was committed;

3.5. the past conduct of the perpetrator;

3.6. the entering of a guilty plea; and

3.7. the personal circumstances of the perpetrator and his or her behavior after committing a criminal offense.

4. When determining the punishment for a recidivist, the court shall especially consider whether the perpetrator has previously committed a criminal offense of the same type as the new criminal offense, whether the two (2) acts were committed for the same motives, and the period of time that has elapsed since the previous conviction was pronounced or since the punishment was served or waived.

5. When determining the punishment of a fine, the court shall consider the material situation of the perpetrator, and, in particular, the amount of his or her personal income, other income, assets and obligations. The court shall not set the level of a fine above the means of the perpetrator.

Article 74
General rules on mitigation or aggravation of punishments

1. The punishment imposed on a perpetrator is the punishment prescribed for the criminal offense, while a more lenient or severe punishment may be imposed only in accordance with the conditions provided for by this Code.

2. When determining the punishment the court shall consider, but not be limited by, the following aggravating circumstances:

2.1. a high degree of participation of the convicted person in the criminal offense;

2.2. a high degree of intention on the part of the convicted person, including any evidence of premeditation;

2.3. the presence of actual or threatened violence in the commission of the criminal offense;

2.4. whether the criminal offense was committed with particular cruelty;

2.5. whether the criminal offense involved multiple victims;

2.6. whether the victim of the criminal offense was particularly defenseless or vulnerable;

2.7. the age of the victim, whether young or elderly;

2.8. the extent of the damage caused by the convicted person, including death, permanent injury, the transmission of a disease to the victim, and any other harm caused to the victim and his or her family;

2.9. any abuse of power or official capacity by the convicted person in the perpetration of the criminal offense;

2.10. evidence of a breach of trust by the convicted person;

2.11. whether the criminal offense was committed as part of the activities of an organized criminal group; and/or

2.12. if the criminal offence is committed against a person, group of persons or property because of ethnicity or national origin, nationality, language, religious beliefs or lack of religious beliefs, color, gender, sexual orientation, or because of their affinity with persons who have the aforementioned characteristics;

2.13. any relevant prior criminal convictions of the convicted person.

3. When determining the punishment the court shall consider, but not be limited by, the following mitigating circumstances:

3.1. circumstances falling short of grounds for exclusion of criminal responsibility, for example, diminished mental capacity;

3.2. evidence of provocation by the victim;

3.3. the personal circumstances and character of the convicted person;

3.4. evidence that the convicted person played a relatively minor role in the criminal offense;

3.5. the fact that the convicted person participated in the criminal offense not as the principal perpetrator but through aiding, abetting, or otherwise assisting another;

3.6. the age of the convicted person, whether young or elderly;

3.7. evidence that the convicted person made restitution or compensation to the victim;

3.8. general cooperation by the convicted person with the court, including voluntary surrender;

3.9. the voluntary cooperation of the convicted person in a criminal investigation or prosecution;

3.10. the entering of a plea of guilty;

3.11. any remorse shown by the convicted person;

3.12. post conflict conduct of the convicted person; and/or

3.13. in the case of a person convicted of the criminal offense of Hostage Taking, Kidnapping or Unlawful Deprivation of Liberty or as provided for in Article 175, 194 or 196 of this Code, effectively contributing to releasing or bringing the kidnapped, abducted, taken or detained person forward alive or voluntarily providing information that contributes to identifying others responsible for the criminal offense.

Article 75
Mitigation of punishments

1. The court may impose a punishment below the limits provided for by law or impose a lesser type of punishment:

1.1. when the law provides that the punishment of the perpetrator may be mitigated or reduced; or

1.2. when the court finds that there are particularly mitigating circumstances which indicate that the purpose of punishment can be achieved by imposing a lesser punishment; or,

1.3. in cases when the perpetrator pleads guilty or enters into a plea agreement. In such cases the court should take under consideration the opinion of the prosecutor, defense counsel and the injured party with regard to the mitigation of the punishment and it shall be advised but not constrained by the limits provided for in Article 76 of this Code.

Article 76
Limits on mitigation of punishments

1. When the conditions set out in Article 75 of this Code exist, the court may mitigate the punishment within the following limits:

1.1. if a period of at least ten (10) years is provided as the minimum term of imprisonment for a criminal offense, the punishment can be mitigated to imprisonment of up to five (5) years;

1.2. if a period of at least five (5) years is provided as the minimum term of imprisonment for a criminal offense, the punishment can be mitigated to imprisonment of up to three (3) years;

1.3. if a period of at least three (3) years is provided as the minimum term of imprisonment for a criminal offense, the punishment can be mitigated to imprisonment of up to one (1) year;

1.4. if a period of two (2) years is provided as the minimum term of imprisonment for a criminal offense, the punishment can be mitigated to imprisonment of up to six (6) months;

1.5. if a period of one (1) year is provided as the minimum term of imprisonment for a criminal offense, the punishment can be mitigated to imprisonment of up to three (3) months;

1.6. if a period of less than one (1) year is provided as the minimum term of imprisonment for a criminal offense, the punishment can be mitigated to imprisonment of up to thirty (30) days;

1.7. if there is no indication of the minimum term of imprisonment for a criminal offense, a punishment of a fine can be imposed instead of imprisonment;

1.8. if there is no indication of the minimum amount of a fine for a criminal offense, the fine can be mitigated to one hundred (100) EUR.

2. In determining the degree of mitigation of punishment in accordance with paragraph 1 of this Article, the court shall take into special consideration the minimum and maximum term of punishment provided for the criminal offense.

Article 77
Waiver of punishments

1. The court may waive the punishment of the perpetrator for a criminal offense only when it is explicitly provided for by law.

2. When the court has been authorized by the law to waive the punishment of a perpetrator for a criminal offense, it may mitigate the punishment regardless of the limits on the mitigation of punishment.

Article 78
Special grounds to waive punishments for criminal offenses committed negligently

1. The court may waive the punishment of a perpetrator if he or she commits a criminal offense by negligence in the following cases:

1.1. if the consequences of the criminal offense affect the perpetrator so severely that the punishment is unnecessary to achieve its purpose; or

1.2. if immediately after the commission of a criminal offense the perpetrator makes efforts to eliminate or reduce the consequences of the offense and if he or she completely or substantially compensates for the damage caused by the offense.

Article 79
Aggravation of punishments for multiple recidivism

1. The court may impose a more severe punishment than the one provided for by law for a criminal offense punishable by imprisonment when it is committed intentionally in the following cases:

1.1. if the perpetrator has been previously sentenced two (2) or more times to imprisonment of at least one (1) year for criminal offenses committed intentionally; and,

1.2. if less than five (5) years have elapsed between the date of release or termination of the previous punishment and the commission of the new criminal offense.

2. The court may impose a more severe punishment by adding no more than an additional half of the maximum punishment to the punishment for the recidivist.

3. When determining whether to impose a more severe punishment, the court shall consider, in particular, the entering of a guilty plea, the similarity between the criminal offenses committed the motives for which they were committed, the circumstances in which they were committed and also the need to impose such a punishment to fulfill the purpose of the punishment.

4. This Article shall not apply to the punishment of life long imprisonment.

Article 80
Punishment of concurrent criminal offenses

1. If a perpetrator, by one or more acts, commits several criminal offenses for which he or she is tried at the same time, the court shall first pronounce the punishment for each act and then impose an aggregate punishment for all of these acts.

2. The court shall impose an aggregate punishment in accordance with these rules:

2.1. if the court has imposed a punishment of life long imprisonment for one of the criminal offenses, it shall impose this punishment only;

2.2. if the court has imposed a punishment of imprisonment for each criminal offense, the aggregate punishment must be higher than each individual punishment but the aggregate punishment may not be as high as the sum of all prescribed punishments nor may it exceed a period of twenty five (25) years;

2.3. if the court has imposed a punishment of imprisonment of up to three (3) years for each criminal offense, the aggregate punishment of imprisonment may not exceed eight (8) years;

2.4. if the court has imposed a punishment of a fine for each criminal offense, the aggregate punishment of a fine is the total sum of all fines but it may not exceed the amount of twenty five thousand (25,000) EUR or, when one or more criminal offenses are committed with the intent to obtain a material benefit, the amount of five hundred thousand (500,000) EUR;

2.5. if the court has imposed a punishment of imprisonment for some criminal offenses, while for others it has pronounced a punishment of a fine, the court will impose an aggregate punishment of a fine and imprisonment, in accordance with sub-paragraphs 2.1 to 2.4 of this paragraph.

3. The court shall impose an accessory punishment if it has been pronounced for at least one of the criminal offenses, in accordance with sub-paragraph 2.4 of paragraph 2 of this Article.

Article 81
Punishment of criminal offense in continuation

1. Criminal offense in continuation is constituted of several same or similar offenses committed in a certain time period by the same perpetrator, and that are considered as a whole due to the existence of at least two (2) of the following conditions:

1.1. the same victim of the criminal offense;

1.2. the same object of the offense;

1.3. the taking advantage of the same situation or the same time relationship;

1.4. the same place or space of commission of the criminal offense; or

1.5. the same intent of the perpetrator.

2. Criminal offenses perpetrated against personality may be considered as criminal offenses in continuation only if they are committed against the same person.

3. Criminal offenses in continuation which, due to their nature cannot be joined in one offense, shall not be considered criminal offenses in continuation.

4. If the criminal offense in continuation includes both grievous and light form of the same offense, it is considered that the criminal offense in continuation has been committed in grave form.

5. If the criminal offense in continuation involves an element of a sum of money, the criminal offense in continuation shall be determined by the overall sum of all the individual offenses.

6. A criminal offense that was not included in the criminal offense in continuation with the final judgment of the court, but was discovered later, is considered as a separate criminal offense.

Article 82
Calculating punishment of convicted persons

1. If a convicted person is tried for a criminal offense he or she committed before serving a punishment imposed under an earlier conviction, or for a criminal offense committed while serving a punishment of imprisonment, the court shall impose an aggregate punishment (Article 80 of this Code), taking into consideration the previously imposed punishment. The punishment or part of the punishment which the convicted person has already served shall be included in the aggregate punishment.

2. For a criminal offense committed while serving a punishment of imprisonment, the court shall determine the punishment of the perpetrator independently of the previously imposed punishment if the application of the provisions of Article 80 of this Code would lead to a failure to achieve the aims of punishment considering the duration of the un-served portion of the previously imposed punishment.

Article 83
Calculating detention and previous punishment

1. Time served in detention, house arrest as well as any period of deprivation of liberty related to the criminal offense shall be included in the punishment of imprisonment and of a fine.

2. A punishment of imprisonment or of a fine for a minor offense or an economic offense which was served or paid by the convicted person shall be included in the punishment for a criminal offense whose elements include the elements of the minor offense or the economic violation.

3. A protective measure which has been imposed for a minor offense or an economic offense shall be included in the accessory punishment for a criminal offense whose elements include the elements of the minor offense or the economic violation.

4. One (1) day of detention, one (1) day of deprivation of liberty, one (1) day of imprisonment, and a fine of twenty (20) EUR are equal for the purposes of calculation under this Article.

Article 84
Calculating detention and punishments served in other jurisdictions

The detention, deprivation of liberty during proceedings to transfer a person to another jurisdiction and the portion of a punishment served by the perpetrator pursuant to a judgment of a foreign court shall be calculated toward the punishment imposed by a court in the Republic of Kosovo for that same act or, if the punishment imposed outside of the Republic of Kosovo is not of the same character, the court shall calculate the punishment in a way it deems appropriate.

CHAPTER IV
JUDICIAL ADMONITION

Article 85
Purpose of judicial admonition

The purpose of a judicial admonition is to give a perpetrator a reprimand when, considering all the circumstances regarding the offense and the perpetrator, a judicial admonition is sufficient to achieve the purpose of a punishment.

Article 86
Judicial admonition

1. A perpetrator subject to a judicial admonition shall be informed that he or she has committed a harmful and dangerous act which constitutes a criminal offense and that if he or she commits such an act again, the court will impose a more severe criminal sanction.

2. A judicial admonition may be imposed for criminal offenses which are punishable by imprisonment of up to one (1) year or by a fine, when such offenses are committed under mitigating circumstances which render the offenses particularly minor.

3. A judicial admonition may also be imposed for certain criminal offenses punishable by imprisonment of up to three (3) years under the conditions provided for by law.

4. The court may impose a judicial admonition for more than one criminal offense committed concurrently, when each of the criminal offenses meet the conditions provided for in paragraph 2 or 3 of this Article.

5. When determining whether to impose a judicial admonition, the court shall consider, in particular, the purpose of a judicial admonition, the perpetrator's past conduct, his or her behavior after the commission of the criminal offense, the degree of criminal liability,

other circumstances surrounding the criminal offense and the voluntary participation of the perpetrator in a treatment program.

CHAPTER V
MEASURES OF MANDATORY TREATMENT

Article 87
General principles

1. A perpetrator with a mental disorder, or a person who is being treated as such, shall be treated with humanity and respect for the inherent dignity of the human person.

2. International standards applicable to persons with a mental disorder shall apply to a perpetrator with a mental disorder to the fullest extent possible, with only limited modifications and exceptions that are necessary in the circumstances.

3. A measure of mandatory psychiatric treatment shall not be ordered when it is disproportionate to the gravity of the acts committed, the acts expected to be committed by the perpetrator and the degree of danger that the perpetrator poses.

Article 88
Applicable measures and criminal sanctions

1. The measures of mandatory treatments that may be imposed on a perpetrator who is not criminally liable, has substantially diminished mental capacity or is addicted to drugs or alcohol are:

1.1. mandatory psychiatric treatment and custody in a health care institution;

1.2. mandatory psychiatric treatment at liberty; and

1.3. mandatory rehabilitation treatment of persons addicted to drugs or alcohol.

2. A criminal sanction, in accordance with this Code, may also be imposed on a perpetrator who has committed a criminal offense in a state of diminished mental capacity, if the grounds for imposing such a criminal sanction exist.

Article 89
Mandatory psychiatric treatment in custody in a health care institution

1. The court may impose a measure of mandatory psychiatric treatment in custody in a health care institution on a perpetrator who has committed a criminal offense while in a state of mental incompetence or substantially diminished mental capacity, if it determines that:

1.1. the perpetrator committed an offense punishable by imprisonment of at least three (3) years;

1.2. there is a serious danger that the perpetrator will commit another criminal offense;

1.3. the mandatory psychiatric treatment in custody is necessary to avoid the commission of another criminal offense;

1.4. the perpetrator is unable to stand trial; and

1.5. the mandatory psychiatric treatment in custody is necessary to avoid a serious danger.

2. The court shall suspend the measure of mandatory psychiatric treatment provided for in paragraph 1 of this Article upon verification that the need for the treatment in a health care institution has ceased.

3. The time spent in a health care institution will count towards the term of the imposed punishment for the mandatory psychiatric treatment for the perpetrator who commits a criminal offense in a state of substantially diminished mental capacity and who was punished by imprisonment. If the time in custody for mandatory psychiatric treatment is less than the sentence of imprisonment, the court may order that the perpetrator be sent to prison to serve the remainder of the sentence or the court may order conditional release.

4. When considering conditional release under paragraph 3 of this Article, the court, in addition to the conditions set forth in Article 94 of this Code, shall give special consideration to the success of the mandatory treatment of the perpetrator, his or her health, the time spent in the health care institution and the length of the sentence that has not been served.

Article 90
Mandatory psychiatric treatment at liberty

1. The court may impose a measure of mandatory psychiatric treatment at liberty on a perpetrator who has committed a criminal offense while in a state of mental incompetence or substantially diminished mental capacity, if it determines that:

1.1. there is a serious danger that the perpetrator will commit a criminal offense;

1.2. the mandatory psychiatric treatment at liberty is necessary to avoid the commission of another criminal offense; and

1.3. mandatory psychiatric treatment at liberty is sufficient to avoid serious danger.

2. The measures of mandatory psychiatric treatment at liberty from paragraph 1 of this Article may be imposed on a perpetrator upon whom a measure of mandatory psychiatric treatment in custody in a health care institution was imposed when the court verifies that the custody in the health care institution is no longer necessary and the measures of mandatory psychiatric treatment at liberty are sufficient to address the considerations set forth in sub-paragraphs 1.1 to 1.3 of paragraph 1 of this Article.

3. Subject to the conditions set forth in paragraph 1 of this Article, the court may impose mandatory psychiatric treatment at liberty on a perpetrator whose mental capacity is substantially diminished and who is on conditional release as provided for in Article 94 of this Code.

4. The mandatory psychiatric treatment at liberty may not exceed three (3) years if it imposed on a perpetrator who has substantially diminished mental capacity.

5. The court may impose mandatory psychiatric treatment in custody in a health care institution:

5.1. when the perpetrator fails to undergo the mandatory psychiatric treatment at liberty as set forth in paragraphs 1 to 3 of this Article;

5.2. when the perpetrator abandons the mandatory psychiatric treatment at liberty; or

5.3. when, in spite of the mandatory psychiatric treatment in custody in a health care institution, there is a serious danger that the perpetrator will again commit a criminal offense.

Article 91
Mandatory rehabilitation treatment of persons addicted to drugs or alcohol

1. The court may order a measure of mandatory rehabilitation treatment in a health care institution for any perpetrator who has committed a criminal offense under the influence of drugs or alcohol if both of the following conditions are met:

1.1. the court has imposed a punishment, a judicial admonition or a waiver of punishment on the perpetrator; and

1.2. the court determines that the primary factor motivating the criminal offense was related to perpetrator's addiction to drugs or alcohol and there are prospects for successful treatment.

2. If the measure referred to in paragraph 1 of this Article is imposed in addition to the punishment of a fine, a judicial admonition or a waiver of punishment, the court may, with the consent of the perpetrator, decide that such measure be executed at liberty. If the perpetrator fails to undergo the treatment at liberty without a justifiable cause or if he or she arbitrarily quits the treatment, the court may order that the treatment be executed in a health care institution.

3. If the measure referred to in paragraph 1 of this Article is imposed in addition to the punishment of a fine, a judicial admonition, or a waiver of punishment, the treatment may not last for more than two (2) years.

4. If the measure referred to in paragraph 1 of this Article is imposed in addition to the punishment of imprisonment, it may last until the punishment is served. The time spent in the health care institution shall be calculated towards the imposed punishment.

5. The court must examine the execution of this measure every two (2) months to determine whether it is necessary to continue the measure.

CHAPTER VI
GENERAL PROVISIONS ON THE EXECUTION OF PUNISHMENTS AND CONDITIONAL RELEASE

Article 92
Execution of punishments of imprisonment and life long imprisonment

1. The punishment of imprisonment or life long imprisonment shall be served in confined, semi-confined or open correctional facilities or units of correctional facilities.

2. The punishment of life long imprisonment shall commence in confined correctional facilities or units of correctional facilities.

3. During the execution of a punishment, the convicted person shall not be subjected to inhuman or degrading treatment or punishment, including unnecessary mental and physical exertion or the deprivation of adequate medical treatment or other basic necessities.

Article 93
Limitation on restriction of rights of convicted persons

1. The rights of a convicted person shall always be respected during the execution of a punishment.

2. The rights of a convicted person may only be limited to the extent necessary and in compliance with the law and international human rights standards.

Article 94
Conditional release

1. A convicted person may be granted conditional release in accordance with this Code and the Law on the Execution of Penal Sanctions if there are reasonable grounds to expect that he or she will not commit a new criminal offense. The conduct of the convicted person while serving his or her punishment shall be taken into consideration when deciding whether or not conditional release is granted.

2. A person convicted of a criminal offence for which a punishment of at least five (5) years imprisonment has been provided, may be granted conditional release after serving two-thirds (2/3) of the imposed sentence. For other criminal offences, the convicted person may be granted conditional release after having served half of the imposed sentence.

3. A convicted person who has served forty (40) years of a sentence of life long imprisonment may be granted conditional release on the condition that he or she does not commit another criminal offense. The minimum period of supervision by the Probation Service shall be at least five (5) years.

4. Conditional release shall be decided by the Conditional Release Panel established by Kosovo Judicial Council in accordance with the Law on the Execution of Penal Sanctions.

Article 95
Revocation of conditional release

1. The court shall revoke conditional release if a convicted person, while on conditional release, commits one or more criminal offenses for which a punishment of imprisonment of more than one (1) year was imposed.

2. The court may revoke conditional release if a convicted person, while on conditional release, commits one or more criminal offenses for which a punishment of imprisonment of up to one (1) year was imposed. In determining whether to revoke conditional release, the court shall consider, in particular, the similarity of criminal offenses committed, the

motives for committing the criminal offenses and other circumstances that indicate the appropriateness of revoking conditional release.

3. When the court revokes conditional release, it shall impose a punishment on the basis of the provisions from Articles 80 and paragraph 2 of Article 82 of this Code, treating the previously imposed punishment as determined. The portion of the previously imposed punishment which has been served by the convicted person following the previous sentence shall be calculated in the new punishment, whereas the time on conditional release shall not be calculated. The court judgment shall state that conditional release has been revoked. The court shall send a copy of the judgment to the Conditional Release Panel.

4. The provisions of paragraphs 1 to 3 of this Article shall apply also when a convicted person released on conditional release is punished for a criminal offense committed prior to his or her release on conditional release.

5. If the convicted person released on conditional release is sentenced to imprisonment for a term not exceeding one (1) year and if the court does not order the revocation of conditional release, the term of the release on conditional release shall be extended for the period of time the convicted person spent serving such sentence of imprisonment.

CHAPTER VII
CONFISCATION OF MATERIAL BENEFITS ACQUIRED BY THE COMMISSION OF CRIMINAL OFFENSES

Article 96
Grounds for confiscating material benefits

1. No person may retain a material benefit acquired by the criminal offense.

2. The material benefit provided for in paragraph 1 of this Article shall be confiscated by the court establishing the criminal offense, according to the terms provided for by law.

Article 97
Conditions and means of confiscating material benefits

1. Material benefits shall be confiscated from the perpetrator or when confiscation is not possible, the perpetrator shall be obliged to pay an amount of money corresponding to the material benefit acquired.

2. Material Benefits may be confiscated from the person to whom it has been transferred without compensation or with compensation that does not correspond to the real value, if

such person knew or should have known that the material benefit was acquired by the commission of a criminal offense. When the material benefit has been transferred to a member of the family the benefits shall be confiscated from the member of the family unless such member of the family proves that he or she gave compensation for the entire value.

Article 98
Protection of injured parties

1. If property damages have been awarded to an injured party in criminal proceedings, the court shall order confiscation of the material benefit if it exceeds the amount of the property damages awarded to the injured party.

2. An injured party who, in the course of criminal proceedings has been instructed to initiate civil litigation with respect to his or her property claim, can request compensation from the confiscated material benefit. The injured party seeking compensation from the confiscated material benefit must commence civil litigation within six (6) months from the day of the final decision instructing him or her to initiate civil litigation and within three (3) months from the day of the final court decision establishing his or her property claim.

3. An injured party who fails to report a property claim during the course of criminal proceedings may demand compensation from the confiscated material benefit if he or she has initiated civil litigation within three (3) months from the day when he or she found out about the judgment confiscating the material benefit and no longer than two (2) years from the day the judgment on the confiscation of the material benefit became final and if he or she demanded compensation from the confiscated material benefit within three (3) months from the day when the decision establishing his or her property claim became final.

Article 99
Confiscating material benefits from legal persons

When a business organization or legal person has acquired a material benefit by the commission of a criminal offense of a perpetrator, such material benefit shall be confiscated from the business organization or the legal person.

CHAPTER VIII
LEGAL CONSEQUENCES OF PUNISHMENT

Article 100
Creation of the legal consequences of the punishment

1. Legal consequences of punishment may be foreseen only by law.

2. Legal consequences of the punishment cannot be created where a fine, suspended sentence or judicial admonition is imposed on the perpetrator or when the perpetrator is exempt from punishment.

3. Punishments for certain criminal offenses may have as a consequence cessation, loss of certain rights or prohibition of acquiring certain rights.

Article 101
Commencement and duration of legal consequences of the punishment

1. Legal consequences of the punishment commence on the day when the court judgment becomes final.

2. Legal consequences of the punishment that are composed of the prohibition of acquiring certain rights may not be extended for more than ten (10) years from the day when the punishment was served, pardoned, or where the statute of limitation has elapsed, if for certain legal consequences the law does not prescribe shorter duration.

3. When the punishment is expunged the legal consequences of the punishment cease to exist.

CHAPTER IX
REHABILITATION AND DISCLOSURE OF INFORMATION FROM CRIMINAL RECORDS

Article 102
Legal status of convicted persons after service, waiver or prescription

1. After a punishment of imprisonment has been served, subject to pardon or prescribed by statutory limitation, a convicted person who has made restitution shall exercise and acquire all the rights provided for in the Constitution and law unless otherwise provided in this Code.

2. This Article shall also apply to a convicted person released on conditional release.

Article 103
Legal rehabilitation

1. Upon legal rehabilitation, a punishment shall be expunged from the record of a first time convicted person as provided in paragraph 2 of this Article and such person shall not be considered convicted.

2. A punishment shall be expunged from the record of the first time convicted person upon the expiry of the following periods of time, by operation of law, if the convicted person does not commit a new criminal offense within this period:

2.1. one (1) year from the day the judgment becomes final, in the case of a judicial admonition or a waiver of punishment;

2.2. one (1) year from the day the verification period expires, in the case of a suspended sentence;

2.3. one (1) year from the day a punishment is served, prescribed by statutory limitation or terminated by a pardon or a change in the law, in the case of a punishment of semi-liberty;

2.4. three (3) years from the day a punishment is served, prescribed by statutory limitation or terminated by a pardon or a change in the law, in the case of a punishment of imprisonment of up to one (1) year, a punishment of a fine or an accessory punishment;

2.5. five (5) years from the day a punishment is served, prescribed by statutory limitation or terminated by a pardon or a change in the law, in the case of a punishment of imprisonment of one (1) to three (3) years;

2.6. eight (8) years from the day a punishment is served, prescribed by statutory limitation or terminated by a pardon or a change in the law, in the case of a punishment of imprisonment of three (3) to five (5) years;

2.7. ten (10) years from the day a punishment is served, prescribed by statutory limitation or terminated by a pardon or a change in the law, in the case of a punishment of imprisonment of five (5) to ten (10) years;

2.8. fifteen (15) years from the day a punishment is served, prescribed by statutory limitation or terminated by pardon or a change in the law, in the case of a punishment of imprisonment of ten (10) to fifteen (15) years;

3. A punishment of imprisonment of more than fifteen (15) years or life long imprisonment shall not be expunged.

4. A punishment shall not be expunged during the duration of accessory punishments and measures of mandatory treatment.

Article 104
Judicial rehabilitation

The court may, upon the request of the convicted person, decide to expunge a punishment from its records and consider the person not convicted if one-half of the relevant period of time provided for in paragraph 2 of Article 103 of this Code has elapsed and if the convicted person has not committed a new criminal offense during that time. When deciding to expunge a punishment, prescribed by statutory limitation or terminated by pardon or a change in the Criminal Code, the court shall consider the conduct of the convicted person after serving the punishment, the nature of the criminal offense and other circumstances that may be important for evaluating the appropriateness of expunging the punishment.

Article 105
The content and disclosure of information from criminal records

1. A criminal record shall contain the following information: personal data on the perpetrator of a criminal offense; information on the punishment, judicial admonition, measure of mandatory treatment or waiver of punishment imposed on the perpetrator; changes in information on convictions that were entered in the criminal record; and, information on sentences served and on the expunging of wrongful convictions.

2. Information contained in a criminal record may be disclosed only with respect to convictions that have not been expunged and may be disclosed to the court, the prosecutor and the police in connection with criminal proceedings conducted against the person who had previously been convicted; to competent authorities in charge of the execution of criminal sanctions; and, to competent authorities involved in the procedure of granting pardon or expunging of sentences.

3. The data from the criminal record may be revealed to public entities upon a justified request provided that the accessory punishment or mandatory treatment is in force at the time of the request.

4. In cases where a conviction has been expunged, information on the conviction may only be revealed to the court, the prosecutor and the police in relation to criminal proceedings conducted against a person whose previous conviction has been expunged.

5. Any person, upon request, may obtain information on his or her criminal record when this information is necessary except where this would jeopardize national security or public safety or the prevention, investigation, detection and prosecution of criminal offenses.

CHAPTER X
STATUTORY LIMITATION

Article 106
Statutory limitation on criminal prosecution

1. Unless otherwise expressly provided by this Code, the criminal prosecution may not be initiated after the following periods have elapsed.

1.1. thirty (30) years from the commission of a criminal offense punishable by life long imprisonment;

1.2. twenty (20) years from the commission of a criminal offense punishable by imprisonment of more than ten (10) years;

1.3. ten (10) years from the commission of a criminal offense punishable by imprisonment of more than five (5) years;

1.4. five (5) years from the commission of a criminal offense punishable by imprisonment of more than three (3) years.

1.5. three (3) years from the commission of a criminal offense punishable by imprisonment of more than one (1) year; and

1.6. two (2) years from the commission of a criminal offense punishable by imprisonment up to one (1) year or punishment of a fine.

2. When the law provides for more than one punishment for a criminal offense, the period of limitation shall be determined according to the most serious punishment.

Article 107
Commencement and stay of statutory limitation on criminal prosecution

1. The period of statutory limitation on criminal prosecution commences on the day when the criminal offense was committed. If a result constituting an element of the offense occurs later, the period of limitation shall commence to run from that time.

2. In the case of an offense committed against a person under the age of eighteen (18), the limitation period shall commence to run on the day the victim reaches the age of eighteen (18) years.

3. The period of statutory limitation shall not run for any time during which prosecution cannot be initiated or continued by law, including, but not limited to the following circumstances:

3.1. when the perpetrator is outside of the Republic of Kosovo and this causes a delay of proceedings;

3.2. when the perpetrator is wanted by arrest warrant;

3.3. when the Chief State Prosecutor, in accordance with the Code of Criminal Procedure, seeks to obtain evidence from outside of the Republic of Kosovo; or

3.4. during the guilty plea procedure.

4. The period of statutory limitation shall not be tolled if the offense is not prosecuted because of the absence of a request or authorization to prosecute or a request to prosecute by a foreign state.

5. The period of statutory limitation is interrupted by every act undertaken for the purpose of criminal prosecution of the criminal offense committed.

6. The period of statutory limitation is also interrupted if the perpetrator commits another criminal offense of equal or greater gravity than the previous criminal offense prior to the expiry of the period of statutory limitation.

7. A new period of statutory limitation will commence after each interruption.

8. Criminal prosecution shall be prohibited in every case when twice the period of statutory limitation has elapsed.

Article 108
Statutory limitation on the execution of punishments

1. Unless otherwise provided for by this Code, the imposed punishment cannot be executed after the following periods have elapsed:

1.1. thirty (30) years from a sentence of life long imprisonment;

1.2. twenty (20) years from a sentence of imprisonment of more than ten (10) years;

1.3. ten (10) years from a sentence of imprisonment of more than five (5) years;

1.4. five (5) years from a sentence of imprisonment of more than three (3) years;

1.5. three (3) years from a sentence of imprisonment of more than one (1) year; and

1.6. two (2) years from a sentence of imprisonment up to one (1) year or punishment of a fine.

2. The statutory limitations on the execution of punishments shall be tolled when the convicted person fails to appear for or fails to surrender to serve a sentence of imprisonment.

Article 109
Statutory limitation on the execution of accessory punishments and of measures of mandatory treatment

1. The execution of other accessory punishments shall be prohibited after five (5) years from the day when the judgment imposing this punishment becomes final.

2. The execution of a measure of mandatory treatment shall be prohibited after three (3) years from the day when the judgment imposing this measure becomes final.

3. The statutory limitations on the execution of accessory punishments and the execution of a measure of mandatory treatment shall be tolled when the person fails to comply with court orders pertaining to the accessory punishments and measure of mandatory treatment.

Article 110
Commencement and interruption of periods of statutory limitation on the execution of punishments

1. The period of statutory limitation on the execution of a punishment commences on the day when the judgment becomes final and, in the case of a revocation of an alternative punishment, on the day when the decision on revocation becomes final.

2. The period of statutory limitation does not run for any time during which the execution of the punishment may not be initiated by law.

3. If the punishment is reduced by the act of a pardon or a decision of the court upon extraordinary legal remedy, the time for commencement of statutory limitation is determined according to the new punishment, while the time of calculation of the statutory limitation is based on the original punishment.

4. The period of statutory limitation is interrupted by every act undertaken by a competent authority for the purpose of executing the punishment.

5. A new period of statutory limitation will commence after each interruption.

6. The execution of a punishment shall be prohibited in every case when twice the period of statutory limitation has elapsed

7. The provisions of paragraphs 2 to 5 of this Article shall also apply to the statutory limitations on the execution of accessory punishments and measures of mandatory treatment.

Article 111
Non-applicability of statutory limitation for crimes against international law and aggravated murder

1. No statutory limitation shall apply to the offenses of genocide, war crimes, crimes against humanity, or other criminal offenses to which the statutory limitation cannot be applied under international law.

2. No statutory limitation shall apply to the offense of aggravated murder.

CHAPTER XI
PARDON

Article 112
Pardon

1. By means of a pardon and in accordance with the Law on Pardon specifically designated persons listed by name are granted exemption from complete or partial exemption from the execution of a punishment, the substitution of punishment with a less severe punishment or a suspended sentence or the expunging of punishment.

2. A perpetrator cannot be pardoned for any punishment for which the Conditional Release Panel has refused that person conditional release.

Article 113
Effect of pardon on third parties

The granting of pardon shall not affect the rights of third parties which are based upon the punishment or judgment.

CHAPTER XII
APPLICABILITY OF CRIMINAL LAWS OF THE REPUBLIC OF KOSOVO ACCORDING TO THE PLACE OF THE COMMISSION OF THE CRIMINAL OFFENSE

Article 114
Applicability of criminal laws of the Republic of Kosovo on the territory of the Republic of Kosovo

1. The criminal laws of the Republic of Kosovo apply to any person who commits a criminal offense wholly or partly on the territory of the Republic of Kosovo.

2. The criminal laws of the Republic of Kosovo apply to any person who commits a criminal offense on any means of air or water transport which is registered in the Republic of Kosovo, regardless of the location of the air or water transport at the time the criminal offense was committed.

Article 115
Applicability of criminal laws of the Republic of Kosovo to specific criminal offenses committed outside the territory of the Republic of Kosovo

1. The criminal laws of the Republic of Kosovo apply to any person who commits the following criminal offenses outside the territory of the Republic of Kosovo;

1.1. the criminal offenses provided for in Articles 148-153, 157-160, 164, 165, 166-169, 171, 173-175, 238, 241, 273-280, 293, 294, 302-304, 336 and 337 of this Code: and,

1.2. criminal offenses which on the basis of an international agreement binding on the Republic of Kosovo must be prosecuted even though committed abroad.

2. The criminal laws of the Republic of Kosovo apply to any person who commits a criminal offense provided for in Articles 136-145 of this Code outside the territory of the Republic of Kosovo where such offense constitutes a threat to the security of the Republic of Kosovo or its population, in whole or in part.

3. The criminal laws of Kosovo apply to any person who is a national of the Republic of Kosovo if such person commits a criminal offence outside the territory of the Republic of Kosovo and if this act is also punishable at the place of its commission.

4. Paragraph 1 of this Article shall also apply to any person who, subsequent to the commission of a criminal offence, becomes a resident of the Republic of Kosovo.

Article 116
Applicability of criminal laws of the Republic of Kosovo to foreign person committing criminal offenses outside the territory of the Republic of Kosovo

1. The criminal laws of the Republic of Kosovo apply to any person who is a foreign person if:

1.1. such person has committed a criminal offense outside the territory of the Republic of Kosovo against a national of the Republic of Kosovo even when such a criminal offense is not referred to in Article 115 of this Code;

1.2. this act is also punishable at the place of its commission; and

1.3. the perpetrator is found on the territory of the Republic of Kosovo or has been transferred to the Republic of Kosovo.

Article 117
Special prerequisites for prosecution of criminal offenses committed outside the territory of the Republic of Kosovo

1. In the cases provided for in Article 114 of this Code, if criminal proceedings have commenced but have not been completed in another jurisdiction, criminal proceedings shall be initiated in the Republic of Kosovo only upon the authorization of the Chief State Prosecutor of the Republic of Kosovo.

2. In the cases provided for in Articles 115 and 116 of this Code, criminal proceedings shall not be initiated if:

2.1. the perpetrator has completely served the punishment imposed in another jurisdiction;

2.2. the perpetrator has been acquitted in another jurisdiction by a final court judgment or the punishment was waived or prescribed by statutory limitation; or

2.3. criminal proceedings for that criminal offense in another jurisdiction may only be initiated upon request of the injured party and such request has not been presented.

3. Criminal proceedings pursuant to Article 118 of this Code may be initiated in the Republic of Kosovo only upon the authorization of the Chief State Prosecutor of the Republic of Kosovo.

4. In the cases provided for in Article 114 of this Code the criminal prosecution of a foreign person may be transferred to a foreign jurisdiction on the condition of reciprocity.

Article 118
Special provisions for children

The present Code shall apply to persons under the age of eighteen (18) years to the extent that the applicable law on Juvenile Justice Code does not provide otherwise.

Article 119
Special provisions for legal persons

The criminal offenses for which a legal person may be criminally liable, the criminal liability of a legal person, the criminal sanctions which may be applied to a legal person and special provisions governing criminal procedures applicable to a legal person shall be provided for by this Code or separate law.

CHAPTER XIII
MEANING OF TERMS IN THE CRIMINAL CODE

Article 120
Definitions

For the purpose of this Code the terms below have the following meanings:

1. **Person -** legal persons and natural persons;

2. **Official person**:

2.1. a person elected or appointed to a State body;

2.2. an authorized person in a state body, business organization or other legal person, who by law or by other provision issued in accordance with the law, exercises public authority; or,

2.3. a person who exercises specific official duties, based on authorization provided for by law.

3. **Foreign official person** or **foreign public official**:

3.1. any person holding a legislative, executive, administrative or judicial office of a foreign State, whether appointed or elected;

3.2. any arbitrator exercising functions under the national law on arbitration of a foreign State;

3.3. any person exercising a public function for a foreign State, including for a public agency or public enterprise;

3.4. any official, employee or representative of a public international organization and their bodies;

3.5. any member of international parliamentary assembly; and

3.6. any judge, prosecutor or official of international court or tribunal which exercises its jurisdiction over the Republic of Kosovo.

4. **Person under international protection or internationally protected person**:

4.1. a Head of State, including any associated staff, who exercises the function of Head of State in accordance with the Constitution of that State;

4.2. the Prime Minister and the Minister of Foreign Affairs whenever they are on duty outside of their State, as well as the members of their families;

4.3. any senior official or State representative or a senior official, or other representative of international organization if at the time and place, a criminal offense was committed against such person or such person's officially marked or posted premises, private apartment or office, or transport means if, according to international law, such person is entitled to special protection from attack on his or her person, freedom and dignity. The person under international protection shall also include accompanying family members.

5. **Responsible person** - a natural person within the legal person, who is entrusted to perform certain tasks, or who is authorized to act on behalf of the legal person and there exists high probability that he/she is authorized to act on behalf of the legal person.

6. **Legal Person** - a legal or foreign legal person, who according to the Republic of Kosovo legislation is considered as a legal person.

7. **Business organization** - any natural or legal person or group of such persons who are engaged in economic activity and defined and regulated by the Law on Business Organizations.

8. **Document -** any paper or other object suitable or designed to serve as evidence of some fact relevant to legal relations.

9. **Money** - the currency that by law is in circulation in the Republic of Kosovo or another jurisdiction.

10. **Symbols of value** - include foreign symbols of value.

11. **Movable object** - energy produced or collected for lighting, heating, and circulating as well as telephone impulse and other impulses.

12. **Group of people** – three (3) or more persons

13. **Organized criminal group** - a structured association, established over a period of time, of three or more persons for the commission of a certain criminal offense that acts in concert with the aim of committing one or more serious criminal offenses in order to obtain, directly or indirectly, a financial or other material benefit.

14. **Structured association** - an association that is not randomly formed for the immediate commission of an offense, but it does not need to have formally defined roles for its members, continuity of its membership, or a developed structure.

15. **Force** - the implementation of hypnosis or other means of intoxication for the purpose of bringing a person against his or her will into a state of unconsciousness or incapacitating him or her for resistance.

16. **Motor vehicle** - any means of transportation equipped with an engine for use on the street, in or on the water or for air transportation.

17. **KFOR** - the international military presence established pursuant to Security Council resolution 1244 (1999) in the Republic of Kosovo composed by the North Atlantic Treaty Organization, including its member States, its subsidiary bodies, its military Headquarters and national elements or units, and non-NATO contributing countries.

18. **Police** - the Republic of Kosovo Police, Customs and the EULEX Police.

18.1. Customs - Customs Officer as set forth by the Customs Code.

19. **National of the Republic of Kosovo** - a person provided for in the Constitution and Law on Citizenship.

20. **Child** - a person who is under the age of eighteen (18) years.

21. **Minor** - a person who is between the ages of fourteen (14) and eighteen (18) years.

22. **Adult** - a person who has reached the age of eighteen (18) years.

23. **Domestic relationship** - the relationship between two (2) persons:

23.1. who are engaged or married to each other or are co-habiting with each other without marriage;

23.2. who share a primary household in common and who are related by blood, marriage, or adoption or are in a guardian relationship, including parents,

grandparents, children, grandchildren, siblings, aunts, uncles, nieces, nephews, cousins; or

23.3. who are the parents of a common child.

24. **Extramarital Community** - a relationship as defined by the Law on Family.

25. **Territory of the Republic of Kosovo -** the land surface and water space within its borders and boundaries, as well as the air space above the Republic of Kosovo.

26. **Boundary of the Republic of Kosovo** - the line of division between the territory of the Republic of Kosovo and the territories of its neighboring countries.

27. **State border** - the land, water and air border including airports that are handling international traffic.

28. **Damage -** any loss up to five thousand (5,000) EUR.

29. **Considerable damage or considerable loss** - any loss of more than five thousand (5,000) EUR up to fifteen thousand (15,000) EUR.

30. **Grave damage, substantial damage, or substantial loss** - any loss of more than fifteen thousand (15,000) EUR up to fifty thousand (50,000) EUR.

31. **Large scale damage, large scale destruction or large scale loss** - any loss of more than fifty thousand (50,000) EUR.

32. **Dangerous instrument** - any object made or used to inflict bodily injury on a person or to threaten to cause injury to a person."

33. **Member of the family** - a spouse, parent, adoptive parent, child, adoptive child, sibling, blood relative living in the same home or a person with whom the perpetrator lives in an extra-marital communion.

34. **Material benefit** - any property derived directly or indirectly from a criminal offense. Property derived indirectly from a criminal offense includes property into which any property directly derived from the criminal offense was later converted, transformed, or intermingled, as well as income, capital or other economic gains derived or realized for such property at any time since the commission of the criminal offense.

35. **Narcotic drug paraphernalia** - any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a drug. It includes, but is not limited to, items such as metal, wooden, glass, stone, plastic, or ceramic pipes with or without the

screens, permanent screens, hashish heads, or punctured metal bowls; water pipes; bongs; wired cigarette papers, or cocaine freebase kits.

36. **Preparation of criminal offense** - supplying or making available for the perpetrators the means to commit a criminal offense, removing the impediments to the commission of a criminal offense, agreeing, planning or organizing with other persons the commission of a criminal offense, any other activities that create conditions for the direct committal of a criminal offense, but which do not constitute the act itself.

37. **Vulnerable victim** - a child, a physically or mentally handicapped person, a person suffering from diminished capacity, a pregnant woman, or a domestic partner.

38. **Weapon** - any object or device manufactured in the way that under pressure of gasses, which are released during the burning of explosive, electricity, materials, compressed gas or other potential energy, expels projectiles in the form of a bullet, shotgun shells, gas, liquid, arrows or other components, which is designed or used for inflicting bodily harm or physical damage or used to damage, even psychologically, and also any other object which main purpose is carrying out a physical attack towards physical integrity of people or property. "Weapon" also includes ammunition, weapons parts and components as well as nuclear, biological and chemical weapons. The following are weapons:

38.1. firearms;

38.2. collection arms;

38.3. pneumatic (air) arms;

38.4. arms for the use of dispersing irritating gas;

38.5. explosive weapons;

38.6. sinew backed weapons;

38.7. cold weapons;

38.8. weapons for light-acoustic signalization;

38.9. electro shock weapons;

38.10. directed-energy weapons.

The following are not considered weapons for the purpose of this Code:

38.11. arms for industrial purposes;

38.12. decorative weapons;

38.13. imitations of weapons;

38.14. firearms rendered permanently unfit for use (de-activated) by the application of technical procedures which are guaranteed by the competent body or recognized by the competent body;

38.15. harpoons for under water fishing.

CHAPTER XIV
CRIMINAL OFFENSES AGAINST THE CONSTITUTIONAL ORDER AND SECURITY OF THE REPUBLIC OF KOSOVO

Article 121
Assault on constitutional order of the Republic of Kosovo

1. Whoever attempts, by the use of violence or threat of violence, to change the established constitutional order of the Republic of Kosovo or to overthrow the highest institutions of the Republic of Kosovo shall be punished by imprisonment of not less than five (5) years.

2. Whoever by use of violence or threat of violence attempts to obstruct the establishment of the constitutional order of the Republic of Kosovo or by the use of violence or threat of violence implements foreign legal order in any part of the Republic of Kosovo, shall be punished by imprisonment of not less than five (5) years.

3. Whoever attempts, by use of violence or threat of violence, to endanger the independence of Kosovo, its sovereignty and territorial integrity, its territorial entirety or its democracy, shall be punished by imprisonment of not less than ten (10) years.

Article 122
Armed rebellion

1. Whoever takes part in an armed rebellion that is aimed against the constitutional order, security or territorial integrity of the Republic of Kosovo, shall be punished by imprisonment of not less than five (5) years.

2. An organizer of an armed rebellion described in paragraph 1. of this Article shall be punished by imprisonment of not less than ten (10) years imprisonment.

Article 123
Acceptance of capitulation and occupation

Whoever, who signs or accepts capitulation or approves the occupation of the Republic of Kosovo or any part of it, shall be punished by imprisonment of ten (10) years or life long imprisonment.

Article 124
Treason against State

1. Whoever in the capacity of the President of the Republic of Kosovo signs the acceptance of occupation or the act of capitulation of State shall be punished by imprisonment of not less than fifteen (15) years or life long imprisonment.

2. Whoever in the capacity of the President of the Republic of Kosovo signs an international agreement or any act which gives a part of the territory of the Republic of Kosovo to another State or leaves parts of the territory of the Republic of Kosovo under the sovereignty of another State, shall be punished by imprisonment of at least fifteen (15) years or life long imprisonment.

3. Whoever in the capacity of the President of the Republic of Kosovo abandons the country during time of war or emergency situation, thereby leaving the armed forces without a chain of command, shall be punished by imprisonment of at least fifteen (15) years or life long imprisonment

Article 125
Endangering the territorial integrity of the Republic of Kosovo

Whoever by the use of violence or threat of violence attempts to detach a part of the territory of the Republic of Kosovo or to join a part of the territory to another state, shall be punished by imprisonment of not less than five (5) years.

Article 126
Murder of high representatives of the Republic of Kosovo

1. Whoever with the aim of endangering the constitutional order or security of the Republic of the Republic of Kosovo deprives one of the following persons of life shall be punished by imprisonment at least ten (10) years or life long imprisonment.

1.1. The President of the Republic of Kosovo;

1.2. The President of the Assembly of the Republic of Kosovo;

1.3. The Prime Minister of the Republic of Kosovo;

1.4. The President of the Constitutional Court of the Republic of Kosovo;

1.5. The President of the Supreme Court of the Republic of Kosovo; or,

1.6. The Chief State Prosecutor of the Republic of Kosovo.

Article 127
Abduction of the high representatives of the Republic of Kosovo

Whoever, with the aim of endangering the constitutional order or security of the Republic of Kosovo, abducts one or more persons listed in Article 126 of this Code shall be punished by imprisonment of not less than five (5) years.

Article 128
Violence against high representatives of the Republic of Kosovo

Whoever, with the aim of endangering the constitutional order or security of the Republic of Kosovo by use of violence or threat of violence, obstructs one or more of the persons listed in Article 126 of this Code from carrying out their official functions or forces them to act or to omit an act from their scope of function, shall be punished by imprisonment of three (3) to ten (10) years.

Article 129
Endangering the constitutional order by destroying or damaging public installations and facilities

Whoever with the aim of endangering of the constitutional order or security of the Republic of Kosovo, incinerates or in any other way destroys or damages an industrial, agricultural site, or any other economic site, traffic system, telecommunication links, equipment for public use of water, heating, gas or energy, dams, depots, or any other building of importance for security, supply of citizens, economy or functioning of public services, shall be punished by imprisonment of not less than three (3) years.

Article 130
Sabotage

Whoever, with the aim of endangering of the constitutional order or security of the Republic of Kosovo, fails to carry out an official function in a responsible manner or, whoever, during the exercise of an official function damages the means of production; causes the destruction or damage of installations or buildings; causes the destruction or

damage of large quantities of products, goods or materials; or, causes interruptions in the process of production and the cost of the damage or destruction exceeds fifty thousand (50,000) EUR shall be punished by imprisonment of not less than three (3) years.

Article 131
Espionage

1. Whoever communicates, hands over a State secret or makes a State secret accessible to a foreign country, foreign organization or to the person serving them shall be punished from imprisonment of five (5) to twelve (12) years.

2. Whoever creates an intelligence service in the Republic of Kosovo for a foreign State, country or organization or directs such service shall be punished by imprisonment of not less than ten (10) years.

3. Whoever enters a foreign intelligence service, collects data for them or in any other way supports the work of such service shall be punished by imprisonment at least five (5) years.

4. Whoever collects classified data or documents with the aim of communicating and handing them over to a foreign State, country, foreign organization or to the person serving them, shall be punished by imprisonment of three (3) to ten (10) years.

5. If the commission of the criminal offense in paragraph 1, 2, 3. or 4 of this Article caused severe consequences for the security, economic or military power of the Republic of Kosovo, the perpetrator shall punished by imprisonment of at least ten (10) years.

6. If the criminal offense listed in paragraph 1, 2, 3 or 4 of this Article is committed during the time of war, imminent danger of war, armed conflict or the revealing of a state secret concerns the security of the Republic of Kosovo, the perpetrator shall be punished by imprisonment of not less than ten (10) years.

7. For the purposes of this Article, "State secret" means the military, economic, or official information, data or documents that by law or other provisions or decisions of a competent body and issued pursuant to the law that are pronounced as classified information.

Article 132
Disclosure of classified information and failure to protect classified information

Whoever discloses or fails to protect classified information shall be punished as set forth in the Law on the Classification of Information and Security Clearances.

Article 133
Aggravated offenses against the constitutional order or security of the Republic of Kosovo

1. The perpetrator of a criminal offense set forth in Articles 121-134 of this Code shall be punished by imprisonment of not less than ten (10) years or life long imprisonment if the commission of the offense:

1.1. results in death of one or more persons;

1.2. the life of one or more persons was endangered;

1.3. the offense was accompanied by severe violence or large scale destruction; or

1.4. the offense endangered the economic and military security of the Republic of Kosovo.

2. If, during the criminal offense listed in paragraph 1 of this Article, the perpetrator has intentionally deprived one or more persons of life, the perpetrator shall be punished by imprisonment of not less than ten (10) years or life long imprisonment.

3. Whoever commits a criminal offense listed in paragraph 1 of this Article in the time of war, imminent danger of war, armed conflict or during a state of emergency shall be punished by imprisonment of at least ten (10) years or life long imprisonment.

Article 134
Alliance for anti-constitutional actions

1. Whoever forms a group or any other alliance of persons for the commission of any criminal offense in Articles 121-134 of this Code shall be punished with the punishment prescribed for that offense.

2. Whoever participates in or becomes a member of the group or alliance from paragraph 1 of this Article shall be punished by imprisonment from one (1) to five (5) years.

3. A member of the group or alliance, who reports the group before the commission of the criminal offense from paragraph 1 of this Article shall be punished up to three (3) years of imprisonment or the punishment may be waived.

Article 135
Definitions for terrorism provisions in articles 121-145

For the purposes of Articles 121-145 of this Code terms used below shall have the following meaning:

1. **Terrorism, act of terrorism or terrorist offense -** the commission of one or more of the following criminal offenses with an intent to seriously intimidate a population, to unduly compel a public entity, government or international organization to do or abstain from doing any act, or to seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of the Republic of Kosovo, another State or an international organization:

1.1. murder or Aggravated murder in violation of Articles 178 and 179 of this Code;

1.2. inciting or assisting suicide in violation of Article 183 of this Code;

1.3. assault, Assault with Light Bodily Injury and Assault with Grievous Bodily Injury in violation of Articles 187-189 of this Code;

1.4. sexual offenses in violation of Articles 230-232, 235-239 or 241 of this Code;

1.5. hostage-Taking, Kidnapping or Unlawful Deprivation of Liberty in violation of Articles 175, 194 or 196 of this Code;

1.6. pollution of drinking water or, food products; or pollution or destruction of the environment in violation of Article 270 and Chapter 27 of this Code;

1.7. causing general danger, arson or reckless burning or exploding in violation of Articles 334 or 365 of this Code;

1.8. destroying, damaging or removing public installations or endangering public traffic in violation of Articles 129, 366, 378 or 380 of this Code;

1.9. unauthorized supply, transport, production, exchange or sale of weapons, explosives or nuclear, biological or chemical weapons in violation of Articles 176, 369 or 372-377 of this Code;

1.10. unauthorized acquisition, ownership, control, possession or use of weapons, explosives, or nuclear, biological or chemical weapons, or research into or development of biological or chemical weapons in violation of Articles 176, 369 or 372-377 of this Code;

1.11. endangering internationally protected persons in violation of Article 173 of this Code;

1.12. endangering United Nations and associated personnel in violation of Article 174 of this Code;

1.13. hijacking aircraft or unlawful seizure of aircraft in violation of Article 164 of this Code, or hijacking other means of public or goods transportation;

1.14. endangering civil aviation safety in violation of Article 165 of this Code;

1.15. hijacking ships or endangering maritime navigation safety in violation of Article 166 of this Code;

1.16. endangering the safety of fixed platforms located on the continental shelf in violation of Article 167 of this Code;

1.17. un-authorized appropriation, use, transfer or disposal of nuclear materials in violation of Article 176 of this Code;

1.18. threats to use or to commit theft or robbery of nuclear materials in violation of Article 177 of this Code; or

1.19. threatening to commit any of the acts listed in sub-paragraphs 1.1 to 1.18 of this paragraph.

2. **Funds** - includes assets of any kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evincing title to or interest in such assets, including, but not limited to, bank credits, travelers cheques, bank cheques, money orders, shares, securities, bonds, drafts, and letters of credit;

3. **Material resources -** includes, but is not limited to, lodging, safe houses, false documentation or identification, financial services, facilities, personnel, weapons, means of transportation, communications equipment and other physical assets, except necessary medicine.

4. **Terrorist group** - a structured group of more than two persons, established over a period of time and acting in concert to commit terrorism. A structured group is a group that is not randomly formed for the immediate commission of an offense and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

Article 136
Commission of the offense of terrorism

1. Whoever commits an act of terrorism shall be punished by imprisonment of not less than five (5) years.

2. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury of one or more persons, the perpetrator shall be punished by imprisonment of not less than ten (10) years.

3. When the offense provided for in paragraph 1 of this Article results in death of one or more persons, the perpetrator shall be punished by imprisonment of not less than fifteen (15) years or life long imprisonment.

Article 137
Assistance in the commission of terrorism

1. When the offense provided for in Article 385 or 386 of this Code is committed in relation to terrorism, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

2. When the offense provided for in Article 388 of this Code is committed in relation to terrorism, the perpetrator shall be punished by imprisonment of three (3) to ten (10) years.

3. Whoever assists the perpetrator or his or her accomplice, after the commission of an act of terrorism, by providing funds or other material resources to such persons shall be punished by imprisonment of three (3) to ten (10) years.

Article 138
Facilitation of the commission of terrorism

1. Whoever by any means directly or indirectly provides, solicits, collects or conceals funds or material resources with the intent, knowledge or reasonable grounds for belief that they will be used in whole or in part, for or by a terrorist group or for the commission of a terrorist act shall be punished by imprisonment of five (5) to fifteen (15) years.

2. Whoever assists the perpetrator or his or her accomplice, after the commission of an act of terrorism, by providing funds or other material resources to such person or persons shall be punished by imprisonment of three (3) to ten (10) years.

Article 139
Recruitment for terrorism

Whoever solicits another person to commit or participate in the commission of a terrorist offense, to participate in the activities of a terrorist group or to provide funds or material resources shall be punished by imprisonment of five (5) to fifteen (15) years.

Article 140
Training for terrorism

1. Whoever provides or receives training for terrorism shall be punished by imprisonment of five (5) to fifteen (15) years.

2. For the purpose of this Article "training for terrorism" means training or instruction in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of carrying out or contributing to the commission of a terrorist offense, knowing that the skills provided are intended to be used for this purpose.

Article 141
Incitement to commit a terrorist offense

Whoever distributes, or otherwise makes available, a message to the public, with the intent to incite the commission of a terrorist offense, where such conduct, whether or not directly advocating terrorist offenses, causes a danger that one or more such offenses may be committed, shall be punished by imprisonment of one (1) to five (5) years.

Article 142
Concealment or failure to report terrorists and terrorist groups

1. Whoever conceals the existence of a terrorist group or its participants or obstructs the discovery or apprehension of a terrorist group or its participants shall be punished by imprisonment of three (3) to ten (10) years.

2. When the offense provided for in Articles 385 or 386 of this Code is committed in relation to terrorism, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

3. When the offense provided for in Article 388 of this Code is committed in relation to terrorism, the perpetrator shall be punished by imprisonment of three (3) to ten (10) years.

Article 143
Organization and participation in a terrorist group

1. Whoever organizes or directs a terrorist group shall be punished by a fine of up to five hundred thousand (500,000) EUR and by imprisonment of ten (10) to twenty (20) years.

2. Whoever participates in the activities of a terrorist group shall be punished by imprisonment of five (5) to ten (10) years.

Article 144
Preparation of terrorist offenses or criminal offenses against the constitutional order and security of the Republic of Kosovo

1. Whoever prepares for the commission of criminal offenses in Articles 135-142 of this Code shall be punished by imprisonment from one (1) to five (5) years.

2. For the purposes of this Article "preparation of criminal offense" includes supplying or making available for the perpetrators the means to commit a criminal offense, removing the impediments to the commission of a criminal offense, agreeing, planning or organizing with other persons the commission of a criminal offense, any other activities that create conditions for the direct committal of a criminal offense, but which do not constitute the act itself.

3. Whoever sends or carries into or out of the territory of the Republic of Kosovo weapons, explosives, poison, supplies, ammunition or other material for the commission of one or more criminal offenses in this chapter, shall be punished by imprisonment from five (5) to fifteen (15) years.

4. Whoever, for the purpose of committing one or more acts of terrorist offenses in this Chapter, dispatches or transfers armed groups, equipment, or other material resources into or out of the Republic of Kosovo shall be punished by imprisonment of ten (10) to twenty (20) years.

Article 145
Irrelevance of the commission of a terrorist offense

For an act to constitute an offense as set forth in Articles 135-144 of this Chapter, it is not necessary that a terrorist offense actually be committed

Article 146
Unauthorized border or boundary crossings

1. Whoever crosses a border or boundary of the Republic of Kosovo at any location other than at an authorized border or boundary crossing point shall be punished by a fine of two hundred fifty (250) EUR or by imprisonment of up to six (6) months.

2. When the offense provided for in paragraph 1. of this Article is committed by a perpetrator who is accompanied by a child or another person, the perpetrator shall be punished by a fine of up to two thousand five hundred (2,500) EUR or by imprisonment of up to one (1) year.

3. When the offense provided for in paragraph 1 of this Article is committed under one or more of the following circumstances, the perpetrator shall be punished by imprisonment of six (6) months to three (3) years:

3.1. the perpetrator was previously convicted of a criminal offense provided for in this Article;

3.2. during the course of apprehension, the perpetrator flees, attempts to flee, or otherwise resists apprehension by the police or KFOR;

3.3. the crossing is undertaken between the hours of 8:00 in the evening to 6:00 in the morning during the period from 1 April to 30 September, or between the hours of 6:00 in the evening to 6:00 in the morning during the period from 1 October to 31 March; or

3.4. the perpetrator is in possession of a weapon, ammunition or military clothing, supplies or equipment.

4. An attempt to commit the offense provided for in paragraphs 1 or 2 of this Article shall be punishable.

5. A person is not criminally liable under this Article for crossing at an unauthorized border or boundary crossing point if the crossing occurred at a checkpoint that was temporarily established by COMKFOR.

6. No criminal proceedings involving the offense provided for in this Article shall be initiated or continued against any bona fide refugee or internally displaced person coming from a territory where his or her life or body or fundamental freedoms or rights are threatened, provided that he or she has presented himself or herself to the police or KFOR within a reasonable time and shows good cause for crossing at an unauthorized border or boundary crossing point.

Article 147
Inciting national, racial, religious or ethnic hatred, discord or intolerance

1. Whoever publicly incites or publicly spreads hatred, discord or intolerance between national, racial, religious, ethnic or other such groups living in the Republic of Kosovo in a manner which is likely to disturb public order shall be punished by a fine or by imprisonment of up to five (5) years.

2. Whoever commits the offense provided for in paragraph 1 of this Article in a systematic manner or by taking advantage of his or her position or authority or causes disorder, violence, or other grave consequences by the commission of such offense shall be punished by imprisonment from one (1) to eight (8) years.

3. Whoever commits the offense provided for in paragraph 1 of this Article by means of coercion, jeopardizing safety, exposing national, racial, ethnic or religious symbols to derision, damaging the belongings of another person, or desecrating monuments or graves shall be punished by imprisonment of one (1) to eight (8) years.

4. Whoever commits the offense provided for in paragraph 3 of this Article in a systematic manner or by taking advantage of his or her position or authority or causes disorder, violence or other grave consequences by the commission of such offense shall be punished by imprisonment of two (2) to ten (10) years.

CHAPTER XV
CRIMINAL OFFENSES AGAINST HUMANITY AND VALUES PROTECTED BY INTERNATIONAL LAW

Article 148
Genocide

1. Whoever with the intent to destroy in whole or in part a national, ethnical, racial or religious group commits one or more of the following acts, shall be punished by imprisonment of at least fifteen (15) years or by life long imprisonment:

1.1. killing members of the group;

1.2. causing serious bodily or mental harm to members of the group;

1.3. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

1.4. imposing measures intended to prevent births within the group;

1.5. forcibly transferring children of the group to another group.

Article 149
Crimes against humanity

1. Whoever commits one or more of the following offenses knowing such offense is part of a widespread or systematic attack directed against any civilian population, shall be punished by imprisonment of at least fifteen (15) years or by life long imprisonment:

1.1. murder;

1.2. extermination;

1.3. enslavement;

1.4. deportation or forcible transfer of population;

1.5. imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

1.6. torture;

1.7. rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

1.8. persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with the offenses provided for in this Article and Articles 148 and 150-153 of this Code;

1.9. enforced disappearance of persons;

1.10. the crime of apartheid; or

1.11. other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purposes of this Article terms used below shall have the following meaning:

2.1. **Attack directed against any civilian population -** a course of conduct involving the multiple commission of offenses provided for in paragraph 1 of this Article against any civilian population, pursuant to or in furtherance of a state or organizational policy to commit such attack;

2.2. **Extermination** - the intentional infliction of conditions of life, inter alia, the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;

2.3. **Enslavement** - the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

2.4. **Deportation or forcible transfer of population** - forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

2.5. **Torture** - the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the

perpetrator; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

2.6. **Forced pregnancy** - the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law;

2.7. **Persecution** - the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

2.8. **Crime of apartheid** - inhumane acts of a character similar to those provided for in paragraph 1 of this Article, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

2.9. **Enforced disappearance of persons** - the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a state or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time;

2.10. **Gender** - refers to the two (2) sexes, male and female, within the context of society.

Article 150
War crimes in grave violation of the Geneva conventions

1. Whoever commits a grave violation of the Geneva Conventions of 12 August 1949 shall be punished by:

1.1. imprisonment of not less than ten (10) years or by life long imprisonment, in the case of the offense provided for in sub-paragraphs 2.4, 2.5, 2.6, 2.7 or 2.8 of paragraph 2 of this Article; or

1.2. imprisonment of not less than fifteen (15) years or by life long imprisonment, in the case of the offense provided for in sub-paragraphs 2.1, 2.2, or 2.3 of paragraph 2 of this Article.

2. A grave violation of the Geneva Conventions of 12 August 1949 means one or more of the following acts committed during war time or armed conflict against persons or property protected under the provisions of the relevant Geneva Convention:

2.1. willful killing;

2.2. torture or inhuman treatment, including biological experiments;

2.3. willfully causing great suffering or serious injury to body or health, rape and sexual harassment;

2.4. extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and willfully;

2.5. compelling a prisoner of war or other protected person to serve in the forces of an enemy power;

2.6. willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

2.7. unlawful deportation or transfer or unlawful confinement; and

2.8. taking of hostages.

Article 151
War crimes in serious violation of laws and customs applicable in international armed conflict

1. Whoever commits a serious violation of the laws and customs applicable in international armed conflicts, within the established framework of international law, shall be punished by:

1.1 imprisonment of not less than five (5) years or by life long imprisonment, in the case of the offense provided for in sub-paragraph 2.9, 2.13, 2.14, 2.15, 2.16, 2.26, 2.29, 2.30 or 2.31 of paragraph 2 of this Article; or

1.2 imprisonment of not less than ten (10) years or by life long imprisonment, in the case of the offense provided for in subparagraphs 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.10, 2.11, 2.12, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25, 2.27 or 2.28 of paragraph 2 of this Article.

2. A serious violation of the laws and customs applicable in international armed conflict, within the established framework of international law, means one or more of the following acts:

2.1. intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in conflict;

2.2. intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

2.3. intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

2.4. intentionally launching an attack in the knowledge that such attack will cause loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

2.5. attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

2.6. killing or wounding a combatant who, having laid down his or her arms or having no further means of defense, has surrendered and seeks mercy;

2.7. making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;

2.8. the transfer, directly or indirectly, by the occupying power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;

2.9. intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

2.10. subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her or her interest, and which cause death to or seriously endanger the health of such person or persons;

2.11. killing or treacherously wounding individuals belonging to the enemy nation or army;

2.12. declaring that no quarter will be given;

2.13. destroying or seizing the enemy's property unless such destruction or seizure is absolutely required by the necessities of war;

2.14. declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the enemy party;

2.15. compelling the nationals of the enemy party to take part in the operations of war directed against their own country, even if they were in the opposition's service before the commencement of the war;

2.16. pillaging a town or place, even when taken by assault;

2.17. employing poison or poisoned weapons;

2.18. employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

2.19. employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

2.20. employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, including chemical weapons, biological weapons, non-detectable fragments, blinding laser weapons or booby traps as defined in Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980;

2.21. committing outrages upon personal dignity, in particular humiliating and degrading treatment;

2.22. committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence also constituting a grave violation of the Geneva Conventions;

2.23. utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;

2.24. intentionally directing attacks against buildings, material, medical units and transport, religious personnel and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

2.25. intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions;

2.26. conscripting or enlisting children under the age of fifteen (15) years into the national armed forces or using them to participate actively in hostilities;

2.27. intentionally launching an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects;

2.28. intentionally launching an indiscriminate attack where such attack is not directed at a specific military objective, employs a method or means of combat which cannot be directed at a specific military objective or employs a method or means of combat the effects of which cannot be limited as required by Protocol I Additional to the Geneva Convention of 12 August 1949 and consequently, is of a nature to strike military objectives and civilians or civilian objects without distinction;

2.29. enslavement and slave trade;

2.30. imposing collective punishments;

2.31. pressuring the population of an occupied territory to change their nationality or to take an oath to an enemy power.

Article 152
War crimes in serious violation of Article 3 common to the Geneva conventions

1. Whoever commits a serious violation of Article 3 common to the four Geneva Conventions of 12 August 1949 shall be punished by imprisonment of not less than five (5) years or by life long imprisonment.

2. A serious violation of Article 3 common to the four Geneva Conventions of 12 August 1949 means one or more of the following acts committed in the context of an armed conflict not of an international character against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

2.1. violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

2.2. committing outrages upon personal dignity, in particular humiliating and degrading treatment;

2.3. taking of hostages;

2.4. the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

3. This Article shall apply to armed conflicts not of an international character and does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

Article 153
War crimes in serious violation of laws and customs applicable in armed conflict not of an international character

1. Whoever commits a serious violation of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, shall be punished by:

1.1. imprisonment of not less than five (5) years or by life long imprisonment, in the case of the offense provided for in subparagraphs 2.4, 2.5, 2.7, 2.12, 2.23 or 2.24 of paragraph 2 of this Article;

1.2. imprisonment of not less than ten (10) years or by life long imprisonment, in the case of the offenses provided for in subparagraphs 2.1, 2.2, 2.3, 2.6, 2.8, 2.9, 2.10, 2.11, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21 or 2.22 of paragraph 2 of this Article.

2. A serious violation of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, means one or more of the following acts:

2.1. intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

2.2. intentionally directing attacks against buildings, material, medical units and transport, religious personnel and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

2.3. intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

2.4. intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and

places where the sick and wounded are collected, provided they are not military objectives;

2.5. pillaging a town or place, even when taken by assault;

2.6. committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence also constituting a serious violation of Article 3 common to the four Geneva Conventions;

2.7. conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;

2.8. ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;

2.9. killing or treacherously wounding a combatant adversary;

2.10. declaring that no quarter will be given;

2.11. subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her or her interest, and which cause death to or seriously endanger the health of such person or persons;

2.12. destroying or seizing the property of an adversary unless such destruction or seizure is absolutely required by the necessities of the conflict;

2.13. attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

2.14. intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

2.15. intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

2.16. intentionally launching an indiscriminate attack where such attack is not directed at a specific military objective, employs a method or means of combat which cannot be directed at a specific military objective or employs a method or means of combat the effects of which cannot be limited and consequently, is of a

nature to strike military objectives and civilians or civilian objects without distinction;

2.17. utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;

2.18. intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions;

2.19. employing poison or poisoned weapons;

2.20. employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

2.21. employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

2.22. employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, including chemical weapons, biological weapons, non-detectable fragments, blinding laser weapons, booby traps as defined in Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980;

2.23. enslavement and slave trade;

2.24. imposing collective punishments.

3. This Article applies to armed conflicts not of an international character and does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a state when there is protracted armed conflict between the organs of authority and organized armed groups or between such groups.

Article 154
Attacks in armed conflicts not of an international character against installations containing dangerous forces

Whoever, in violation of the laws and customs applicable in armed conflicts not of an international character, intentionally launches an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss

of life, injury to civilians or damage to civilian objects shall be punished by imprisonment of not less than ten (10) years or by lifelong imprisonment.

Article 155
Conscription or enlisting of persons between the age of fifteen (15) and eighteen (18) years in armed conflict

Whoever conscripts or enlists persons between the age of fifteen (15) and eighteen (18) years into armed forces or groups or uses them to participate actively in hostilities in an armed conflict of an international nature or an armed conflict not of an international character shall be punished by imprisonment of one (1) to ten (10) years.

Article 156
Employment of prohibited means or methods of warfare

1. Whoever during war or armed conflict employs weapons, projectiles and material and methods of warfare which are not provided for in sub-paragraph 2.20 of Article 151 or with sub-paragraph 2.22 of Article 153 of this Code but which are in violation of the international law of armed conflict shall be punished by imprisonment of not less than five (5) years.

2. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of not less than ten (10) years or by life long imprisonment.

Article 157
Unjustified delay in repatriating prisoners of war or civilians

Whoever, in violation of the rules of international law, orders or imposes an unjustified delay in repatriating prisoners of war or civilians after the termination of a war or armed conflict shall be punished by imprisonment of six (6) months to five (5) years.

Article 158
Unlawful appropriation of objects from the killed or wounded on the battlefield

1. Whoever orders the unlawful appropriation of the belongings of the deceased or wounded on the battlefield or carries out such appropriation shall be punished by imprisonment of six (6) months to five (5) years.

2. When the offense provided for in paragraph 1. of this Article is committed in a barbaric manner, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years.

Article 159
Endangering negotiators

Whoever, in violation of international law, in a time of war or armed conflict, insults, mistreats or restrains a negotiator or his or her escort, prevents their return, or in some other way violates their inviolability shall be punished by imprisonment of six (6) months to five (5).

Article 160
Organization of groups to commit genocide, crimes against humanity and war crimes

1. Whoever organizes a group for the purpose of committing any of the criminal offenses provided for in Articles 148-156 of this Code shall be punished by imprisonment of one (1) to ten (10) years.

2. Whoever becomes a member of a group provided for in paragraph 1. of this Article shall be punished by imprisonment of one (1) to five (5) years.

3. A member of a group provided for in paragraph 1 of this Article who reports the group before he or she has committed a criminal offense shall be punished by imprisonment of up to three (3) years, or the punishment may be waived.

Article 161
Responsibility of commanders and other leaders

1. A military commander or person effectively acting as a military commander shall be criminally liable for the criminal offenses referred to in Articles 148-156 of this Code committed by forces under his or her effective command and control, or effective authority and control, as a result of his or her failure to exercise control properly over such forces, where:

1.1. that military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such criminal offenses; and

1.2. that military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

2. With respect to superior and subordinate relationships not described in paragraph 1 of this Article, a superior shall be criminally liable for the criminal offenses referred to in Articles 148-159 of this Code committed by subordinates under his or her effective

authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:

2.1. the superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;

2.2. the criminal offenses concerned activities that were within the effective responsibility and control of the superior; and

2.3. the superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

Article 162
Instigating war of aggression or armed conflict

Whoever publicly calls for or instigates a war of aggression or an armed conflict, in a meeting or by means of publications, audio-visual recordings or any other means, shall be punished by imprisonment of one (1) to five (5) years.

Article 163
Misuse of international emblems

Whoever misuses or carries without authorization the flag or emblem of the United Nations or a Red Cross or Red Crescent Society or symbols corresponding to them or any other international emblem recognized as protecting certain objects from military operations shall be punished by imprisonment of up to three (3) years.

Article 164
Hijacking aircraft

1. Whoever, in violation of the Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970, on board an aircraft in flight, unlawfully seizes or exercises control of the aircraft, by force or threat thereof or by any other form of intimidation, shall be punished by imprisonment of two (2) to ten (10) years.

2. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons or the destruction of the aircraft, the perpetrator shall be punished by imprisonment of not less than five (5) years.

3. Whoever intentionally deprives another person of his or her life in committing the offense provided for in paragraph 1 of this Article shall be punished by imprisonment of not less than ten (10) years or by life long imprisonment.

Article 165
Endangering civil aviation safety

1. Whoever, in violation of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 23 September 1971, commits an act endangering the safety of civil aviation shall be punished by imprisonment of one (1) to ten (10) years.

2. An act endangering the safety of civil aviation means one or more of the following acts:

2.1. performing an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft;

2.2. destroying an aircraft in service or causing damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;

2.3. placing or causing to be placed on an aircraft in service, by any means, a device or substance which is likely to destroy that aircraft, or to cause damage to the aircraft which renders it incapable of flight, or to cause damage to the aircraft which is likely to endanger its safety in flight;

2.4. destroying or damaging air navigation facilities or interfering with their operation, if any such act is likely to endanger the safety of aircraft in flight;

2.5. communicating information which the perpetrator knows to be false, thereby endangering the safety of an aircraft in flight;

2.6. performing an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death;

2.7. destroying or seriously damaging the facilities of an airport serving international civil aviation or aircraft not in service located thereon or disrupting the services of the airport, if such an act endangers or is likely to endanger safety at that airport.

3. Whoever operates an aircraft in an irregular manner or fails to discharge duties or supervision in relation to the safety of civil aviation shall be punished by imprisonment of one (1) to ten (10) years.

4. When the offense provided for in paragraph 1. or 3. of this Article results in the death of one or more persons or the destruction of the aircraft, the perpetrator shall be punished by imprisonment of not less than ten (10) years.

5. Whoever intentionally deprives another person of his or her life in committing the offense provided for in paragraph 1 or 3 of this Article shall be punished by imprisonment of not less than ten (10) years or by life long imprisonment.

6. Whoever commits the offense provided for in paragraph 1 or 3 of this Article by negligence shall be punished by imprisonment of up to five (5) years.

7. When the offense provided for in paragraph 6. of this Article results in the death of one or more persons or the destruction of the aircraft, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 166
Endangering maritime navigation safety

1. Whoever, in violation of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation of 10 March 1988, commits an act endangering the safety of maritime navigation shall be punished by imprisonment of one (1) to ten (10) years.

2. An act endangering the safety of maritime navigation means one or more of the following acts:

2.1. seizing or exercising control over a ship by force or threat thereof or any other form of intimidation;

2.2. performing an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

2.3. destroying a ship or causing damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

2.4. placing or causing to be placed on a ship, by any means, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

2.5. destroying or seriously damaging maritime navigational facilities or seriously interfering with their operation, if any such act is likely to endanger the safe navigation of a ship;

2.6. communicating information which the perpetrator knows to be false, thereby endangering the safe navigation of a ship.

3. When the offense provided for in paragraph 1. of this Article results in the death of one or more persons or the destruction of the ship, the perpetrator shall be punished by imprisonment of not less than ten (10) years.

4. Whoever intentionally deprives another person of his or her life in committing the offense provided for in paragraph 1. of this Article shall be punished by not less than ten (10) years or of life long imprisonment.

5. Whoever commits the offense provided for in paragraph 1. of this Article by negligence shall be punished by imprisonment of up to five (5) years.

6. When the offense provided for in paragraph 5. of this Article results in the death of one or more persons or the destruction of the ship, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 167
Endangering the safety of fixed platforms located on the continental shelf

1. Whoever, in violation of the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf of 10 March 1988, commits an act endangering the safety of a fixed platform located on the continental shelf shall be punished by imprisonment of one (1) to ten (10) years.

2. An act endangering the safety of a fixed platform located on the continental shelf means one or more of the following acts:

2.1. seizing or exercising control over a fixed platform by force or threat thereof or any other form of intimidation;

2.2. performing an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

2.3. destroying a fixed platform or causing damage to it which is likely to endanger its safety;

2.4. placing or causing to be placed on a fixed platform, by any means, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety.

3. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons or the destruction of a fixed platform, the perpetrator shall be punished by imprisonment of not less than ten (10) years.

4. Whoever intentionally deprives another person of his or her life in committing the offense provided for in paragraph 1 of this Article shall be punished by not less than ten (10) years or of life long imprisonment.

5. When the offense provided for in paragraph 5. of this Article results in the death of one or more persons or the destruction of a fixed platform, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

6. Whoever, with the intent to compel a natural or legal person to do or abstain from doing any act, threatens to commit an offense provided for in sub-paragraph 2.2. and 2.3. of paragraph 2 of this Article shall be punished by imprisonment of one (1) to eight (8) years.

7. For the purposes of this Article, the term "fixed platform" means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

Article 168
Piracy

1. A crew member or passenger in a vessel or aircraft, other than a military or public vessel or aircraft who, in violation of the rules of international law and with the intent to obtain for himself or herself or another person a material or non-material benefit or to seriously wound another person, commits unlawful violence against another vessel or aircraft or against a person or an object on board such vessel or aircraft on the high seas or on territory that is not under the jurisdiction of any country, shall be punished by imprisonment of one (1) to ten (10) years.

2. Any action performed by a crew member of a military or public vessel or aircraft who has rebelled and has usurped authority on a vessel or aircraft shall constitute an offense under paragraph 1. of this Article.

Article 169
Slavery, slavery-like conditions and forced labour

1.Whoever, in violation of international law including the European Convention of Human Rights, holds, maintains, places, purchases, or sells another person in slavery, slavery-like conditions, servitude or forced or compulsory labour, which includes, but is not limited to, holding a person in ownership, denying a person the fruits of his or her labour, coercing a person to provide their labour or denying a person the freedom to change his or her status or work conditions, shall be punished by fine and imprisonment of two (2) to ten (10) years.

2.Whoever, in violation of international law including the European Convention of Human Rights, for the purpose of committing the offenses provided for in paragraph 1 of this Article incites another person to renounce his or her freedom or brokers in the buying or selling of another person, shall be punished as provided for in paragraph 1. of this Article.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed against a person with whom the perpetrator has a domestic relationship, the perpetrator shall be punished by imprisonment of three (3) to ten (10) years.

4. When the offense provided for in paragraph 1 or 2 of this Article is committed against a child, the perpetrator shall be punished by imprisonment of three (3) to fifteen (15) years.

5. When the offense provided for in this Article is committed by an official person abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of five (5) to twelve (12) years in the case of the offense provided for in paragraphs 1-3; or by imprisonment of five (5) to twenty years (20) in the case of the offense provided for in paragraph 4 of this Article.

Article 170
Smuggling of migrants

1. Whoever engages in the smuggling of migrants shall be punished by fine and imprisonment of two (2) to ten (10) years.

2. Whoever with the intent to obtain, directly or indirectly, a financial or other material benefit, produces, supplies, provides or possesses a fraudulent travel or identity document in order to enable the smuggling of migrants shall be punished by a fine and imprisonment of up to five (5) years.

3. Whoever enables a person who is not a national of the Republic of Kosovo to remain in the Republic of Kosovo or a person who is not a national or a permanent resident to remain in the State concerned, without complying with the necessary legal requirements to remain by the means provided for in paragraph 2 of this Article or by any other illegal means shall be punished by a fine and imprisonment of up to one (1) year.

4. An attempt to commit the offense provided for in paragraph 3 of this Article shall be punishable.

5. Whoever organizes or directs other persons to commit the offense provided for in paragraph 1 or 2 shall be punished by a fine of up to five hundred thousand (500,000) EUR and by imprisonment of seven (7) to twenty (20) years, or by imprisonment of one (1) to ten (10) years, in case of the offense provided for in paragraph 3 of this Article.

6. When the offense provided for in paragraph 1, 2 or 3 of this Article is committed by a perpetrator acting as a member of a group or in a manner that endangers, or is likely to endanger, the lives or safety of the migrants concerned or in a manner that entails inhuman or degrading treatment, including exploitation, of such migrants, the perpetrator shall be punished by a fine and not less than five (5) years.

7. If the offense from paragraph 1, 2 or 3 of this Article results in death of one or more persons, the perpetrator shall be punished by a fine and imprisonment of not less than ten (10) years or life long imprisonment.

8. For the purposes of this Article expressions below have the following meaning:

8.1. **Smuggling of migrants -** any action with the intent to obtain, directly or indirectly, a financial or other material benefit, from the illegal entry of a person into the Republic of Kosovo, where such person is not a Republic of Kosovo National, or a person who is a Republic of Kosovo National or a foreign national into a State in which such person is not a permanent resident or a citizen of such State.

8.2. **Illegal entry** - crossing a border or a boundary of the Republic of Kosovo without complying with the necessary requirements for legal entry into the Republic of Kosovo or crossing the borders of a State without complying with the necessary requirements for legal entry into such State.

8.3. **Fraudulent travel or identity document** - any travel or identity document:

8.3.1. that has been falsely made or altered in some material way by any person other than a person or agency lawfully authorized to make or issue the travel or identity document;

8.3.2. that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or

8.3.3. that is being used by a person other than the rightful holder.

9. A person is not criminally liable under this Article if he or she is a migrant who is the object of the offense provided for in this Article.

10. Whoever abuses the visa liberalization regime with EU member States or the Schengen Agreement shall be punished as follows:

10.1. whoever recruits, instigates, organizes, hides or transports a person in a EU member state for the purpose of obtaining a social, economic, or other benefit or right contrary to EU law, EU member State regulations, Schengen Agreement, or international law shall punished by imprisonment of at least four (4) years;

10.2 the perpetrator of this offense who should or might have known that the transport was conducted with the purpose of achieving the rights under paragraph 10.1 contrary to EU law, EU member State regulations, Schengen Agreement or international law, shall be punished by imprisonment of one (1) to five (5) years;

10.3. when the offense is committed for self-interest, the perpetrator shall be punished by imprisonment of at least eight (8) years for the offense under paragraph 10.2; and at least four (4) years imprisonment for offense under paragraph 10.2;

10.4. if the offense was committed by a legal person, it shall be punished by a fine;

10.5. all means and the transport vehicles used for commitment of this offence will be seized;

10.6. this paragraph shall start to be implemented at the moment the Council of European Union takes a decision for omission of visa regime for citizens of the Republic of Kosovo.

Article 171
Trafficking in persons

1. Whoever engages in trafficking in persons shall be punished by a fine and imprisonment of five (5) to twelve (12) years.

2. When the offense provided for in paragraph 1 of this Article is committed within a 350 meter radius of a school or other locality which is used by children or when the offense is committed against a person under the age of eighteen (18) years, the perpetrator shall be punished by a fine and imprisonment of three (3) to fifteen (15) years.

3. Whoever organizes a group of persons to commit the offense in paragraph 1. of this Article shall be punished by a fine of up to five hundred thousand (500,000) EUR and by imprisonment of seven (7) to twenty (20) years.

4. When the offense provided for in this Article is committed by an official person abusing his or her position or authorizations, the perpetrator shall be punished by:

4.1. a fine and imprisonment of five (5) to fifteen (15) years in the case of the offense provided for in paragraph 1 or 2 of this Article;

4.2. a fine and imprisonment of not less than ten (10) years in the case of the offense provided for in paragraph 3 of this Article;

5. If the offense from paragraph 1-4 of this Article results in death of one or more persons, the perpetrator shall be punished by imprisonment of not less than ten (10) years or life long imprisonment.

6. For the purposes of this Article and Article 172 of this Code expressions below shall have the following meaning**:**

6.1. **Trafficking in persons -** the recruitment, transportation, transfer, harboring or receipt of persons, by threat or the use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or the abuse of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

6.2. **Exploitation** - as used in sub-paragraph 6.1 of this paragraph shall include, but not be limited to, prostitution of others, pornography or other forms of sexual exploitation, begging, forced or compulsory labour or services, slavery or practices similar to slavery, servitude or the removal of organs or tissue.

6.3. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant where any of the means set forth in sub-paragraph 6.1. of this paragraph have been used against such victim.

6.4. The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph 6.1. of this paragraph.

Article 172
Withholding identity papers of victims of slavery or trafficking in persons

1. Whoever withholds another person's personal identification documents or passport knowing that the person is a victim of a criminal offenses provided for in Articles 169 and 171, shall be punished by imprisonment of one (1) to five (5) years.

2. When the offense provided for in paragraph 1. of this Article is committed by an official person abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of three (3) to seven (7) years.

Article 173
Endangering internationally protected persons

1. Whoever intentionally deprives an internationally protected person of his or her life shall be punished by imprisonment of not less than ten (10) years or life long imprisonment.

2. Whoever engages in the kidnapping or attack on the person or liberty of an internationally protected person shall be punished by imprisonment of three (3) to twelve (12) years.

3. Whoever engages in a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person, where such attack is likely to endanger his or her person or liberty shall be punished by imprisonment of one (1) to ten (10) years.

4. Whoever makes a serious threat to commit the offense provided for in paragraph 1, 2 or 3 of this Article shall be punished by imprisonment of one (1) to five (5) years.

5. Whoever organizes or orders another person to commit the offense provided for in paragraph 1, 2 or 3 of this Article shall be punished by imprisonment of three (3) to five (5) years.

6. When the offense in paragraph 2 or 3 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of not less than ten (10) years or life long imprisonment.

7. For the purposes of this Article, the term "internationally protected person" shall have the same meaning as defined in Article 120 of this Code.

Article 174
Endangering United Nations and associated personnel

1. Whoever intentionally deprives United Nations or associated personnel of his or her life shall be punished by imprisonment of not less than ten (10) years or life long imprisonment.

2. Whoever engages in the kidnapping or attack on the person or liberty of United Nations or associated personnel shall be punished by imprisonment of three (3) to twelve (12) years.

3. Whoever engages in a violent attack upon the official premises, the private accommodation or the means of transport of United Nations or associated personnel, where such attack is likely to endanger his or her person or liberty shall be punished by imprisonment of one (1) to ten (10) years.

4. Whoever makes a serious threat to commit the offense in paragraph 1, 2 or 3 of this Article shall be punished by imprisonment of one (1) to five (5) years.

5. When the offense in paragraph 2 or 3 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of not less than ten (10) years.

6. For the purposes of this Article, terms below shall have the following meaning:

6.1. **United Nations Personnel:**

6.1.1. persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation; or

6.1.2. other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted.

6.2. **Associated personnel**:

6.2.1. persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;

6.2.2. persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency; or

6.2.3. persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency, to carry out activities in support of the fulfillment of the mandate of a United Nations operation.

6.3. **United Nations operation -** an operation established by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control:

6.3.1. where the operation is for the purpose of maintaining or restoring international peace and security; or

6.3.2. where the Security Council or the General Assembly has declared, for the purposes of the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994, that there exists an exceptional risk to the safety of the personnel participating in the operation.

Article 175
Hostage-taking

1. Whoever takes hostage and threatens to kill a person, to injure or to continue to keep such person with the intent to compel a State or international organization, to do or abstain from doing an act as an explicit or implicit condition for the release of the hostage, shall be punished by imprisonment of not less than three (3) years.

2. Whoever intentionally deprives the hostage of his or her life in committing an offense provided for in paragraph 1 of this Article shall be punished by not less than ten (10) years or of life long imprisonment.

3. When the offense in paragraph 1 of this Article results in the death of the hostage, the perpetrator shall be punished by imprisonment of not less than ten (10) years.

Article 176
Unlawful appropriation, use, transfer and disposal of nuclear material

1. Whoever, without authorization, receives, possesses, uses, transfers, alters, disposes or disperses nuclear material and causes or is likely to cause death or serious injury to any person or substantial damage to property shall be punished by imprisonment of not less than five (5) years.

2. When the offense provided for in paragraph 1. of this Article results in the death of one or more persons or substantial material damage, the perpetrator shall be punished by imprisonment of not less than ten (10) years or by life long imprisonment.

3. Whoever commits the offense provided for in paragraph 1 or 2 of this Article by negligence shall be punished by imprisonment of up to seven (7) years, in the case of the offense provided for in paragraph 1 and by imprisonment of not less than three (3) years in the case of the offense provided for in paragraph 2 of this Article.

4. Whoever commits theft, robbery or misappropriation of nuclear material or makes a demand for nuclear material by the use of force, serious threat or by any other form of intimidation shall be punished by imprisonment of not less than five (5) years.

Article 177
Threats to use or commit theft or robbery of nuclear material

1. Whoever threatens to use nuclear material to cause death or serious injury to any person or substantial property damage shall be punished by imprisonment of one (1) to eight (8) years.

2. Whoever, with the intent to compel a natural or legal person to do or abstain from doing an act, threatens to commit theft or robbery of nuclear material shall be punished by imprisonment of five (5) to fifteen (15) years.

3. When the offense provided for in paragraph 2. of this Article results in the death of one or more persons or substantial material damage, the perpetrator shall be punished by imprisonment of not less than ten (10) years.

CHAPTER XVI
CRIMINAL OFFENSES AGAINST LIFE AND BODY

Article 178
Murder

Whoever deprives another person of his or her life shall be punished by imprisonment of not less than five (5) years.

Article 179
Aggravated murder

1. A punishment of imprisonment of not less than ten (10) years or of life long imprisonment shall be imposed on any person who:

1.1. deprives a child of his or her life;

1.2. deprives a pregnant woman of her life;

1.3. deprives a family member of his or her life;

1.4 deprives another person of his or her life in a cruel or deceitful way;

1.5.deprives another person of his or her life and in doing so intentionally endangers the life of one or more other persons;

1.6. deprives another person of his or her life for the purpose of obtaining a material benefit;

1.7. deprives another person of his or her life for the purpose of committing or concealing another criminal offense, or preventing the person from testifying or otherwise providing information to police or in a criminal proceeding;

1.8. deprives another person of his or her life because of unscrupulous revenge or other base motives, including in retaliation for testifying or otherwise providing any information to police or in a criminal proceeding;

1.9. deprives an official person of his or her life when such person is executing his or her official or related duties;

1.10. deprives another person of his or her life because of racial, national or religious motives;

1.11. intentionally commits two or more murders except for the offenses provided for in Article 180 and 182 of this Code; or.

1.12. deprives another person of his or her life and has previously been convicted of murder, except for the offenses provided for in Articles 180 and 182 of this Code.

Article 180
Murder committed in a state of severe mental distress

Whoever deprives another person of his or her life while in a state of severe mental distress, caused through no fault of his or her own, by an attack, maltreatment or grave insult by the murdered person, shall be punished by imprisonment of one (1) to ten (10) years.

Article 181
Negligent murder

Whoever by negligence deprives another person of his or her life shall be punished by imprisonment of six (6) months to five (5) years.

Article 182
Murder of infants during birth

A mother who deprives her infant of his or her life during or immediately after birth while affected by a disorder caused by birth shall be punished by imprisonment of three (3) months to three (3) years.

Article 183
Inciting suicide and assisting in suicide

1.Whoever incites or assists another person to commit suicide, and the suicide is committed, shall be punished by imprisonment of one (1) to five (5) years.

2. Whoever commits the offense provided for in paragraph 1 of this Article against a minor or a person whose capability to understand the gravity of his or her act or whose ability to control his or her behavior was substantially diminished, shall be punished by imprisonment of one (1) to ten (10) years.

3. Whoever commits the offense provided for in paragraph 1 of this Article against a person under the age of fourteen (14) years or against a person who was incapable of understanding the gravity of his or her act or controlling his or her behavior shall be punished in accordance with Article 178 of this Code.

4. Whoever treats another person in a subordinate position in a cruel or inhumane way and thereby causes such person to commit suicide shall be punished by imprisonment of six (6) months to five (5) years. For the purpose of this paragraph "person in a subordinate position" means a person who is under the supervision, rank, control or custody of the person who acted in a cruel or inhumane way.

5. If, as a result of an offense provided for in paragraphs 1 to 4 of this Article, suicide has only been attempted, the punishment may be reduced.

Article 184
Unlawful termination of pregnancy

1. Whoever, with the consent of the pregnant woman, but in violation of the Law for Termination of Pregnancy terminates a pregnancy, commences to terminate a pregnancy, or assists in terminating a pregnancy shall be punished by imprisonment of six (6) months to three (3) years.

2. Whoever terminates or commences to terminate a pregnancy without the consent of the pregnant woman shall be punished by imprisonment of one (1) to eight (8) years.

3. When the offense provided for in paragraph 1 or 2 of this Article results in grievous bodily injury, serious impairment to health or the death of the pregnant woman, the perpetrator shall be punished by:

3.1. imprisonment of one (1) to ten (10) years, in the case of the offense provided for in paragraph 1 of this Article;

3.2. imprisonment of five (5) to fifteen (15) years in the case of the offense provided for in paragraph 2 of this Article.

Article 185
Threat

1. Whoever seriously threatens by words, acts or gestures to harm another person in order to frighten or cause anxiety to such person shall be punished by a fine or by imprisonment of up to six (6) months.

2. Whoever seriously threatens by words, acts or gestures to deprive another person of his or her life, to inflict grave bodily harm, to kidnap or deprive another person of his or her liberty or to inflict harm by fire, explosion or any other dangerous means shall be punished by a fine or by imprisonment of up to one (1) year.

3. When the offense provided in paragraph 1. or 2. of this Article is committed against an official person in connection with his or her work or position or against several persons or when the offense is committed by a perpetrator acting as a member of a group, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

4. Whoever commits the offense provided for in this Article by using a weapon, a dangerous instrument or another object capable of causing bodily injury or serious impairment to health, the perpetrator shall be punished by imprisonment of one (1) to five (5) years.

5. Criminal proceedings for the offense provided for in paragraph 1 or 2 of this Article shall be initiated following a motion.

Article 186
Harassment

1. Whoever engages in a pattern of repeated and unwanted attention or communication with the intent to harass, intimidate, injure, damage property or kill another person or his or her children, family, relatives or pets or whoever places another under surveillance with the intent to harass, intimidate, injure, damage property or kill another person or his or her children, family, relatives or pets; and in the course thereof, places that person in reasonable fear of death, grievous bodily injury, serious damage to property or substantial emotional distress shall be punished by a fine or imprisonment up to three (3) years.

2. When the offense provided for in paragraph 1. of this Article is committed against a former or current domestic partner or a former or current family member, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed with a weapon, a dangerous instrument or another object capable of causing grievous bodily injury or serious impairment to health, the perpetrator shall be punished by imprisonment of one (1) to five (5) years.

4. The attention or communication in paragraph 1 may include following or laying in wait; repeatedly appearing at the home, school, work or recreation place; making repeated phone calls; sending or leaving messages; sending text messages, mail or e-mails; or, leaving or sending unwanted gifts or other items.

Article 187
Assault

1. Whoever intentionally applies force to another person without that person's consent shall be punished by a fine or imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed with a weapon, a dangerous instrument or another object capable of causing grievous bodily injury or a serious impairment to health, the perpetrator shall be punished by six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 this Article is committed against a vulnerable victim, the perpetrator shall be punished by imprisonment of six (6) months to three (3) years.

Article 188
Light bodily injury

1. Whoever inflicts light bodily injury upon another person which results in:

1.1. temporarily damaging or weakening an organ or a part of the body of the other person;

1.2. temporarily diminishing the capacity of the other person to work;

1.3. temporarily disfiguring the other person; or

1.4. temporarily impairing the health of the other person, shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article is committed with a weapon, a dangerous instrument or another object capable of causing grievous bodily injury or a serious impairment to health, the perpetrator shall be punished by imprisonment of up to three (3) years.

3. When the offense provided for in this Article is committed against a vulnerable victim, the perpetrator shall be punished by:

3.1. imprisonment of three (3) months to three (3) years, in the case of the offense provided for in paragraph 1 of this Article; or

3.2. imprisonment of six (6) months to five (5) years, in the case of the offense provided for in paragraph 2 of this Article.

4. The court may impose a judicial admonition on the perpetrator for the offense provided for in paragraph 1 or 2 of this Article if the perpetrator was provoked by the inhumane or brutal conduct of the injured party.

Article 189
Grievous bodily injury

1. Whoever inflicts grievous bodily injury upon another person or impairs the health of another person to such extent that it may result in:

1.1. temporarily and substantially weakening a vital part of the body of the other person;

1.2. temporarily destroying, temporarily and substantially diminishing, or permanently diminishing the capacity of the other person to work; or

1.3. temporarily and seriously impairing the health of the other person, shall be punished by imprisonment of six (6) months to five (5) years.

2. Whoever inflicts bodily harm or impairs the health of another person that results in:

2.1. endangering the life of the person;

2.2. permanently destroying or weakening a vital part of the body of the other person;

2.3. permanently destroying the capacity of the other person for any kind of work;

2.4. permanently disfiguring the other person; or

2.5. permanently and seriously impairing the health of the other person, shall be punished by imprisonment of one (1) to ten (10) years.

3. When the offense provided for in this Article is committed against a vulnerable victim, the perpetrator shall be punished by:

3.1. imprisonment from one (1) to five (5) years, in the case of the offense provided for in paragraph 1 of this Article; or

3.2. imprisonment from two (2) to ten (10) years, in the case of the offense provided for in paragraph 2 of this Article.

4. When the offense provided for in paragraph 1, 2 or 3 of this Article results in the death of the other person, the perpetrator shall be punished by imprisonment of two (2) to twelve (12) years.

5. When the offense provided for in paragraph 1, 2 or 3 of this Article is committed with a weapon, a dangerous instrument or another object capable of causing grievous bodily injury or a serious impairment to health, the perpetrator shall be punished by imprisonment of not less than three (3) years.

Article 190
Participation in a brawl

1. Whoever participates in a brawl which results in the death or grievous bodily injury of a person shall be punished for participating in a brawl by a fine or by imprisonment of up to three (3) years.

2. Whoever during a brawl or quarrel with intent to frighten or threaten a person, grabs and brandishes a weapon, dangerous item or other item that is capable of inflicting grievous bodily injury or to inflict serious damage to the health of a person shall be punished by fine or by imprisonment from one (1) to three (3) years.

3. A person is not criminally liable under paragraph 1 of this Article if he or she participated in the brawl through no fault of his or her own or merely to defend himself or herself or to separate other participants in the brawl.

4. The weapon, dangerous item or other item shall be confiscated.

Article 191
Refraining from providing help

1. Whoever refrains from providing help to a person whose life is directly endangered, even though he or she could have acted without serious risk of endangering himself or herself or another person shall be punished by imprisonment of up to one (1) year.

2. Whoever refrains from providing help to another person in a dangerous life threatening situation or circumstances which were brought about by the perpetrator shall be punished by imprisonment of three (3) years.

3. When the criminal offense provided for in paragraph 1. of this Article results in grievous bodily injury or serious impairment to the health of the endangered person, the perpetrator shall be punished by imprisonment of three (3) months to three (3) years.

4. When the criminal offense provided for in paragraph 1 of this Article results in the death of the endangered person, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 192
Abandoning incapacitated persons

1. Whoever, leaves an incapacitated person entrusted to him or her or under his or her care, unaided in circumstances dangerous to the life or health of such person shall be punished by imprisonment of up to three (3) years.

2. When the criminal offense provided for in paragraph 1 of this Article results in grievous bodily injury or serious impairment to the health of the person who has been left unaided, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

3. When the criminal offense provided for in paragraph 1 of this Article results in the death of the person who has been left unaided, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

CHAPTER XVII
CRIMINAL OFFENSES AGAINST LIBERTIES AND RIGHTS OF PERSONS

Article 193
Violating equal status of citizens and residents of the Republic of Kosovo

1. Whoever unlawfully denies or limits the freedoms or rights of any person in the Republic of Kosovo as set forth in the Constitution, applicable law or international acts, or whoever unlawfully grants any person in the Republic of Kosovo any privilege or advantage on the basis of such a difference or affiliation shall be punished by imprisonment of up to three (3) years.

2. Whoever denies or limits a member of an ethnic, religious or linguistic community in the Republic of Kosovo the right to freely express his or her identity or to enjoy his or her autonomy shall be punished by imprisonment of up to one (1) year.

3. Whoever, contrary to the laws regarding the use of language and script, denies a national of the Republic of Kosovo the right to freely use his or her own language or script shall be punished by a fine or by imprisonment of up to one (1) year.

4. When the offense provided for in paragraph 1 or 2 of this Article is committed by an official person abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years;

5. When the offense provided for in paragraph 3. of this Article is committed by an official person abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of six (6) months to three (3) years.

Article 194
Kidnapping

1. Whoever takes or holds a person with the intent not to release him or her before extracting money, a material benefit or other assets from him, her or another person, or with the intent to force him or her or another person to do or abstain from doing an act or to acquiesce to an act shall be punished by imprisonment of one (1) to ten (10) years.

2. When the offense provided for in paragraph 1 of this Article is committed in one or more of the following circumstances the perpetrator shall be punished by imprisonment of three (3) to twelve (12) years:

2.1. the perpetrator threatened the kidnapped person with death or severe impairment to health;

2.2. the perpetrator committed the offense acting as a member of a group;

2.3. the perpetrator committed the offense using a weapon, a dangerous instrument or another object capable of causing grievous bodily injury or a serious impairment to health;

2.4. the perpetrator committed the offense against a vulnerable victim.

3. When the offense provided for in paragraph 1 of this Article is committed in one or more of the following circumstances, the perpetrator shall be punished by imprisonment of fifteen (15) years or life long imprisonment:

3.1. the perpetrator committed the offense acting as a member of an organized group;

3.2. the perpetrator caused great bodily harm or death to the kidnapped person during the offense.

4. For purposes of paragraph 1. of this Article, a person who takes or detains a child is to be treated as acting without the consent of the child.

5. If the perpetrator voluntarily releases the kidnapped person before the demands for which the kidnapping was committed are fulfilled, the punishment may be reduced.

Article 195
Coercion

1. Whoever compels another person by force or serious threat to do or abstain from doing an act or to acquiesce to an act shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1. of this Article is committed in one or more of the following circumstances the perpetrator shall be punished by imprisonment of three (3) months to five (5) years:

2.1. the perpetrator threatened the coerced person with death or severe impairment to health;

2.2. the perpetrator committed the offense acting as a member of a group;

2.3.the perpetrator committed the offense using a weapon, a dangerous instrument or another object capable of causing grievous bodily injury or a serious impairment to health;

2.4. the perpetrator committed the offense committed the offense against a vulnerable victim.

3. When the offense provided for in paragraph 1. of this Article is committed in one or more of the following circumstances, the perpetrator shall be punished by imprisonment of two (2) to ten (10) years:

3.1. the perpetrator committed the offense acting as a member of an organized group;

3.2. the perpetrator caused great bodily harm or death during the offense.

Article 196
Unlawful deprivation of liberty

1. Whoever unlawfully imprisons, detains or in another way deprives another person of his or her liberty shall be punished by a fine or by imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed in one or more of the following circumstances, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years:

2.1. when the offense is committed against a vulnerable victim;

2.2. when the offense is committed in a cruel manner;

2.3. when the unlawful deprivation of liberty continues for more than fifteen (15) days;

2.4. when the offense results in severe impairment to the health of the unlawfully detained person or in other grave consequences;

2.5. when the offense is committed by a perpetrator acting as a member of a group.

3. When the offense provided for in paragraph 1. or 2. of this Article is committed by an official person, abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years. If this offense is committed by the use of a weapon, a dangerous instrument or another object capable of causing grievous bodily injury or a serious impairment to health, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years.

4. When the offense provided for in paragraph 1-2 of this Article is committed by the use of a weapon, a dangerous instrument or another object capable of causing grievous bodily injury or a serious impairment to health, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

5. When the offense provided for in paragraph 1-4 of this Article results in the death of the person unlawfully deprived of liberty, the perpetrator shall be punished by imprisonment of not less than five (5) years.

Article 197
Coercion to obtain statements

1. An official person who, in abusing his or her position or authorizations, uses force or serious threat or any other prohibited means or manner to compel any suspect, defendant, witness, expert or other person to make a statement or declaration shall be punished by imprisonment of three (3) months to five (5) years.

2. When the offense provided for in paragraph 1. of this Article is committed using grave violence or if the suspect, defendant, witness, expert or other person suffered grave consequences in the criminal proceedings as a result of the statement or declaration obtained by coercion, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years.

Article 198
Mistreatment during exercise of official duty or public authorization

1.An official person who, in abusing his or her position or authorizations, mistreats, intimidates or gravely insults the dignity of another person shall be punished by imprisonment up to three (3) years.

2. When the offense provided for in paragraph 1. of this Article is committed against a child, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

Article 199
Torture

1. An official person, or a person acting at the instigation of or with the consent or acquiescence of an official person, who commits an act of torture shall be punished by imprisonment of one (1) to fifteen (15) years.

2. When the offense provided for in paragraph 1 of this Article is committed against a child, the perpetrator shall be punished by imprisonment of three (3) to fifteen (15) years.

3. For the purposes of this Article, an act of torture means any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for the purpose of obtaining from such person or from a third person information or a statement, or punishing such person for an act that he or she or a third person has committed or is suspected of having committed, or for intimidating or coercing the person or a third person or for any reason based on discrimination of any kind. An act of torture does not include any act or omission arising only from, inherent in or incidental to lawful sanctions.

Article 200
Infringing inviolability of residences and premises

1. Whoever, without authorization or in an unlawful manner, enters the residence or closed premises of another person or fails to leave such residence or premises upon the request of the authorized person shall be punished by imprisonment of up to three (3) years.

2. An attempt to commit the offense provided for in paragraph 1 of this Article shall be punishable.

3. When the offense provided for in paragraph 1 of this Article is committed by an official person abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

4. When the offense provided for in paragraph 1-2 of this Article is committed by the use of a weapon, a dangerous instrument or another object capable of causing grievous bodily injury or serious impairment to health, the perpetrator shall be punished by imprisonment of one (1) to five (5) years.

5. For the purposes of this Article, premises shall include but not be limited to a residence and the adjoining yard, a business, an office, a hotel or rented room.

Article 201
Unlawful search

1. An official person who, in abusing his or her position or authorizations, conducts an unlawful search of a residence, premises or person shall be punished by imprisonment of three (3) months to three (3) years.

2. For the purposes of this Article, premises shall include but not be limited to a residence and the adjoining yard, a business, an office, a hotel or rented room.

Article 202
Infringing privacy in correspondence and computer databases

1. Whoever, without authorization, opens a letter, telegram, facsimile or some other sealed document, package or electronic communication of another person or in any other way violates the privacy of such materials or, without authorization, withholds, conceals, destroys or delivers to another person a letter, telegram, facsimile, electronic communication or some other sealed document or package of another person shall be punished by a fine and by imprisonment of up to six (6) months.

2. Whoever, without authorization, intrudes upon the computer database of another person or uses data obtained from such database or makes such data available to another person shall be punished by a fine and by imprisonment of up to one (1) year.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed for the purpose of obtaining a material benefit for himself or herself or another person or of causing damage to another person, the perpetrator shall be punished by a fine and imprisonment of up to three (3) years.

4. When the offense provided for in paragraph 1, or 2 or 3 of this Article is committed by an official person, in abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of three (3) months to three (3) years, in the case of the offense provided for in paragraph 1 or 2 of this Article or by imprisonment of one (1) to five (5) years, in the case of the offense provided for in paragraph 3 of this Article.

Article 203
Unauthorized disclosure of confidential information

1.An attorney, a defense counsel, physician or any other person who, without authorization, discloses confidential information that he or she became aware of while exercising his or her profession and that he or she is under legal duty to maintain as confidential, shall be punished by a fine or by imprisonment of up to one (1) year.

2. A person is not criminally liable under paragraph 1 of this Article if he or she disclosed the confidential information in the public interest, if such interest outweighs the interest in the non-disclosure of the confidential information.

3. Criminal proceedings for the offense provided for in paragraph 1 of this Article shall be initiated upon a motion.

4. Public Interest" means the welfare of the general public outweighs the individual interest. The disclosure of confidential information is in the public interest if it involves plans, preparation or the commission of crimes against the constitutional order or territorial integrity of the Republic of Kosovo or other criminal offenses that will cause great bodily injury or death to another person.

Article 204
Unauthorized interception

1. Whoever, without authorization, intercepts a conversation or a statement or enables another person to have knowledge of a conversation or statement which was intercepted without authorization shall be punished by imprisonment of one (1) to three (3) years.

2. When the offense provided for in paragraph 1. of this Article is committed by an official person in abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of two (2) to five (5) years.

3. The equipment used to commit the criminal offense provided for in paragraph 1. of this Article shall be confiscated.

Article 205
Unauthorized photographing and other recording

1. Whoever, without authorization, photographs, films, or videos or in any other way records another person in his or her personal premises or in any other place where a person has a reasonable expectation of privacy, and in that way fundamentally violates another's privacy, shall be punished by a fine or by imprisonment of one (1) to three (3) years.

2. Whoever without authorization passes on, displays or grants access to a third person to a photograph, film, videotape or any other recording obtained in violation of paragraph 1, shall be punished by imprisonment of one (1) to three (3) years.

3. When the offense provided for in paragraph 1 of this Article is committed by an official person, in abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of two (2) to five (5) years.

4. There is no criminal liability if the photographing or recording is conducted to discover a criminal offence or the perpetrators of a criminal offence, or to present as evidence to the police, prosecution or court, and if the photos or recordings are submitted to these authorities.

5. The equipment used to commit the criminal offense provided for in paragraph 1. of this Article shall be confiscated.

Article 206
Violating orders for covert or technical measures of surveillance or investigation

1. The authorized police officer who implements a judicial or prosecutorial order for covert or technical measures of surveillance or investigation in violation of the law shall be punished by imprisonment of three (3) months to three (3) years.

2. Whoever reveals information which will damage the effectiveness of the implementation of an order for covert or technical measures of surveillance or investigation shall be punished by imprisonment of six (6) months to three (3) years.

3. A person responsible for the operation of telecommunications, computer networks or postal services or an employee of a financial institution who fails to take appropriate steps to facilitate the implementation of an order for interception of telecommunications, interception of communications by a computer network, search of postal items, metering of telephone calls or disclosure of financial data, shall be punished by a fine or a term of imprisonment of three (3) months up to three (3) years.

Article 207
Preventing or hindering a public meeting

1. Whoever, by use of deception or in any other way, prevents or hinders the convening or holding of a public meeting to which persons are entitled by law shall be punished by a fine or by imprisonment up to one (1) year.

2. When the offense provided for in paragraph 1. of this Article is committed by an official person abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of up to two (2) years.

Article 208
Preventing exercise of the right to use legal remedies

1. Whoever unlawfully prevents another person from using his or her right to lodge a complaint, criminal report, lawsuit, appeal, objection or to use any other legal remedy shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article is committed by an official person abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of three (3) months to three (3) years.

Article 209
Preventing printing or distribution of printed materials and broadcasting of programs

1. Whoever unlawfully prevents the printing, recording, selling, distribution or broadcast of books, magazines, newspapers, audio or video tapes, radio and television programs, or other printed or recorded materials shall be punished by a fine or by imprisonment of up to one (1) year.

2. If the offense provided for in paragraph 1 of this Article is committed by an official person abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of up to three (3) years.

CHAPTER XVIII
CRIMINAL OFFENSES AGAINST VOTING RIGHTS

Article 210
Violation of the right to be a candidate

1. Whoever unlawfully prevents or obstructs any person seeking to run for election shall be punished by fine or imprisonment up to one (1) year.

2. If the offense in paragraph 1 of this Article was committed by the use of force or serious threat, the perpetrator shall be punished by imprisonment of six (6) months to three (3) years.

Article 211
Threat to the candidate

1. Whoever unlawfully forces any candidate to withdraw his or her candidacy shall be punished by a fine or imprisonment up to one (1) year.

2. Whoever unlawfully prevents or obstructs any candidate from exercising any activity during an election campaign, shall be punished by a fine or imprisonment up to one (1) year.

3. Whoever commits the offense set forth in paragraph 1. or 2. of this Article by the use of force or serious threat shall be punished by imprisonment of six (6) months to three (3) years.

Article 212
Preventing exercise of the right to vote

1. Whoever, in the exercise of duties entrusted to him or her related to elections, unlawfully, and with the intent to prevent another person from exercising his or her right to vote, fails to record such person in a voter registration list or removes such person from the voter registration list shall be punished by imprisonment of one (1) to three (3) years.

2. Whoever, during the voting or the referendum unlawfully prevents, obstructs, hinders or influences the free decision of a voter or in any other manner prevents another person from exercising his or her right to vote shall be punished by imprisonment up to one (1) year.

3. Whoever commits the offense from paragraphs 1 and 2 of this Article by the use of force or serious threat shall be punished by imprisonment of one (1) to five (5) years.

Article 213
Violating the free decision of voters

Whoever by the use of force or serious threat or abuse of the economic and professional dependence of a voter, influences or compels a voter in the Republic of Kosovo to vote in a particular way or to abstain from voting in an election shall be punished by imprisonment of one (1) to five (5) years.

Article 214
Abuse of official duty during elections

Whoever, being an official person entrusted with duties related to elections, abuses his or her position, duties or authority by ordering, advising or committing any other unlawful act with the intent to alter, change or influence the voter registration list or the voting of any person or in any other manner acts with the intent to alter, change, influence or prevent any person from exercising his or her right to vote, right not to vote, to cast a void vote or to vote in favor of or against a specific person or proposal shall be punished by a fine and imprisonment of two (2) to five (5) years.

Article 215
Giving or receiving a bribe in relation to voting

1. Whoever promises, offers, gives any undue benefit or gift to any person, with the intent to influence that person to vote, not to vote, vote in favor or against a specific person or proposal, or to cast a void vote, in any election or referendum shall be punished by imprisonment of one (1) to five (5) years.

2. Whoever requests or receives any undue benefit or gift for himself, herself or for another any person, or accepts an offer or promise of such benefit or gift, to vote or not to vote, to vote in favor or against a specific person or proposal, or to cast a void vote, in any election or referendum shall be punished by imprisonment of one (1) to five (5) years.

3. Whoever serves as an intermediary and violates paragraph 1. or 2. of this Article shall be punished by imprisonment of one (1) to five (5) years.

4. If the offense from paragraph 1-3 of this Article is committed by a member of the Election Commission or any other person during the exercise of his or her official duties in regard to voting, the perpetrator shall be punished by imprisonment from three (3) to five (5) years.

5. The gift shall be confiscated.

Article 216
Abusing the right to vote

1. Whoever commits one or more of the following offenses shall be punished by imprisonment of six (6) months to three (3) years:

1.1. votes or attempts vote under the name of another person;

1.2. votes or attempts to vote even though he or she has already voted; or,

1.3. uses more than one voting list.

2. The member of the Election Commission who makes possible for a person to commit or attempt to commit the criminal offense from paragraph 1 of this Article shall be punished by imprisonment of three (3) to five (5) years.

Article 217
Obstructing the voting process

1. Whoever, in any unlawful manner obstructs or interrupts the voting process shall be punished by imprisonment of one (1) to two (2) years.

2. Whoever by use of force or serious threat, obstructs the voting with the instigation of public disorder in the polling station that results in an interruption in voting shall be punished by imprisonment of one (1) to three (3) years.

Article 218
Violating confidentiality in voting

1. Whoever, in an election or referendum, violates confidentiality in voting shall be punished by imprisonment of up to six (6) months.

2. Whoever, by use of force or serious threat, or any other unlawful way demands from a person to reveal how he or she has voted shall be punished by imprisonment of up to one (1) year.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed by a member of the Election Committee or any other person abusing his or her duties, position or authorizations related to elections or voting, the perpetrator shall be punished by imprisonment of one (1) to five (5) years.

Article 219
Falsification of voting results

1. Whoever adds, removes or deletes votes or signatures, registers incorrectly a vote or the results of the election in the election documents, or publishes a vote or the results of the election or the voting that does not correspond to the actual voting, or in any other way falsifies a vote or the results of an election shall be punished by a fine or imprisonment of one (1) to three (3) years.

2. When the offense provided for in paragraph 1. of this Article is committed by a member of the Election Commission or any other person abusing his or her duties,

position or authorizations related to elections, the perpetrator shall be punished by imprisonment three (3) to five (5) years.

Article 220
Destroying voting documents

1. Whoever destroys, conceals, damages or takes the voting slip or any other object or document related to the election or referendum shall be punished by imprisonment of one (1) to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed by a member of the Election Commission or any other person abusing his or her duties, position or authorizations related to elections, the perpetrator shall be punished by imprisonment of three (3) to five (5) years.

CHAPTER XIX
CRIMINAL OFFENSES AGAINST LABOUR RELATIONS RIGHTS

Article 221
Violating rights in labour relations

Whoever knowingly fails to comply with the law or a collective contract relating to employment or termination of labour relations; salaries or other income; the length of working hours, overtime work or shift work; vacation or absence from work; or, the protection of women, children or disabled persons, and thereby denies or restricts the rights to which an employee is entitled shall be punished by a fine or by imprisonment of up to one (1) year.

Article 222
Violating rights of employment and unemployment

1. Whoever denies or restricts the right of persons to employment under equal conditions which have been determined by law shall be punished by a fine or by imprisonment of up to two (2) years.

2. Whoever fails to abide by the law on the rights of the unemployed and in this way denies or restricts the rights to which they are entitled shall be punished as provided for in paragraph 1. of this Article.

Article 223
Violation of the right to management

1. Whoever unlawfully obstructs or prevents the managing body in decision making or renders it impossible for a member of the managing body to exercise his or her right to participate in decision making in that body, shall be punished by a fine or by imprisonment of up to one (1) year.

2. If the offense provided for in paragraph 1 of this Article is committed by an official or responsible person abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of up to two (2) years.

3. Whoever commits the offense set forth in paragraph 1. or 2. of this Article by the use of force, or serious threat shall be punished by imprisonment from six (6) months to five (5) years.

Article 224
Violation of the right to strike

1. Whoever by the use of force or serious threat or in any other unlawful manner, prevents or obstructs a worker from organizing, participating or otherwise exercising any legal right to strike in accordance with the law and to participate in the strike or in any other manner exercise their right to strike, shall be punished by a fine or imprisonment of up to two (2) years.

2. The employer or the responsible person who dismisses an employee because of his or her participation in a lawfully organized strike or who takes other measures by which the worker's labor rights are violated, shall be punished by a fine or imprisonment of up to two (2) years.

Article 225
Misuse of the right to strike

1. Whoever, in violation of the law, organizes or leads a strike and if the elements of another criminal offense are not present, shall be punished by a fine or imprisonment up to one (1) year.

2. Whoever, in violation of the law, organizes or leads a strike that causes large scale damage, large scale loss or endangers the life or health of persons, and if the elements of another criminal offense are not present, shall be punished by a fine or imprisonment up to three (3) years.

Article 226
Violating social insurance rights

Whoever knowingly fails to comply with the law or a collective contract relating to health, retirement, or disability insurance or any other form of social insurance and by doing so denies or limits the rights of a worker shall be punished by a fine or by imprisonment of up to one (1) year.

Article 227
Misuse of social insurance rights

Whoever under false pretenses or by self inflicting an illness or incapacity upon himself or herself or in any other unlawful manner receives social security or state pension rights, which he or she is not entitled to by law, shall be punished by a fine or imprisonment up to three (3) years.

CHAPTER XX
CRIMINAL OFFENSES AGAINST SEXUAL INTEGRITY

Article 228
Definitions relating to the criminal offenses against sexual integrity

For the purposes of this chapter the following terms shall have this meaning:

1. Term ‘’Consent’’ means the voluntary agreement of a person who has reached the age of sixteen years to engage in the sexual act in question. No consent is obtained where:

1.1. such person expresses, by word or conduct, a lack of agreement to engage or to continue to engage in the sexual act;

1.2. the agreement is expressed by the words or conduct of a person other than the victim;

1.3. the agreement of the victim was obtained by deception, fear or intimidation, where such means do not involve the use of force, serious threat or exploitation as provided for in paragraph 3 of Article 230 of this Code; or

1.4. such person is incapable of agreeing to the sexual activity because of diminished mental or physical capacity or intoxication by alcohol, drugs or other substances.

2. Nothing in paragraph 1 of this article shall be interpreted as limiting the circumstances in which there is no consent.

3. Term ‘’Sexual act’’ means penetration however slight of any part of the body of a person with a sexual organ, or the penetration however slight of the anal or genital opening of a person with any object or any other part of the body.

4. Term ‘’Subjecting another person to a sexual act’’ means the commission of a sexual act on another person by the perpetrator, or inducing another person to commit a sexual act on the perpetrator or a third person or inducing a third person to commit a sexual act on another person.

5. Term ‘’Private parts’’ means the breasts of a woman, the penis, vagina and/or anus.

6. Term ‘’Touching’’ means any direct or indirect contact, where there is no penetration, between the body of a person with any part of the body of another person or with an object.

7. Term ‘’Child pornography’’ means any visual image or visual depiction or representation, including any photograph, film, video, picture or computer generated image or picture, whether made or produced by electronic, mechanical or other means, which shows or represents:

7.1. the genitals (vagina, penis or anus) or the pubic area of a child primarily for sexual purposes;

7.2. a real child engaged in actual or simulated sexually explicit conduct;

7.3. a person appearing to be a real child engaged in actual or simulated sexually explicit conduct; or

7.4. realistic images of a non-existent child engaged in actual or simulated sexually explicit conduct.

8. Term ‘’Prostitution’’ means offering or providing sexual services in exchange for payment, goods or services including, but not limited to, the discharge of an obligation to pay or the provision of goods or services including sexual services gratuitously or at a discount. It is irrelevant whether the payment, goods or services are given or promised to the person engaging in the sexual services or to a third person.

Article 229
Mistake of fact as to age of victim

1. For the purposes of the Chapter, a mistake as to the age of the victim who is under the age of sixteen (16) shall not be a mistake of fact under Article 25 of this Code if the perpetrator was negligent in making such mistake.

2. The perpetrator is not criminally liable because of a mistake of fact under Article 25 of this Code if he or she, for justifiable reasons, did not know and could not have known that the victim was under the age of sixteen (16).

Article 230
Rape

1. Whoever subjects another person to a sexual act without such person's consent shall be punished by imprisonment of two (2) to ten (10) years.

2. Whoever subjects another person to a sexual act by threatening to reveal a fact that would seriously harm the honor or reputation of such person or of a person closely connected to such person shall be punished by imprisonment of three (3) to ten (10) years

3. Whoever subjects another person to a sexual act in one or more of the following circumstances shall be punished by imprisonment of five (5) to ten (10) years:

3.1. by serious threat or the threat of violence;

3.2. by threat of an imminent danger to the life or body of such person or of another person; or

3.3. by exploiting a situation in which the person is unprotected and where his or her security is in danger.

4. When the offense provided for in paragraph 1 or 2 of this Article is committed under one or more of the following circumstances, the perpetrator shall be punished by imprisonment of five (5) to fifteen (15) years:

4.1. the offense is preceded, accompanied or followed by an act of torture or inhumane treatment;

4.2. the perpetrator uses force;

4.3. the perpetrator causes grievous bodily injury or a serious disturbance to the mental or physical health of the person;

4.4. the perpetrator uses or threatens to use a weapon or a dangerous instrument;

4.5. the perpetrator intentionally causes the person to become intoxicated by alcohol, drugs or other substances;

4.6. the offense is jointly committed by more than one person;

4.7. the perpetrator knows that the person is exceptionally vulnerable because of age, diminished mental or physical capacity, physical or mental disorder or disability, or pregnancy;

4.8. the perpetrator is the parent, adoptive parent, foster parent, step parent, grandparent, uncle, aunt or sibling of the person and such person is between the ages of sixteen (16) and eighteen (18) years;

4.9. the perpetrator shares a domestic relationship with the person and such person is between the ages of sixteen (16) and eighteen (18) years;

4.10. the perpetrator is a teacher, a religious leader, a health care professional, a person entrusted with such person's upbringing or care or otherwise in a position of authority over the person.

5. When the offense provided for in this Article results in the death of the victim, the perpetrator shall be punished by imprisonment of not less than ten (10) years or by life long imprisonment.

Article 231
Sexual services of a victim of trafficking

1. Whoever uses or procures the sexual services of a victim of trafficking shall be punished by imprisonment of three (3) months to five (5) years.

2. When the offense provided for in paragraph 1 of this article is committed against a person under the age of eighteen (18) years, the perpetrator shall be punished by imprisonment of two (2) to ten (10) years.

3. When the offense provided for in this Article is committed by an official person, abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of two (2) to seven (7) years in the case of the offense provided for in paragraph 1 or by imprisonment of five (5) to twelve (12) years in the case of the offense provided for in paragraph 2 of this Article.

4. If the offense in this Article results in death of one or more persons, the perpetrator shall be punished by not less than ten (10) years of imprisonment or life long imprisonment.

5. For the purposes of this Article it is irrelevant whether the perpetrator knew that the person was a victim of trafficking, unless for justifiable reasons, the perpetrator did not know and could not have known that the person was a victim of trafficking.

6. For the purposes of this Article "victim of trafficking" means a person who has been trafficked according to Article 171 of this Code.

Article 232
Sexual assault

1. Whoever touches a person for a sexual purpose or induces such person to touch the perpetrator or another person for a sexual purpose, without the consent of such person, shall be punished by a fine or by imprisonment of up to one (1) year.

2. Whoever touches another person for a sexual purpose or induces another person to touch the perpetrator or a third person for a sexual purpose in one of more of the following circumstances shall be punished by imprisonment of one (1) to seven (7) years:

2.1. by serious threat or the threat of violence;

2.2. by threat of an imminent danger to the life or body of such person or of another person; or

2.3. by exploiting a situation in which such other person is unprotected and where his or her security is in danger.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed under one or more of the following circumstances, the perpetrator shall be punished by imprisonment of three (3) to ten (10) years:

3.1. the offense is preceded, accompanied or followed by an act of torture or inhumane treatment;

3.2. the perpetrator uses force;

3.3. the perpetrator causes grievous bodily injury or serious disturbances to the mental or physical health of the person or the person attempts to commit suicide following the offense;

3.4. the perpetrator uses or threatens to use a weapon or a dangerous instrument;

3.5. the perpetrator intentionally causes the person to become intoxicated by alcohol, drugs or other substances;

3.6. the offense is jointly committed by more than one person;

3.7. the perpetrator knows that the person is exceptionally vulnerable because of age, diminished mental or physical capacity, physical or mental disorder, disability, or pregnancy;

3.8. the perpetrator is the parent, adoptive parent, foster parent, step parent, grandparent, uncle, aunt or sibling of the person and such person is between the ages of sixteen (16) and eighteen (18) years;

3.9. the perpetrator shares a domestic relationship with the person and such person is between the ages of sixteen (16) and eighteen (18) years; or

3.10. the perpetrator is a teacher, a religious leader, a health care professional, a person entrusted with such person's upbringing or care or otherwise in a position of authority over the person.

4. When the offense provided for in paragraph 1 or 2 of this Article results in the death of the victim, the perpetrator shall be punished by imprisonment of not less than ten (10) years or by life long imprisonment.

Article 233
Degradation of sexual integrity

1. Whoever induces another person to expose the private parts of such person's body, to masturbate or to commit another act that degrades such person's sexual integrity, without the consent of such person, shall be punished by a fine or by imprisonment of six (6) months to one (1) year.

2. Whoever induces another person to expose the private parts of such person's body, to masturbate or to commit another act that degrades such person's sexual integrity in one of more of the following circumstances shall be punished by imprisonment of six (6) months to three (3) years:

2.1. by serious threat or the threat of violence;

2.2. by threat of an imminent danger to the life or body of the such person or of another person; or

2.3. by exploiting a situation in which the person is unprotected and where his or her security is in danger.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed under one or more of the following circumstances, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years:

3.1. the offense is preceded, accompanied or followed by an act of torture or inhumane treatment;

3.2. the perpetrator uses force;

3.3. the perpetrator causes grievous bodily injury or serious disturbances to the mental or physical health of the person or the person attempts to commit suicide following the offense;

3.4. the perpetrator uses or threatens to use a weapon or a dangerous instrument;

3.5. the perpetrator intentionally causes the person to become intoxicated by alcohol, drugs or other substances;

3.6. the offense is jointly committed by more than one person;

3.7. the perpetrator knows that the person is vulnerable because of age, physical or mental disorder or disability, or pregnancy;

3.8. the perpetrator is the parent, adoptive parent, foster parent, step parent, grandparent, uncle, aunt or sibling of the person and such person is between the ages of sixteen (16) to eighteen (18) years;

3.9. the perpetrator shares a domestic relationship with the person and such person is between the ages of sixteen (16) to eighteen (18) years; or

3.10. the perpetrator is a teacher, a religious leader, a health care professional, a person entrusted with such person's upbringing or care or otherwise in a position of authority over the person.

4. An attempt to commit the offense provided for in paragraph 1. of this Article shall be punishable.

Article 234
Sexual abuse of persons with mental or emotional disorders or disabilities

1. Whoever subjects a person who suffers from diminished mental or physical capacity or a mental or emotional disorder or disability, to a sexual act with the perpetrator or a third person by exploiting such person's diminished capacity, disorder or disability shall be punished by imprisonment of one (1) to ten (10) years.

2. Whoever touches for a sexual purpose a person with diminished mental or physical capacity, or a mental or emotional disorder or disability or induces such person to touch the perpetrator or a third person for a sexual purpose by exploiting such person's

diminished capacity, disorder or disability shall be punished by imprisonment of six (6) months up to five (5) years.

3. Whoever induces a person with diminished mental or physical capacity, or a mental or emotional disorder or disability to expose private parts of his or her body, to masturbate or to commit an act which degrades his or her sexual integrity by exploiting such person's diminished capacity, disorder or disability shall be punished by imprisonment of up to one (1) year.

4. When the offense provided for in paragraph 1, 2 or 3 of this Article is committed under one or more of the following circumstances, the perpetrator shall be punished by imprisonment of three to fifteen (15) years in the case of the offense provided for in paragraph 1 or 2, or by imprisonment of up to three (3) years in the case of the offense provided for in paragraph 3 of this Article:

4.1. the offense is preceded, accompanied or followed by an act of torture or inhumane treatment;

4.2. the perpetrator uses force;

4.3. the perpetrator causes grievous bodily injury or serious disturbance to the mental or physical health of the person or the person attempts to commit suicide following the offense;

4.4. the perpetrator uses or threatens to use a weapon or a dangerous instrument;

4.5. the perpetrator intentionally causes the person to become intoxicated by alcohol, drugs or other substances;

4.6. the offense is jointly committed by more than one person;

4.7. the perpetrator knows that the person is vulnerable because of age or pregnancy;

4.8. The perpetrator is the parent, adoptive parent, foster parent, step parent, grandparent, uncle, aunt or sibling of the person and such person is between the ages of sixteen (16) and eighteen (18) years;

4.9. the perpetrator shares a domestic relationship with the person and such person is between the ages of sixteen (16) and eighteen (18) years; or

4.10. the perpetrator is a teacher, a religious leader, a health care professional, a person entrusted with such person's upbringing or care or otherwise in a position of authority over the person.

5. When the offense provided for in paragraph 1-4 of this Article results in the death of the person, the perpetrator shall be punished by imprisonment of not less than ten (10) years or by life long imprisonment.

6. An attempt to commit a criminal offense provided for in paragraph 3 of this Article shall be punishable.

Article 235
Sexual abuse of persons under the age of sixteen (16) years

1. Whoever subjects a person under the age of sixteen (16) years to the following offenses shall be punished as set forth below:

1.1. the perpetrator who commits the offense of rape in violation of Article 230 of this Code involving a person under the age of sixteen (16) shall be punished by imprisonment of five (5) to twenty (20) years.

1.2. the perpetrator who commits the offense of a using the sexual services of a victim of trafficking in violation of Article 231 of this Code involving a person under the age of sixteen (16) shall be punished by imprisonment of five (5) to twenty (20) years.

1.3. the perpetrator who commits the offense of sexual assault in violation of Article 232 of this Code involving a person under the age of sixteen (16) shall be punished by imprisonment of five (5) to ten (10) years.

1.4. the perpetrator who commits the offense of degradation of sexual integrity in violation of Article 233 of this Code involving a person under the age of sixteen (16) shall be punished by imprisonment of one (1) to five (5) years.

2. Whoever subjects a person under the age of fourteen (14) to the following offenses shall be punished as set forth below:

2.1. the perpetrator who commits the offense of rape in violation of Article 230 of this Code involving a person under the age of fourteen (14) shall be punished by imprisonment of at least ten (10) years.

2.2. the perpetrator who commits the offense of a using the sexual services of a victim of trafficking in violation of Article 231 of this Code involving a person under the age of fourteen (14) shall be punished by imprisonment of at least ten (10) years.

2.3. the perpetrator who commits the offense of sexual assault in violation of Article 232 of this Code involving a person under the age of fourteen (14) shall be punished by imprisonment of ten (10) to twenty (20) years.

2.4. the perpetrator who commits the offense of degradation of sexual integrity in violation of Article 233 of this Code involving a person under the age of fourteen (14) shall be punished by imprisonment of two (2) to ten (10) years.

3. When the act provided for in paragraph 1 of this Article is committed with the agreement of two (2) persons who have reached the age of fourteen (14) years and where difference in their ages does not exceed two (2) years, such act shall not constitute a criminal offense.

4. When the offense provided for in paragraph 1, 2 or 3 of this Article is committed under one or more of the following circumstances, the perpetrator shall be punished by imprisonment of at least fifteen (15) years:

4.1. the offense is preceded, accompanied or followed by an act of torture or inhumane treatment;

4.2. the perpetrator uses force;

4.3. the perpetrator causes grievous bodily injury or serious disturbance to the mental or physical health of the person or the person attempts to commit suicide following the offense;

4.4. the perpetrator uses or threatens to use a weapon or a dangerous instrument;

4.5. the perpetrator intentionally causes the person to become intoxicated by alcohol, drugs or other substances;

4.6. the offense is jointly committed by more than one person;

4.7. the perpetrator knows that the person is vulnerable because of age, physical or mental disorder or disability or pregnancy;

4.8. the perpetrator is the parent, adoptive parent, foster parent, step parent, grandparent, uncle, aunt or sibling of the person or the perpetrator shares a domestic relationship with the person between the age of sixteen (16) and eighteen (18); or

4.9. the perpetrator is a teacher, a religious leader, a health care professional, a person entrusted with such person's upbringing or care or otherwise in a position of authority over the person.

5. When the offense provided for in paragraph 1 or 2 of this Article results in the death of the victim, the perpetrator shall be punished by imprisonment of at least twenty (20) years or by long term imprisonment.

Article 236
Inducing sexual acts, touching or activity by persons under the age of sixteen years

1. Whoever brokers, provides or creates an opportunity for a person under the age of sixteen (16) years to commit a sexual act with a third person who has reached the age of eighteen (18) years shall be punished by imprisonment of two (2) to ten (10) years.
2. Whoever brokers, provides or creates an opportunity for a person under the age of sixteen (16) years to touch a third person who has reached the age of eighteen (18) years for a sexual purpose or to allow a third person who has reached the age of eighteen (18) years to touch a person under the age of sixteen (16) years for a sexual purpose shall be punished by imprisonment of one (1) to five (5) years.

3. Whoever persuades, induces, entices or coerces a person under the age of sixteen (16) years to engage in any sexual activity for which any person may be charged with a criminal offense shall be punished by at least five (5) years.

4. Whoever brokers, provides or creates an opportunity for a person under the age of fourteen (14) years to commit a sexual act with a third person who has reached the age of eighteen (18) years shall be punished by imprisonment of five (5) to ten (10) years.

5. Whoever brokers, provides or creates an opportunity for a person under the age of fourteen (14) years to touch a third person who has reached the age of eighteen (18) years for a sexual purpose or to allow a third person who has reached the age of eighteen (18) years to touch a person under the age of fourteen (14) years for a sexual purpose shall be punished by imprisonment of two (2) to ten (10) years.

6. Whoever persuades, induces, entices or coerces a person under the age of fourteen (14) years to engage in any sexual activity for which any person may be charged with a criminal offense shall be punished by imprisonment of three (3) to fifteen (15) years.

Article 237
Offering pornographic material to persons under the age of sixteen (16) years

1. Whoever sells, offers to sell, shows or in any other way provides a person under the age of sixteen (16) years with photographs, audio-visual material or other objects with pornographic content or allows such person to attend a live performance with pornographic content or intentionally brings such person to such a performance shall be punished by a fine and imprisonment of three (3) months to three (3) years.

2. The pornographic material from paragraph 1 of this Article shall be confiscated.

Article 238
Abuse of children in pornography

1. Whoever produces child pornography or uses or involves a child in making or producing live performances shall be punished by imprisonment of one (1) to five (5) years.

2. Whoever sells, distributes, promotes, displays, transmits, offers or makes available child pornography shall be punished by imprisonment of six (6) months to five (5) years.

3. Whoever procures for himself or herself or for another person or possesses child pornography shall be punished by a fine or by imprisonment of up to three (3) years.

4. An attempt to commit a criminal offense in this Article shall be punishable.

5. For the purpose of this article "live performance" includes the live exhibition, including by means of information and communication technology, of:

5.1. a child engaged in real or simulated sexually explicit conduct; or

5.2. of the sexual organs of a child for primarily sexual purposes.

Article 239
Sexual abuse by abusing position, authority or profession

1. Except as otherwise provided for in this Chapter, whoever subjects another person to a sexual act in one or more of the following circumstances shall be punished by imprisonment of one (1) to five (5) years:

1.1. by abusing his or her control over the financial, family, social, health, employment, educational, religious or other circumstances of such person or a third person;

1.2. where the victim is held in prison, pre-trial detention, a disciplinary centre, has been committed to an educational institution or educational-correctional institution, is a patient at a hospital, mental health or rehabilitation facility, a resident of a residential care home or shelter, or is held in or confined to any other place by an order of the court or prosecutor or under a law; or

1.3. by abusing his or her position or authority over a victim who is between the ages of sixteen (16) and eighteen (18) years and who is entrusted to the perpetrator for upbringing, education or care.

2. Whoever touches another person for a sexual purpose or induces another person to touch the perpetrator or a third person for a sexual purpose in one or more of the

following circumstances shall be punished by imprisonment of six (6) months to three (3) years:

2.1. by abusing his or her control over the financial, family, social, health, employment, educational, religious or other circumstances of such person or a third person;

2.2. where the victim is held in prison, pre-trial detention, a disciplinary centre, has been committed to an educational institution or educational-correctional institution, is a patient at a hospital, mental health or rehabilitation facility, a resident of a residential care home or shelter, or is held in or confined to any other place by an order of the court or prosecutor or under a law; or

2.3. by abusing his or her position or authority over a victim who is between the ages of sixteen (16) and eighteen (18) years and who is entrusted to the perpetrator for upbringing, education or care.

3. Whoever induces another person to expose the private parts of such person's body, to masturbate or to commit another act which degrades such person's sexual integrity in one or more of the following circumstances shall be punished by six (6) months to five (5) years:

3.1. by abusing his or her control over the financial, family, social, health, employment, educational, religious or other circumstances of such person or a third person;

3.2. where the victim is held in prison, pre-trial detention, a disciplinary centre, has been committed to an educational institution or educational-correctional institution, is a patient at a hospital, mental health or rehabilitation facility, a resident of a residential care home or shelter, or is held in or confined to any other place by an order of the court or prosecutor or under a law; or

3.3. by abusing his or her position or authority over a victim who is between the ages of sixteen (16) and eighteen (18) years and who is entrusted to the perpetrator for upbringing, education or care.

Article 240
Inducing sexual acts by false promise of marriage

Whoever deceptively and falsely promises marriage in order to induce a person who is between the ages of sixteen (16) to eighteen (18) years to engage in a sexual act shall be punished by a fine or imprisonment of up to three (3) years.

Article 241
Facilitating or compelling prostitution

1. Whoever recruits, organizes, assists or controls another person for the purpose of prostitution shall be punished by a fine and imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed within a three hundred and fifty (350) meter radius of a school or other locality which is used by children, the perpetrator shall be punished by a fine and imprisonment of six (6) months to five (5) years.

3. Whoever, by force or serious threat, or by holding another person in a situation of personal or economic dependency compels such person to engage in prostitution shall be punished by a fine and imprisonment from one (1) to eight (8) years.

4. When the offense provided for in paragraph 1, 2 or 3 of this Article is committed against a person between the ages of sixteen (16) and eighteen (18) years, the perpetrator shall be punished by a fine and imprisonment of one (1) to ten (10) years.

5. When the offense provided for in paragraph 1, 2 or 3 of this Article is committed against a person under the age of sixteen (16) years, the perpetrator shall be punished by a fine and imprisonment of five (5) to twenty (20) years.

6. When the offense provided for in paragraph 1, 2 or 3 of this Article is committed against a person under the age of fourteen (14) years, the perpetrator shall be punished by a fine and imprisonment of at least ten (10) years.

Article 242
Providing premises for prostitution

1. Whoever knowingly provides premises, whether as the owner of the premises, the landlord, the tenant, the occupier or person in charge, to another person for the purpose of prostitution or the facilitation of prostitution shall be punished by a fine and by imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed within a three hundred fifty (350) meter radius of a school or other locality which is used by children, the perpetrator shall be punished by a fine and imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed for the purpose of prostitution or the facilitation of prostitution of one or more persons between the ages of sixteen (16) and eighteen (18) years, the perpetrator shall be punished by a fine and imprisonment of one (1) to ten (10) years.

4. When the offense provided for in paragraph 1 or 2 of this Article is committed for the purpose of prostitution or the facilitation of prostitution of one or more persons under the age of sixteen (16) years, the perpetrator shall be punished by a fine and imprisonment of five (5) to twenty (20) years.

5. When the offense provided for in paragraph 1 or 2 of this Article is committed s committed for the purpose of prostitution or the facilitation of prostitution of one or more persons under the age of fourteen (14) years, the perpetrator shall be punished by a fine and imprisonment of at least ten (10) years.

6. For the purpose of this article, "facilitation of prostitution" includes but is not limited to recruiting, organizing, assisting, controlling, holding or hiding another person for the purpose of prostitution.

Article 243
Sexual relations within the family

1. Whoever engages in a sexual act with a family ascendant or a descendant who has reached the age of eighteen (18) years or a sibling who has reached the age of eighteen (18) years shall be punished by a fine or by imprisonment of three (3) months to three (3) years.

2. A parent, adoptive parent, foster parent, step-parent, grandparent, uncle or aunt who engages in a sexual act with his or her child, foster child, step-child, grandchild, nephew or niece who is between the ages of sixteen (16) and eighteen (18) years shall be punished by imprisonment of at least three (3) years.

3. A parent, adoptive parent, foster parent, step-parent, grandparent, uncle or aunt who engages in a sexual act with his or her child, foster child, step-child, grandchild, nephew or niece who is between the ages of fourteen (14) and sixteen (16) shall be punished by imprisonment of at least five (5) years.

4. A parent, adoptive parent, foster parent, step-parent, grandparent, uncle or aunt who engages in a sexual act with his or her child, foster child, step-child, grandchild, nephew or niece who under the age of fourteen (14) shall be punished by imprisonment of at least ten (10) years.

5. When an older sibling engages in a sexual act with a sibling, adoptive sibling, stepsibling or foster sibling who is between the ages of sixteen (16) and eighteen (18) years, the older sibling shall be punished as provided for in paragraph 2 of this Article.

6. When an older sibling engages in a sexual act with a sibling, adoptive sibling, stepsibling or foster sibling who is between the ages of fourteen (14) and sixteen (16) years, the older sibling shall be punished as provided for in paragraph 3 of this Article.

7. When an older sibling engages in a sexual act with a sibling, adoptive sibling, stepsibling or foster sibling who under the age of fourteen (14) years, the older sibling shall be punished as provided for in paragraph 4 of this Article.

CHAPTER XXI
CRIMINAL OFFENSES AGAINST MARRIAGE AND FAMILY

Article 244
Bigamy

1. Whoever, being already married, enters into another marriage shall be punished by imprisonment of up to one (1) year.

2. Whoever enters into a marriage with a person whom he or she knows to be already married shall be punished as provided for in paragraph 1 of this Article.

3. When, subsequent to the commission of the offense provided for in this Article, the previous marriage has invalidated, annulled or terminated, the prosecution for the offense shall not be initiated and if it has been already initiated, it shall be terminated.

Article 245
Enabling unlawful marriages to take effect

An authorized official person before whom a marriage takes effect who, in abusing his or her position or authorizations, permits a marriage to take effect despite having knowledge of legal impediments which prohibit the marriage shall be punished by imprisonment of three (3) months to three (3) years.

Article 246
Forced marriage

1. Whoever compels another person to enter into a marriage or enters into a marriage with a person whom he or she knows to be compelled into the marriage shall be punished by imprisonment one (1) to eight (8) years.

2. When the criminal offence from paragraph 1 of this Article is committed against a child, the perpetrator shall be punished by imprisonment of two (2) to ten (10) years.

3. When the offense provided for in paragraph 1 of this Article is committed by a parent, an adoptive parent, guardian or another person exercising parental authority over a person

between the ages of fourteen (14) and sixteen (16), the perpetrator shall be punished by imprisonment of five (5) to ten (10) years.

4. When the offense provided for in paragraph 1 of this Article is committed by a parent, an adoptive parent, guardian or another person exercising parental authority over a person under the age of fourteen (14), the perpetrator shall be punished by imprisonment of at least fifteen (15) years.

5. When the offense provided for in paragraph 1 of this Article is committed with the purpose of obtaining a material benefit, the perpetrator shall be punished by a fine and imprisonment of at least five (5) years. When the offense provided for in paragraphs 2 or 3 of this Article is committed with the purpose of obtaining a material benefit, the perpetrator shall be punished by a fine and imprisonment of at least fifteen (15) years.

Article 247
Extramarital community with a person under the age of sixteen (16)

1. An adult who cohabits in extramarital community with a person between the ages of fourteen (14) and sixteen (16) years shall be punished by imprisonment of five (5) to twenty (20) years.

2. A parent, an adoptive parent, guardian or another person exercising parental authority who permits or induces a person between the ages of fourteen (14) and sixteen(16) years to cohabit in extramarital community with another person shall be punished by imprisonment of five (5) to twenty (20) years.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed against a person under the age of fourteen (14) years, the perpetrator shall be punished by imprisonment of at least fifteen (15) years.

4. When the offense provided for in paragraph 2 or 3 of this Article is committed with the purpose of obtaining a material benefit, the perpetrator shall be punished by a fine and imprisonment of at least fifteen (15) years.

Article 248
Changing the family status of a child

Whoever substitutes one child for another or otherwise alters his or her family status except as permitted by law shall be punished by imprisonment of three (3) months to three (3) years.

Article 249
Unlawful taking or keeping of a child

1. Whoever unlawfully takes, keeps or abducts a child from a parent, an adoptive parent, a guardian or another person who exercises parental rights over the child or takes, keeps or abducts a child from an institution to which the child has been entrusted or prevents the execution of a binding decision by a competent authority for entrusting the child to another person or institution shall be punished by imprisonment up to three (3) years.

2. When the perpetrator of the criminal offense provided for in paragraph 1 of this Article is a parent, an adoptive parent, a guardian or another person who exercised parental rights over the child against whom a competent authority has imposed a binding decision to deprive such person of his or her parental or guardian rights to the child or when a competent authority has imposed a binding decision to entrust the education or supervision of the child to the other parent or another person, the perpetrator shall be punished by imprisonment up to one (1) year.

3. Whoever commits the offense provided for in paragraph 1 of this Article for material gain or other base motives shall be punished by a fine and imprisonment of one (1) to ten (10) years.

4. When the perpetrator of the criminal offense in paragraph 2 of this Article voluntarily returns the child, the court may waive the punishment.

Article 250
Mistreating or abandoning a child

1. A parent, adoptive parent, guardian or another person exercising parental authority over a child who mistreats such child using physical or mental measures or violates his or her obligation to care for and educate the child shall be punished by imprisonment of six (6) months to three (3) years.

2. A parent, adoptive parent, guardian or another person exercising parental authority over a child who mistreats such child using physical or mental measures or violates his or her obligation to care for and educate the child by conscious negligence shall be punished by imprisonment of three (3) months to three (3) years.

3. A parent, adoptive parent, guardian or another person exercising parental authority over a child who abandons such child in a manner which endangers his or her life or endangers or seriously impairs his or her health shall be punished by imprisonment of one (1) to five (5) years.

4. A parent, adoptive parent, guardian or another person exercising parental authority over a child who compels such child to work excessively or to perform work that is not suitable for the age of the child or compels such child to beg for money or other material

gain, or compels such child to engage in other activities that endanger or damage the child's development shall be punished by a fine and imprisonment of one (1) to five (5) years.

5. When an offense provided for in this Article results in grievous bodily injury or grievous damage to the mental health of a child, the perpetrator shall be punished by imprisonment of two (2) to eight (8) years.

Article 251
Violating family obligations

1. Whoever violates his or her legal family obligations leaving a family member who is incapable taking care of himself or herself shall be punished by imprisonment of three (3) months to three (3) years.

2. When the offense provided for in paragraph 1 of this Article involves a child, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years

3. When the offense provided for in paragraph 1 of this Article results in the death of the family member or serious impairment to his or her health, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. If the court imposes a suspended sentence, it may order, as a condition, that the perpetrator pay and regularly fulfill his or her obligations of care, education and maintenance support.

Article 252
Avoiding maintenance support

1. Whoever fails to provide maintenance support to a person whom he or she is obliged to support based on a decision of the court which has entered into force, a settlement concluded before the court which has entered into force or a decision by another competent authority by avoiding employment, falsely reporting employment or income, changing jobs, place of residence or abode, alienating property or otherwise failing to provide subsistence support to such person shall be punished by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article results in the death of the family member or serious impairment to his or her health, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

3. When the offense provided for in paragraph 1 of this Article involves a child, the perpetrator shall be punished by imprisonment of three (3) months to three (3) years.

4. If the court imposes a suspended sentence, it may order, as a condition, that the perpetrator pay and regularly fulfill his or her obligations for maintenance support and unpaid obligations.

5. If the perpetrator of the offense provided for in paragraph 1 of this Article fulfils the obligation before the imposition of the judgment of the court, the court may waive the punishment.

Article 253
Prevention and non-execution of measures for protecting children

1. Whoever fails to follow or prevents the execution of any educational measures and other measures prescribed by the court or other competent authority in charge of protecting children shall be punished by a fine or by imprisonment of up to one (1) year.

2. Whoever, as the responsible person on duty in a body or institution for the protection, education or vocational training of children, exercises his or her duties in a irresponsible manner, thereby severely endangering or impairing the health or development of a child shall be punished by a fine or by imprisonment of up to three (3) years.

Article 254
Failure to report child abuse

1. Notwithstanding other provisions of law, whoever has reason to suspect that a child has suffered an incident of child abuse, mistreatment, abandonment or neglect, and fails to immediately report the abuse or neglect shall be punished by a fine or imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed by a parent, an adoptive parent or guardian shall be punished by imprisonment of six (6) months to three (3) years.

3. Whoever while engaged in a professional capacity related to the child, has reason to suspect that a child has suffered an incident of child abuse, mistreatment, abandonment or neglect or has been subjected to violence or a threat of violence and fails to immediately report it, shall be punished a fine or imprisonment of three (3) months to three (3) years.

4. When the offense provided for in paragraphs 1, 2, or 3 of this Article results in the death of the child or serious impairment to his or her health, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

CHAPTER XXII
CRIMINAL OFFENSES AGAINST PUBLIC HEALTH

Article 255
Transmitting contagious diseases

1. Whoever fails to comply with the provisions or orders of the competent public entity in the field of health aimed at preventing or fighting contagious diseases among people or animals and thereby causes the transmission of a contagious disease among people shall be punished by a fine or imprisonment up to three (3) years.

2. Whoever fails to comply with the provisions or orders provided for in the paragraph 1 of this Article and thereby causes the transmission of a contagious disease among animals shall be punished by a fine or by imprisonment of up to one (1) year.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to six (6) months.

4. When the offense provided for in paragraph 1 and 2 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to twelve (12) years.

5. When the offense provided for in paragraph 1 or 2 of this Article results in grievous bodily injury or serious impairment to health the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

6. When the offense provided for in paragraph 3 of this Article results in grievous bodily injury or serious impairment to health, the perpetrator shall be punished by imprisonment of up to three (3) years.

7. When the offense provided for in paragraph 3 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 256
Failure to comply with health provisions during an epidemic

Whoever during an epidemic of a contagious disease fails to comply with orders or other decisions issued on the basis of provisions of the competent authority which establishes measures aimed at fighting or preventing the disease shall be punished by imprisonment of up to two (2) years.

Article 257
Transmitting venereal diseases

1. Whoever, knowing that he or she is infected with a sexually transmitted disease, fails to disclose this fact and infects another person, shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article results in the serious impairment to another's health, the perpetrator shall be punished by imprisonment of one (1) to five (5) years.

3. When the offense provided for in paragraph 1 of this Article results in the death of a person, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. Criminal proceedings for the offense provided for in this Article shall be initiated by a motion.

Article 258
Spreading the HIV virus

1. Whoever, knowing that he or she is infected with HIV, fails to disclose this fact and infects another person, shall be punished by imprisonment of two (2) to twelve (12) years.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 of this Article results in the death of a person, the perpetrator shall be punished by imprisonment of five (5) to fifteen (15) years.

4. When the offense provided for in paragraph 2 of this Article results in the death of a person, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 259
Employing persons infected by contagious diseases

1. Whoever, contrary to health laws, in a hospital, maternity hospital, school, restaurant, a store where food items are processed or hygienic services are carried out or in a similar business organization or workplace, employs or continues to employ a person whom he or she knows to be suffering from a contagious disease and thereby causes the transmission of the contagious disease shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to six (6) months.

3. When the offense provided for in paragraph 1 of this Article results in the serious impairment to another's health, the perpetrator shall be punished by imprisonment of six (6) months to three (3) years.

4. When the offense provided for in paragraph 2 of this Article results in the serious impairment to another's health, the perpetrator shall be punished by imprisonment of up to three (3) years.

5. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years.

6. When the offense provided for in paragraph 2 of this Article results in the death of one or more persons, perpetrator shall be punished by one (1) to five (5) years.

Article 260
Irresponsible medical treatment

1. A physician who, when providing medical assistance, uses obviously inappropriate means or an incorrect method of treatment or fails to use appropriate hygienic measures and thereby causes the deterioration in the condition of a person shall be punished by imprisonment of up to three (3) years.

2. A health care worker who, when providing medical assistance, uses obviously inappropriate means or an incorrect method of treatment or fails to use appropriate hygienic measures and thereby causes the deterioration in the condition of a person shall be punished as provided for in paragraph 1 of this Article.

3. When the offense provided for in paragraph 1 or 2 of this Article results in any serious impairment to the health of a person, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. When the offense provided for in paragraph 1 or 2.of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to twelve (12) years.

Article 261
Failure to provide medical assistance

1. A physician or another medical person, who contrary to his or her duty refuses to provide medical assistance to a person in need of such assistance even though he or she is aware or should be aware that such omission may result in grievous bodily injury or serious impairment to the health of the person or death, shall be punished by imprisonment up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury or any serious impairment to the health of the person who did not receive medical assistance, the perpetrator shall be punished by imprisonment of three (3) months to three (3) years.

3. When the offense provided for in paragraph 1 of this Article results in the death of the person who did not receive medical assistance, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 262
Unlawful exercise of medical or pharmaceutical activity

1. Whoever, without possessing professional qualifications or legal authorization, carries out medical treatment, pharmaceutical services or engages in some other medical activity for which specific qualifications are required by law shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury or any serious impairment to the health of a person, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to twelve (12) years.

Article 263
Unlawful medical experiments and testing of the drugs

1. Whoever, without authorization or in contravention of applicable law, conducts medical experiments, human cloning experiments or similar experiments on humans shall be punished by imprisonment of three (3) months to five (5) years.

2. Whoever without authorization or in contravention of applicable law, conducts clinical testing of drugs, shall be punished by imprisonment from three (3) months to three (3) years.

Article 264
Irresponsible preparation and dispensing of drugs

1. A pharmacist or another person authorized to prepare or distribute drugs who prepares a drug contrary to professional standards or dispenses drugs incorrectly and thereby endangers the health or the life of a person shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to six (6) months.

3. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury or serious impairment to health, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. When the offense provided for in paragraph 2 of this Article results in grievous bodily injury or serious impairment to health, the perpetrator shall be punished by imprisonment of up to three (3) years.

5. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to twelve (12) years.

6. When the offense provided for in paragraph 2 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

7. The prepared drugs from paragraph 1 of this Article shall be confiscated.

Article 265
Unlawful transplantation and trafficking of human organs and tissues

1. Whoever without a medical reason, without authorization or in contravention of applicable law takes with the purpose for transplantation parts of human body with the consent of the donor, shall be punished by a fine and imprisonment of six (6) months to five (5) years.

2. Whoever without a medical reason, without authorization or in contravention of applicable law transplants parts of human body with the consent of the receiver, shall be punished by a fine or by imprisonment of up to three (3) years.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed without the consent of the donor or the consent of the receiver, the perpetrator shall be punished by a fine and by imprisonment of one (1) to eight (8) years.

4. Whoever without authorization or in contravention of applicable law with the purpose for transplantation takes body parts of a deceased person shall be punished by a fine or by imprisonment of up to three (3) years.

5. Whoever, without authorization or in contravention of applicable law, possesses, purchases, solicits for purchase, sells, transports, imports or exports a human organ or tissue for purposes of transplantation shall be punished by a fine and imprisonment of two (2) to twelve (12) years.

6. Whoever for a reward or other gain acts as an intermediary to obtain a body or body parts of another living or deceased person with the purpose of transplantation, shall be punished by a fine or by imprisonment of six (6) months up to two (2) years.

7. If the offense provided for in paragraphs 1 or 2 of this Article is committed by a physician, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

8. If the offense provided for in paragraph 3 of this Article is committed by a physician, the perpetrator shall be punished by imprisonment of three (3) to twelve (12) years.

Article 266
Production and distribution of tainted medical products

1. Whoever produces counterfeit or tainted drugs or other medical products which are harmful to health with the purpose of selling them or otherwise putting them into circulation shall be punished by a fine and imprisonment of up to three (3) years.

2. Whoever puts into circulation drugs or medical products without undertaking the necessary control by an authorized person or entity, or circulates the items after their expiry date, shall be punished by imprisonment of up to three (3) years.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine and imprisonment of up to two (2) years.

4. When the offense provided for in paragraph 1 or 2 of this Article results in grievous bodily injury or serious impairment to health, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

5. When the offense provided for in paragraph 3 of this Article results in grievous bodily injury or serious impairment to health, the perpetrator shall be punished by imprisonment of up to three (3) years.

6. When the offense provided for in paragraph 1 or 2 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to twelve (12) years.

7. When the offense provided for in paragraph 3 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

8. The medical products and the means for production shall be confiscated.

Article 267
Production and circulation of harmful food items

1. Whoever produces with the intent to sell, sells, offers for sale or in any other manner puts into circulation food items, drinks or other products which the perpetrator knows to be harmful to people's health shall be punished by a fine and imprisonment of three (3) months to three (3) years.

2. Whoever puts into circulation foods or drinks without undertaking the necessary control by an authorized person or entity, or circulates the items after their expiry date, shall be punished by imprisonment of up to two (2) years.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to six (6) months.

4. When the offense provided for in paragraph 1 or 2 or of this Article results in grievous bodily injury or any serious impairment to the health of any person, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

5. When the offense provided for in paragraph 3 of this Article results in grievous bodily injury or any serious impairment to the health of any person, the perpetrator shall be punished imprisonment of six (6) months to five (5) years.

6. When the offense provided for in paragraph 1 or 2 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to twelve (12) years.

7. When the offense provided for in paragraph 3 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

8. The harmful articles and objects shall be confiscated.

Article 268
Irresponsible inspection of animal products destined for consumption

1. The veterinarian or the authorized person who, during the inspection of animals destined to be butchered or of meat destined for consumption, acts contrary to professional standards or in violation of the applicable provisions on standards of veterinary practice or does not carry out the inspection and thereby enables the circulation of meat and other articles harmful to people's health shall be punished by imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

3. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury or any serious impairment to the health of a person, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. When the offense provided for in paragraph 2 of this Article results in grievous bodily injury or any serious impairment to the health of a person, the perpetrator shall be punished by imprisonment of up to three (3) years.

5. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to twelve (12) years.

6. When the offense provided for in paragraph 2 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment by imprisonment of one (1) to eight (8) years.

Article 269
Giving or using false certificates of physicians or veterinarians

1. A physician who issues a false medical certificate or a veterinarian who issues a false veterinary certificate even though he or she knows it to be false shall be punished by a fine or by imprisonment of up to one (1) year.

2. Whoever uses a false medical certificate or veterinary certificate even though he or she knows it to be false shall be punished by a fine or by imprisonment of up to six (6) months.

Article 270
Pollution of drinking water

1. Whoever by means of any noxious substance pollutes water used by people for drinking purposes and in this way endangers human life or health shall be punished by imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

3. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury or serious impairment to health, the perpetrator shall be punished by imprisonment of up to eight (8) years.

4. When the offense provided for in paragraph 2 of this Article results in grievous bodily injury or serious impairment to health, the perpetrator shall be punished by imprisonment of up to three (3) years.

5. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to twelve (12) years

6. When the offense provided for in paragraph 2 of this Article results death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 271
Pollution of food products used by people or animals

1. Whoever pollutes food products used for people or animals with any noxious substance, and thereby endangers human life or health shall be punished by imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

3. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury or serious impairment of health to one or more persons, the perpetrator shall be punished by imprisonment of up to eight (8) years.

4. When the offense provided for in paragraph 2 of this Article results in grievous bodily injury or serious impairment of health to one or more persons, the perpetrator shall be punished by imprisonment of up to three (3) years.

5. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of not less than ten (10) years.

6. When the offense provided for in paragraph 2 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

7. Whoever pollutes with any noxious substance the food of animals which are destined for human consumption and thereby endangers human life or health shall be punished by a fine or by imprisonment of three (3) months to one (1) year.

8. When the offense provided for in paragraph 5 of this Article results in the death of animals of a value exceeding five thousand (5,000) EUR or the death of a large number of animals, the perpetrator shall be punished by imprisonment of up to three (3) years.

Article 272
Serving alcoholic beverages to persons under the age of sixteen years

1. Whoever, in a hotel, bar or any other store in which alcoholic beverages are sold, serves alcoholic beverages to a person under the age of sixteen (16) years shall be punished by a fine or by imprisonment of up to six (6) months.

2. When the criminal offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to three (3) months.

CHAPTER XXIII
NARCOTIC DRUG OFFENSES

Article 273
Unauthorised purchase, possession, distribution and sale of narcotic drugs, psychotropic substances and analogues

1. Whoever, without authorization purchases, possesses with the intent to sell or distribute or offers for sale substances or preparations which have been declared by law to be narcotic drugs, psychotropic substances or analogues shall be punished by a fine and by imprisonment of two (2) to eight (8) years.

2. Whoever, without authorization, distributes, sells, transports, delivers, brokers, dispatches or dispatches in transit substances or preparations which have been declared by law to be narcotic drugs, psychotropic substances or analogues, with the intent that

that they shall be distributed, sold or offered for sale shall be punished by a fine and by imprisonment of two (2) to twelve (12) years.

3. Whoever, without authorization, exports or imports substances or preparations which have been declared by law to be narcotic drugs, psychotropic substances or analogues, shall be punished by a fine and by imprisonment of three (3) to ten (10) years.

4. For the purpose of this Chapter, the term "analogue" means any substance which is not otherwise authorized and whose chemical structure is substantially similar to that of substances or preparations which have been declared to be narcotic drugs or psychotropic substances and whose effects it reproduces.

5. The narcotic drugs, psychotropic substances or analogues and the means for their production, distribution or transportation shall be confiscated.

Article 274
Unauthorised production and processing of narcotic drugs, psychotropic substances, analogues or narcotic drug paraphernalia, equipment or materials

1. Whoever, without authorization, produces, manufactures, cultivates, processes, extracts or prepares substances or preparations which have been declared to be narcotic drugs or psychotropic substances shall be punished by a fine and by imprisonment of one (1) to ten (10) years.

2. Whoever, without authorization, produces, manufactures, processes, sells or offers for sale an analogue shall be punished by a fine and by imprisonment of six (6) months to three (3) years.

3. Whoever manufactures, transports or distributes precursors, knowing that they are to be used in or for the unauthorized production or manufacture of narcotic drugs or psychotropic substances, shall be punished by imprisonment of two (2) to ten (10) years.

4. Whoever, without authorization, manufactures, transports, distributes, sells or supplies narcotic drug paraphernalia, equipment or materials with the knowledge that they have been used or they will be used for the unauthorized cultivation, production, processing, trafficking or use of any substance or preparation which has been declared to be a narcotic drug, psychotropic substance or analogue, shall be punished by a fine and by imprisonment of one (1) to ten (10) years.

5. The narcotic drugs, psychotropic substances or analogues and the means for their production, distribution or transportation shall be confiscated.

Article 275
Unauthorized possession of narcotic drugs, psychotropic substances or analogues

1. Whoever, without authorization possesses narcotic drugs, psychotropic substances or analogues shall be punished by a fine and by imprisonment of one (1) to three (3) years.

2. A first time offender under paragraph 1 of this Article who possesses less than three (3) grams of cannabis or hashish for personal use shall be punished by a fine or by imprisonment up to one (1) year.

3. The narcotic drugs, psychotropic substances or psychotropic analogues shall be confiscated.

Article 276
Intoxicating another person with a narcotic drug or psychotropic substances

Whoever intoxicates another person with a narcotic drug, psychotropic substance or analogue without this person's knowledge shall be punished by imprisonment of one (1) to five (5) years.

Article 277
Facilitating acquisition or use of narcotic drugs, psychotropic substances or analogues

1. Whoever administers narcotic drugs, psychotropic substances or analogues and due to his or her function facilitates their acquisition or use in violation of the law shall be punished by imprisonment of six (6) months to five (5) years.

2. A manager or owner of any establishment or other closed premises used by the public who permits or tolerates the use of narcotic drugs, psychotropic substances or analogues shall be punished by imprisonment of three (3) months to five (5) years.

Article 278
Cultivation of opium poppy, coca bush or cannabis plants

1. Whoever, without authorization cultivates an opium poppy, a coca bush, or a cannabis plant for the purpose of producing drugs or psychotropic substances shall be punished by imprisonment of one (1) to ten (10) years.

2. The opium, poppy, coca bush, or cannabis plants and the supplies, equipment and materials for their cultivation shall be confiscated.

Article 279
Organizing, managing or financing trafficking in narcotic drugs or psychotropic substances

1. Whoever organizes, manages or finances any of the offenses in this Chapter shall be punished by imprisonment of two (2) to ten (10) years.

2. When the offense in paragraph 1 of this Article involves a large quantity of narcotic drugs or psychotropic substances, the perpetrator shall be punished by imprisonment of three (3) to fifteen (15) years.

Article 280
Conversion or transfer of property derived from offenses in this chapter

1. Whoever converts or transfers property, knowing that such property is derived from any offense in this Chapter or from an act of participation in such offense or offenses, and such conversion or transfer is for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an offense or offenses to evade the legal consequences of his actions shall be punished by a fine three times the value of the transferred or converted property and imprisonment up to ten (10) years.

2. The converted or transferred property shall be confiscated.

Article 281
Punishment for serious cases of criminal offenses from this chapter

1. If the criminal offense from Article 273, 274, 275 276 or 278 of this Code is committed in one or more of the following circumstances, the perpetrator shall be punished by a fine and imprisonment of three (3) to fifteen (15) years, if:

1.1. the perpetrator is acting as a member of a group:

1.2. the perpetrator is an official person abusing his or her position or authorizations;

1.3. the perpetrator uses or threatens to use violence or a weapon;

1.4. the offense is committed against a vulnerable victim

1.5. a shipment, consignment, container or vehicle intended for a humanitarian operation is used for the unlawful transport of narcotic drugs or psychotropic substances;

1.6. the perpetrator mixes the narcotic drug, psychotropic substance or analogue with other substances that aggravate the danger to health;

1.7. the offense is committed within a three hundred fifty (350) meter radius of a school or any other locality which is used by children or within a three hundred fifty (350) meter radius of any educational institution;

1.8. the offense is committed in a correctional institution;

1.9. the offense involves large quantities of narcotic drugs, psychotropic substances or analogues;

2. The narcotic drugs, psychotropic substances or analogues and the means for their production, distribution or transportation shall be confiscated.

Article 282
Compensation to law enforcement

The court shall order any person convicted of an offense under this Code, to compensate any law enforcement agency for reasonable expenditures made by the agency in purchasing narcotic drugs or psychotropic substances from him, her or his or her agent as part of an investigation leading to his conviction.

CHAPTER XXIV
ORGANIZED CRIME

Article 283
Participation in or organization of an organized criminal group

1. Whoever, with the intent and with knowledge of either the aim and general activity of the organized criminal group or its intention to commit one or more criminal offenses which are punishable by imprisonment of at least four (4) years, actively takes part in the group's criminal activities knowing that such participation will contribute to the achievement of the group's criminal activities, shall be punished by a fine of up to two hundred fifty thousand (250,000) EUR and imprisonment of at least seven (7) years.

2. Whoever organizes, establishes, supervises, manages or directs the activities of an organized criminal group shall be punished by a fine of up to five hundred thousand (500,000) EUR and by imprisonment of at least ten (10) years.

3. When the activities of the organized criminal group provided for in paragraph 1 or 2 of this Article result in death, the perpetrator shall be punished by a fine of up to five

hundred thousand (500,000) EUR and by imprisonment of at least ten (10) years or life long imprisonment.

4. The court may reduce the punishment of a member of an organized criminal group who, before the organized criminal group has committed a criminal offense reports to the police or prosecutor the existence, formation and information of the organized criminal group in sufficient detail to allow the arrest or the prosecution of such group.

5. For the purposes of Article, "actively takes part" includes, but is not limited to, the provision of information or material means, the recruitment of new members and all forms of financing of the group's activities.

CHAPTER XXV
CRIMINAL OFFENSES AGAINST THE ECONOMY

Article 284
Violating right of equality in exercising economic activity

The official person who through the abuse of his or her official duty or authorizations, limits the free movement of capital, people, goods, services, work or means of reproduction in the Republic of Kosovo, or denies or limits the right of a business organization or legal person to engage in the circulation of merchandise or services in the Republic of Kosovo, or places a business organization or legal person in an unequal position with respect to another business organization or legal person in relation to working conditions or the circulation of merchandise or services, or limits the free exchange of merchandise or services, and thereby causes considerable profit for one business organization or legal person or considerable damage to another shall be punished by imprisonment of six (6) months to five (5) years.

Article 285
Irresponsible economic activity

1. A responsible person who, by intentionally violating the law or other provision relating to business activities, or acts contrary to regular business standards, and thereby causes substantial material damage to the business organization or legal person shall be punished by a fine or by imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article results in the compulsory liquidation or the bankruptcy of that business organization or legal person, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

Article 286
Causing bankruptcy

1. Whoever, with knowledge of excessive indebtedness or current or impending insolvency engages in one or more of the following activities shall be punished with imprisonment of six (6) months to five (5) years:

1.1. conceals or alienates, or, in a manner contrary to regular business standards, destroys, damages or renders unusable any asset, which in the case of institution of insolvency proceedings would belong to the bankrupt estate;

1.2. in a manner contrary to regular business standards, enters into losing or speculative ventures or futures trading in goods or securities or consumes excessive sums or becomes indebted through uneconomical expenditures, gambling or wagering;

1.3. procures goods, services, or credit, undertakes economic activity that creates excessive debt, concludes or renews unreasonable contracts, fails to collect outstanding debts, fails to enforce claims in a timely manner and/or disposes of goods or services, securities or things produced from these goods substantially under their value in a manner contrary to regular business standards;

1.4. feigns the existence of another's rights or knowingly recognizes fabricated rights;

1.5. fails to keep books of account, which he or she is statutorily obligated to keep, or keeps or modifies them such that an analysis or audit of the net assets is made more difficult;

1.6. alienates, conceals, destroys or damages books of account or other documentation, with the intent to make an analysis or audit of net assets more difficult, conceal assets or defraud any person;

1.7. diminishes net assets or hides or conceals actual business relationships in any other manner which is grossly contrary to regular business standards;

1.8. assumes excessive obligations; or

1.9. concludes or renews unreasonable contracts with insolvent entities.

2. The offense in paragraph 1 of this Article is punishable only if compulsory liquidation or bankruptcy proceedings have been initiated.

3. If the offense from paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment of up to three (3) years.

Article 287
Causing false bankruptcy

1. Whoever engages in one of the following with the intention of not paying what he or she is obliged to pay, or with intent to defraud or by defrauding any creditor or debtor shall be punished by imprisonment of six (6) months to five (5) years:

1.1. hides all or part of the property of the subject, conducts a false sale, sells it under market value or transfers it to another person as compensation;

1.2. enters into false or fraudulent contracts of debt; or

1.3. hides, destroys or alters the accounting records that he is obliged by law to keep so that the results of his activity or the state of the assets or obligations cannot be established, or, with false documents or any other manner creates a situation where bankruptcy can occur.

2. The offenses in paragraph 1 of this Article are punishable only if compulsory liquidation or bankruptcy proceedings have been initiated.

3. If the offense provided for in paragraph 1 of this Article results in a loss in excess of fifteen thousand (15,000) EUR for the creditor, the perpetrator shall be punished by imprisonment from one (1) to ten (10) years.

Article 288
Fraud in bankruptcy proceeding

1. Whoever, in relation to a bankruptcy proceeding, engages in one or more of the following activities with an administrator or a person acting in the capacity of administrator shall be punished by imprisonment of six (6) months to five (5) years:

1.1. submits a false statement, document or claim, or gives false testimony;

1.2. knowingly and fraudulently transfers, conceals or fails to turnover any property or documents to an administrator, or to a person acting in the capacity of administrator;

1.3. knowingly and fraudulently gives, offers, receives or attempts to obtain any money, property, remuneration, compensation, reward, advantage, or promise of an act or forbearance to act in order to gain any advantage in a bankruptcy proceeding; or

1.4. knowingly and without permission from the estate administrator, sells, receives, steals, appropriates, destroys, desecrates, or purchases, either directly or indirectly, any papers or property of the estate.

Article 289
Defrauding or damaging creditors or debtors

1. Whoever, with knowledge of excessive indebtedness or current or impending insolvency, places one creditor or debtor in a more favorable position through the payment of debts or in any other way and thereby causes five thousand (5,000) EUR or more in damages or results in a loss of five thousand (5,000) EUR or more to other creditors shall be punished by imprisonment of up to three (3) years.

2. Whoever, in order to deceive or cause damage to a creditor or debtor, accepts a false claim, enters into false contracts or commits any other fraudulent act, thereby damaging a creditor or debtor shall be punished by imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 or 2 of this Article results in damage exceeding two hundred fifty thousand (250,000) EUR or results in a loss in excess of two hundred fifty thousand (250,000) EUR or when, as a result, the injured party is forced to undergo a reorganization or bankruptcy procedure, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years.

Article 290
Misuse of economic authorizations

1. Whoever while engaging in an economic activity commits one of the following acts with the intent to obtain an unlawful material benefit for oneself or any other person shall be punished by a fine and imprisonment of six (6) months to five (5) years:

1.1. creates or holds illicit funds in the Republic of Kosovo or in any other jurisdiction;

1.2. through the compilation of documents with false content, false balance sheets, false evaluations, inventories or any other false representations or through the concealment of evidence falsely represents the flow of assets or the results of the economic activity and in this way misleads the managing bodies within the business organization in decision making on management activities;

1.3. fails to meet tax obligations or other fiscal obligations as determined by law;

1.4. uses means at his or her disposal contrary to their foreseen purpose; or

1.5. in any other way violates the law on or the rules of business activity which relate to the disposal, use or management of property.

2. When the offense provided for in paragraph 1 of this Article results in material benefits exceeding one hundred thousand (100,000) EUR, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 291
Entering into harmful contracts

1. A responsible person who engages in an economic activity, enters into a contract that he or she knows to be harmful for the business organization, or enters into a contract contrary to his or her authorizations and thereby causes damage to the business organization shall be punished by imprisonment of three (3) months to three (3) years.

2. When the perpetrator of the offense provided for in paragraph 1 of this Article accepts a bribe or causes damage exceeding one hundred thousand (100,000) EUR, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years.

Article 292
Unauthorized communication of trade secrets

1. Whoever, in violation of his or her duties to protect business or trade secrets communicates or conveys information about a business or trade secrets to another person or otherwise enables any unauthorized person to access such information or collects such information with the intent to convey it to an unauthorized person shall be punished by a fine or imprisonment of up to three (3) years.

2. Whoever, with the intent to use in an unauthorized way, unlawfully acquires information that is protected as a business or trade secret as provided for in paragraph 1 of this Article shall be punished as provided in paragraph 1 of this Article.

3. When the information provided for in paragraph 1 or 2 of this Article is of such special importance or if it is conveyed to another person with the intent to transmit such information outside of the Republic of Kosovo, or if the act is committed with the intent to obtain a material benefit, the perpetrator shall be punished by a fine and imprisonment of up to five (5) years.

4. When the offense provided for in paragraph 1 or 3 of this Article is committed by negligence, the perpetrator shall be punished by a fine or imprisonment of up to one (1) year.

5. Whoever, with the intent to convert a trade secret to the economic benefit of anyone other than its owner, steals, or without authorization takes, or by fraud or deception obtains information provided for in paragraph 1 of this Article shall be punished by a fine and imprisonment of up to five (5) years.

6. Whoever receives, buys, or possesses a trade secret, knowing the same to have been stolen or obtained without authorization, shall be punished by a fine or imprisonment of up to three (3) years.

7. For the purposes of this Article the term “business secret” means information designated as such by law or by the provisions of a business organization or legal person, and which represents a manufacturing secret, the results of research or design work, financial, business, scientific, technical, economic or engineering information, including patterns, plans, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, codes or other information which the owner has taken reasonable measures to keep secret, and the disclosure of which to an unauthorized person could have harmful effects on the economic interests of the business organization or legal person.

8. For the purposes of this Article, the term “trade secret” means information designated as such by law or by the provisions of a business organization or legal person, or which represents a manufacturing secret, the results of research or design work, financial, business, scientific, technical, economic or engineering information, including patterns, plans, formulas, prototypes, methods, techniques, processes, procedures, programs, codes or other information which the owner has taken reasonable measures to keep secret, and the disclosure of which to an unauthorized person could have harmful effects on the economic interests of the business organization or legal person.

Article 293
Counterfeit securities and payment instruments

1. Whoever produces counterfeit securities or payment instruments or alters securities with the intent to use them as genuine, or gives them to another person to use or uses such counterfeit securities as genuine shall be punished by imprisonment of six (6) months to five (5) years.

2. Whoever uses counterfeit, securities or payment instruments shall be punished by imprisonment of three (3) months to three (3) years.

3. Whoever with the knowledge that a security or payment instrument is counterfeit, receives, transports, or possesses a counterfeit security or payment instrument with the intent to distribute or use it as genuine, shall be punished by imprisonment of three (3) months to five (5) years.

4. When the offense provided for in paragraph 1 or 2 of this Article involves securities or payment instrument with a stated value exceeding ten thousand (10,000) EUR, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

5. Whoever has received the counterfeit securities or payment instruments as genuine and uses them with knowledge that they are counterfeit, shall be punished by a fine or by imprisonment of up to one (1) year.

6. An attempt to commit the criminal offense provided for in paragraph 5 of this Article shall be punishable.

7. The counterfeit securities, payment instruments and the equipment for their manufacturing or alteration shall be confiscated.

8. 'Payment instrument' shall mean a corporeal instrument, other than money enabling by its specific nature, alone or in conjunction with another payment instrument, the holder or user to transfer money or monetary value. This would include but not be limited to stock shares, share certificates, bonds, credit cards, eurocheque cards, other cards issued by financial institutions, travelers' cherubs, eurocheques, other traveler's cheques and bills of exchange, which are protected against imitation or fraudulent use, through design, coding, signature or other means.

9. Counterfeit securities or payment instruments includes falsified securities or payment instruments and genuine securities or payment instruments that have been altered in material respect and with the intent to use them for fraudulent purposes.

Article 294
Counterfeiting stamps of value

1. Whoever produces counterfeit stamps of value, alters any of these stamps with the intent to use them as genuine, gives to another person to use or uses such counterfeit stamps as genuine, shall be punished by fine or by imprisonment of up to three (3) years.

2. Whoever, with the knowledge that a stamp of value is counterfeit, supplies, sells, purchases, distributes, transports, receives or possesses a counterfeit or canceled stamp with the intent to distribute or use it as genuine, shall be punished by imprisonment of up to three (3) years.

3. When the offense provided for in paragraph 1 of this Article involves stamps of a value exceeding ten thousand (10,000) EUR, the perpetrator shall be punished by a fine and imprisonment of six (6) months up to five (5) years.

4. Whoever removes a canceling stamp from a stamp of value referred to in paragraph 1 this Article, or in some other way and for the purpose of repeated use, attempts to make such stamp appear as if it has never been used before, or reuses a used stamp or sells it as valid, shall be punished by a fine or imprisonment up to one (1) year.

5. Whoever has received the counterfeit stamp of value as genuine and uses it with knowledge that it is counterfeit, shall be punished by a fine or by imprisonment of up to one (1) year.

6. Whoever has knowledge of a counterfeit stamp of value being made or used, and fails to report it shall be punished by a fine or by imprisonment of up to one (1) year.

7. Counterfeit stamps of value and the equipment for their manufacturing or alteration shall be confiscated.

Article 295
Violating patent rights

1. Whoever, in the course of engaging in an economic activity, uses without authorization, a patent registered or protected by law or a registered topography of a circuit of a semi-conductor shall be punished by a fine or by imprisonment of up to three (3) years.

2. The objects provided for in paragraph 1 of this Article which were manufactured for unauthorized use shall be confiscated.

Article 296
Violation of copyrights

1. Whoever, under his own name, or somebody else's name discloses or otherwise communicates to the public a copyrighted work or a performance of another, in whole or in part, shall be punished by a fine and imprisonment of three (3) months to up to three (3) years.

2. Whoever during use of copyrighted work or a performance of another intentionally fails to state the name, pseudonym or mark of the author or performer, when this is required by law, shall be punished by fine and imprisonment for up to one (1) year.

3. Whoever distorts, mutilates or otherwise harms a copyrighted work or a performance of another, and discloses it in such form or otherwise communicates it in such form to the public shall be punished for by fine or imprisonment for up to one (1) year.

4. Whoever performs or otherwise communicates to the public a copyrighted work or a performance of another in an indecent manner, which is prejudicial to the honor and reputation of the author or performer, shall be punished by a fine or imprisonment for up to one (1) year.

5. Whoever without authorization uses a copyrighted work or subject matter of related rights, shall be punished by imprisonment up to three (3) years.

6. If, during the commission of the offense described in paragraph 5 of this Article, the perpetrator obtained for himself or for another person at least ten thousand (10,000) EUR but less than fifty thousand (50,000) EUR, he or she shall be punished by a fine and imprisonment of not less than three (3) months to five (5) years.

7. When the perpetrator of the offense in paragraph 5 of this Article obtains for himself, herself, or for another person more than fifty thousand (50,000) EUR, he or she shall be punished by a fine and imprisonment of not less than six (6) months to eight (8) years.

8. The objects and the equipment for their manufacturing provided for in this Article shall be confiscated.

Article 297
Circumvention of technological measures

1. Whoever commits any act of circumvention of any effective technological protection measure or any act of removal or alteration of electronic rights management information, as provided for by the provisions of the Law on Copyright and Related Rights shall be punished by imprisonment for up to three (3) years.

2. The objects and the equipment for their manufacturing provided for in paragraph 1 of this Article shall be confiscated.

Article 298
Deceiving consumers

1. Whoever, in the course of engaging in an economic activity and with the intent to deceive purchasers or consumers, uses or possesses with intent to use another's trade name or trademark, another's goods trademark or services trademark or another's trademark related to geographical origin or any other special trademark of goods or components thereof in his or her own trade name, trademark, or special trademark of goods shall be punished by imprisonment of up to three (3) years.

2. Whoever, with the intent to deceive purchasers or consumers, uses in production another's sample or another's model without authorization or distributes articles manufactured in this way shall be punished as provided for in paragraph 1 of this Article.

3. The objects and the equipment for their manufacturing provided for in this Article shall be confiscated.

Article 299
Defrauding purchasers

1.Whoever, with the intent to defraud purchasers, distributes products stamped with written data that does not correspond to the content, type, origin or quality of the product, distributes products whose weight or quality does not correspond to what is regularly expected in such products or distributes products without a stamp indicating the content, type, origin, or quality of the product when such a stamp is required by law shall be punished by a fine or by imprisonment of up to three (3) years.

2. Whoever, with the intent to defraud purchasers, falsely declares a reduction in price or an expected increase in the price of goods or in any other way openly uses a false advertisement shall be punished by a fine or by imprisonment of up to one (1) year.

Article 300
Organizing pyramid schemes and unlawful gambling

1. Whoever, with the intent to obtain an unlawful material benefit for himself or herself or another person, organizes, participates or assists in organizing pyramid scheme activities shall be punished by imprisonment of six (6) months to five (5) years.

2. Whoever, with the intent to obtain an unlawful material benefit for himself or herself or another person, organizes, participates or assists in organizing gambling, casino-type gambling or games of chance as defined by law for which no license, permit or concession by a competent authority has been issued shall be punished by imprisonment of six (6) months up to five (5) years.

3. When the offense provided for in paragraph 1 or 2 of this Article results in gains or losses exceeding twenty five thousand (25,000) EUR, the perpetrator shall be punished by imprisonment of two (2) to twelve (12) years.

4. For the purposes of this article, the term "pyramid scheme" means a fraudulent investment offering or plan in which money contributed by later investors is used to directly pay or repay interest or principal to earlier investors without any operation or revenue-producing activity other than the continual raising of new funds.

Article 301
Misuse of the position of monopoly

1. The responsible person who undertakes one or more of the following economic activities which misuse a position of monopoly or his or her dominant position in the market or a substantial part of the market by engaging in one or more of the following, shall be punished by imprisonment of up to three (3) years:

1.1. directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;

1.2. directly or indirectly fixing purchase or selling prices or any other trading conditions;

1.3. limiting or controlling production, markets or technical development or investment;

1.4. applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;

1.5. making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts;

1.6. directly or indirectly fixing purchase or selling prices or any other trading conditions of share markets or sources of supply;

1.7. demanding less favorable payment or other business terms than is demanded from similar purchasers in comparable markets, unless there is an objective justification for such differentiation;

1.8. demanding payment or other business terms that differ from those that would very likely prevail if effective competition existed.

2.The responsible person in a business organization who colludes with a person in another business organization which is engaged in the same line of business, with the purpose of the collusive agreement being to raise, lower, or otherwise influence the price of goods or services sold or purchased by the business organizations, shall be punished by imprisonment of one (1) to five (5) years and a fine equal to the twenty-five percent (25%) of the value of the goods sold by his or her business organization which were subject to the collusive agreement.

Article 302
Counterfeit money

1. Whoever produces counterfeit money with the intent to distribute it as genuine shall be punished by imprisonment of one (1) to ten (10) years.

2. Whoever with the knowledge that such money is counterfeit obtains, distributes, transports, receives, uses or possesses counterfeit money with the intent to distribute it as genuine shall be punished by imprisonment of one (1) to eight (8) years.

3. Whoever receives fifty (50) EUR or less in counterfeit money reasonably believing it to be genuine, and then uses it with the knowledge that it is counterfeit shall be punished by a fine or by imprisonment of up to one (1) year.

4. Whoever has knowledge of counterfeit money being produced or used and fails to report it shall be punished by a fine or by imprisonment of up to one (1) year.

5. When the offense in paragraphs 1 and 2 of this Article involves counterfeit money with a stated value of more than one hundred thousand (100,000) EUR, the perpetrator shall be punished by imprisonment of at least three (3) years.

6. The counterfeit money, as well as the equipment for its manufacturing or alteration, shall be confiscated.

Article 303
Manufacturing and use of false official marks, measures and weights

1. Whoever, with the intent to use them as genuine, manufactures false official marks to label goods, as well as seals or stamps for the marking of gold, silver, livestock, wood or some other good produced domestically or abroad, or uses false official marks as genuine shall be punished by imprisonment of three (3) months to three (3) years.

2. Whoever materially alters measures or weights with the intent that they be used as accurate shall be punished as provided for in paragraph 1 of this Article.

3. The false marks, stamps, measures and weights and the equipment for their manufacturing and altering shall be confiscated.

Article 304
Production, supply, selling, possession or provision for use the means of counterfeiting

1. Whoever produces, supplies, sells, receives, possesses or provides for use the means for counterfeiting money, securities or payment instruments, shall be punished by imprisonment of one (1) to five (5) years.

2. Whoever produces, supplies, sells, receives possesses or provides for use the means for counterfeiting fiscal, postal or other stamps of value, marks for the fraudulent labeling of goods or inaccurate measures and weights shall be punished by a fine or by imprisonment of up to three (3) years.

3. For the purposes of this Article, "means for counterfeiting" includes instruments, articles, computer programs and any other means peculiarly adapted for the counterfeiting or altering of money, securities or payment instruments, stamps of value, marks for labeling goods, measures and weights or of holograms or other components of currency, securities or payment instruments, which serve to protect against counterfeiting.

4. The articles, means and the equipment for their manufacturing shall be confiscated.

Article 305
Prohibited trade

1. Whoever, without authorization, sells, buys or trades goods, objects or services shall be punished by imprisonment of three (3) months to three (3) years.

2. When the perpetrator of the offense provided for in paragraph 1 of this Article has organized a network of sellers or brokers or has acquired a profit exceeding fifteen thousand (15,000) EUR, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

3. The goods and objects from the prohibited trade shall be confiscated.

Article 306
Prohibited production

1. Whoever, without authorization, produces or processes goods whose production or processing is prohibited or restricted by law, shall be punished by a fine or by imprisonment of up to three (3) years.

2. The goods and the equipment for the unauthorized production or processing shall be confiscated.

Article 307
Issuing uncovered or false cheques and misuse of bank or credit cards

1. Whoever, with the intent to obtain an unlawful material benefit for himself or herself or another person, provides or circulates a cheque which he or she knows is not covered by funds, a false cheque or a counterfeit credit card and in this way realizes a material benefit shall be punished by a fine and imprisonment of up to three (3) years.

2. Whoever, with the intent to obtain an unlawful material benefit for himself or herself or another person, uses a credit card or a cheque without authorization or uses a bank card in a bank machine to withdraw cash knowing that such a withdrawal is not covered by the balance in the account or any overdraft privileges or whoever uses a credit card even though he or she knows that when payment is due he or she will not be able to pay the amount in question and in this way realizes a material benefit shall be punished as provided for in paragraph 1 of this Article.

3. When the offense provided for in paragraph 1 or 2 of this Article results in a material benefit exceeding five thousand (5,000) EUR, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

Article 308
Money laundering

Whoever commits the offense of money laundering shall be punished as set forth in the Law on the Prevention of Money Laundering and Terrorist Financing.

Article 309
Agreements in restriction of competition upon invitation to tender

1. Whoever, upon an invitation to tender in relation to goods or commercial services, makes an offer based on an unlawful agreement and the purpose of such offer is to cause the organizer to accept a particular offer, shall be punished by a fine or imprisonment up to five (5) years.

2. The private awarding of a contract after previous participation in a competition shall be the equivalent of an invitation to tender within the meaning of paragraph 1 of this Article.

Article 310
Fraud in trading with securities

Whoever in trading stocks or other securities or options, falsely represents the balance of assets, the data on profits and losses or other data which has considerable influence on the value of the above mentioned securities, thereby inducing one or more persons to make a purchase or sale of such securities, shall be punished by a fine and imprisonment of up to five (5) years.

Article 311
Abuse of insider information

Whoever in non-compliance with his or her duties to protect the internal information of which he or she learns through the performance of an economic activity or ex officio, communicates to an unauthorized person information unknown to the public and capable of influencing the price of securities; or, whoever otherwise uses such information for personal gain, or for the purpose of securing an unfair advantage on the established securities market for any natural or legal person shall be punished by a fine and imprisonment of up to five (5) years

Article 312
Government securities collusion and fraud

1.Whoever participates in the buying or selling of securities in the Government Securities market and colludes with one or more other participants with the intent to affect the

market in terms of yield, price, or the amount of Government Securities purchased in the auction or in the secondary market; or, whoever otherwise engages in any transaction, practice or course of conduct that operates as a fraud to other market participants shall be punished by a fine and by imprisonment of up to five (5) years.

2. Whoever, with the intent to obtain an unlawful benefit for himself, herself or another person engages in any transaction, practice or course of conduct in the buying or selling of Government Securities that operates as a fraud, or which induces a person to do or abstain from doing an act to the detriment of his or her property shall be punished by fine and by imprisonment of up to five (5) years.

3. If the criminal offense provided for in paragraphs 1 or 2 of this Article results in a material gain exceeding two hundred and fifty thousand (250,000) EUR, the perpetrator shall be punished by a fine and imprisonment of three (3) to twelve (12) years.

4. For the purposes of this Article, the term "colludes" means two or more persons who enter into an agreement to cooperate for their mutual benefit in order to limit open market competition or to gain an unfair advantage. This agreement may be tacit and therefore may be implied from the effect on the Government Securities market over a period of time.

5. The material benefits from this Article shall be confiscated.

Article 313
Tax evasion

1. Whoever, with the intent that he or she or another person conceal or evade, partially or entirely, the payment of taxes, tariffs or contributions required by the law, provides false information or omits information regarding his or her income, property, economic wealth or other relevant facts for the assessment of such obligations shall be punished by a fine and by imprisonment of up to three (3) years.

2. When the obligation provided for in paragraph 1 of this Article exceeds the sum of fifteen (15,000) EUR, the perpetrator shall be punished by a fine and imprisonment of six (6) months to five (5) years.

3. When the obligation provided for in paragraph 1 of this Article exceeds the sum of fifty thousand (50,000) EUR, the perpetrator shall be punished by a fine and by imprisonment of one (1) to eight (8) years.

Article 314
False tax related documents

1. Whoever makes a false statement or issues a false document when the submission of a truthful statement or document is required by law, or whoever does not issue a document whose issuance is required by law, shall be punished by a fine and by imprisonment of up to three (3) years.

2. When the offense referred to in paragraph 1 of this Article involves a large number of documents, or if the offense was committed to avoid payment of taxes of fifteen thousand (15,000) EUR or more, the perpetrator shall be punished by a fine and imprisonment of six (6) months to five (5) years.

Article 315
Unjustified acceptance of gifts

1. Whoever, in the course of engaging in an economic activity, requests or accepts a disproportionate reward, gift or any other benefit in order to neglect the interests of his or her business organization or legal person or to cause damage to such business organization or legal person when concluding a contract or agreeing to perform a service shall be punished by a fine and by imprisonment of up to three (3) years.

2.Whoever, in committing the offense provided for in paragraph 1 of this Article, requests or accepts a disproportionate reward, gift or other benefit for himself or another person in exchange for concluding a contract or agreeing to perform a service shall be punished by a fine and imprisonment of up to three (3) years.

3.Whoever, in committing the offense provided for in paragraph 1 of this Article, requests or accepts a reward, gift or any other benefit after the contract is concluded or the service is performed, shall be punished by a fine and imprisonment of up to one (1) year.

4. The accepted gift or reward shall be confiscated.

Article 316
Unjustified giving of gifts

1. Whoever gives, attempts to give or promises a disproportionate reward, gift or any other benefit to a person engaging in an economic activity in order to neglect the interests of his or her business organization or legal person or to cause damage to such business organization or legal person when concluding a contract or performing a service shall be punished by a fine and imprisonment of up to three (3) years.

2. Whoever gives, attempts to give or promises a disproportionate reward, gift or any other benefit to a person engaging in an economic activity in order to acquire any unjustified advantage for concluding a contract or performing a service shall be punished by a fine and imprisonment of up to three (3) years.

3. If the perpetrator of the offense provided for in paragraph 1 or 2 of this Article gives a reward or a gift according to a request and reports the offense before it was discovered or before he or she found out that it was discovered, the court may waive the punishment.

4. The reward or gift given shall be confiscated, except in the case provided for in paragraph 3 of this Article in which case it may be returned to the person who gave it.

Article 317
Smuggling of goods

1. Whoever, while crossing the border carries goods and avoids customs control, or whoever while avoiding customs control, carries the goods and crosses the border, shall be punished by a fine or by imprisonment of up to three (3) years.

2. Whoever, without a proper license, avoids the customs control and crosses the border carrying goods, the export or import of which is prohibited, limited or requires a special license issued by the competent authorities, shall be punished by imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed under one or more of the following circumstances, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years:

3.1. the perpetrator crosses the border with objects, goods or dangerous substances which put the life or health of humans at risk;

3.2. the perpetrator crosses the border with objects, goods or dangerous substances that pose a danger to public security;

3.3. the perpetrator uses force or serious threat or a weapon or a dangerous instrument during the commission of the offense.

4. The goods provided for in paragraphs 1 and 2 of this Article shall be confiscated. If the goods cannot be found, or for other reasons cannot be confiscated, the equivalent of the value of the goods shall be paid.

5. The transport means or the means for carrying goods which were used for transporting the goods provided for in paragraphs 1 and 2 of this Article shall be confiscated.

Article 318
Avoiding payment of mandatory customs fees

1. Whoever, with the intent to enable himself or another person to avoid payment of the customs tax fee or other fees or customs obligations payable for the import or export of goods, or if a false document is presented to customs about the origin, value, quantity, quality, type and other characteristics of the goods, shall be punished by a fine or imprisonment of up to three (3) years.

2. If the avoided payment for the offense in paragraph 1 of this Article exceeds fifteen thousand (15,000) EUR, the perpetrator shall be punished by a fine and imprisonment of up to five (5) years.

3. If the avoided payment for the offense in paragraph 1 of this Article exceeds thirty thousand (30,000) EUR, the perpetrator shall be punished by a fine and by imprisonment from one (1) to eight (8) years.

4. The goods that were not accurately declared or the value of the payment avoided, whichever is greater, shall be confiscated.

CHAPTER XXVI
UTILITIES OFFENSES

Article 319
Definitions

1. For the purposes of this Chapter the terms below have the following meanings:

1.1. **Authorized Supplier** - a person or legal entity which is authorized in accordance with the applicable law to supply electricity or a utility;

1.2**. Utility -** gas, water, electricity or heating.

Article 320
Theft of utility services

Whoever takes, uses, diverts, extracts or benefits from any utility supplied by or through an electricity transmission or distribution network without the authorization of the Authorized Supplier shall be punished by a fine and imprisonment of up to three (3) years.

Article 321
Unauthorised connection to utilities

Whoever connects or reconnects to an electricity transmission or to a network for the transmission or distribution of any utility by any means, directly or indirectly, whether through conduction or induction, without the authorization of an Authorized Supplier shall be punished by a fine and imprisonment of up to three (3) years.

Article 322
Permitting unauthorized connection to utilities

1. Whoever permits an unauthorised connection or re-connection to a utility transmission or distribution network to exist on a property in his or her possession or under his or her ownership or control; or whoever, provides an unauthorised connection or re-connection to a utility transmission or distribution network to a property in his or her possession or under his or her ownership or control shall be punished by a fine and imprisonment of up to three (3) years.

2. The conduct in paragraph 1 of this Article is not a criminal offense if the person upon obtaining knowledge of the unauthorized connection or re-connection, immediately notifies the concerned Authorized Supplier of the existence of such unauthorised connection or re-connection.

Article 323
Alteration of an utilities meter

1. Whoever alters any meter used for measuring the quantity of any utility supplied to any premises by an Authorized Supplier or prevents any such meter or metering from correctly registering the quantity of any utility supplied shall be punished by a fine and imprisonment of up to three (3) years.

2. For a prosecution of an offense under this Article, the possession of an artificial means for causing an alteration of the register of the meter or the prevention of the meter from duly registering shall be sufficient evidence that the alteration or prevention was intentionally caused the person who has the custody or control of the meter.

Article 324
Permitting altered utilities meters

1. Whoever tampers with or circumvents a meter on property in his or her possession or under his or her ownership or control to provide unmetered or improperly metered utilities shall be punished by a fine and imprisonment of up to three (3) years.

2. The conduct in paragraph 1 of this Article is not a criminal offense if the person upon obtaining knowledge of the tampered or circumvented meter immediately notifies the concerned Authorized Supplier of the existence of the tampered or circumvented meter.

CHAPTER XXVII
CRIMINAL OFFENSES AGAINST PROPERTY

Article 325
Theft

1. Whoever takes the property of another person valued at fifty (50) EUR or more with the intent to unlawfully appropriate it for himself, herself or for another person shall be punished by a fine and by imprisonment of up to three (3) years.

2. If the value of the stolen property taken is less than fifty (50) EUR, the perpetrator shall be punished by a fine or by imprisonment of up to six (6) months.

Article 326
Theft of services

1. Whoever by deception, departing or other means obtains services known to be available only for compensation and avoids paying for such services shall be punished by a fine and imprisonment of up to one (1) year.

2. When the offense in paragraph 1 of this Article is committed by force or serious threat the perpetrator shall be punished by a fine and imprisonment up to three (3) years.

3. If the value of the stolen services is less than fifty (50) EUR the perpetrator shall be punished by a fine or by imprisonment of up to six (6) months.

4. For the purposes of this Article, "services" includes, but is not limited to transportation; labor; professional, technical, mechanical services; ski lift service; toll facilities; communications or telephone service; the supplying of food, lodging or other accommodation; the supplying of equipment, tools, vehicles or trailers for temporary use; the supplying of equipment for use; or Internet, computer or cable television system or access. "Services" also includes admission to entertainment, exhibitions, sporting events or other events which have an entrance fee or other charge for attending.

5. Leaving a business, hotel or restaurant without paying or offering to pay for the hotel, restaurant or other services for which compensation is customarily paid upon the receiving of the services is proof that the services were obtained with intent to avoid payment.

Article 327
Aggravated theft

1. Whoever commits theft, as provided for in paragraph 1 of Article 325 of this Code, shall be punished by a fine and imprisonment of three (3) to seven (7) years if:

1.1 the offense was committed by breaking, passing, penetrating into locked vehicles, buildings, rooms, boxes, trunks or other locked premises through the use of force or the removal of obstacles with the intent to appropriate movable property;

1.2. the perpetrator acted in a particularly dangerous or brazen manner;

1.3. the perpetrator exploited a situation created as a result of fire, flood, earthquake, or any other disaster;

1.4. the perpetrator took advantage of the incapacity or any other grave condition of another person.

2. Whoever commits theft, as provided for in paragraph 1 of Article 325 of this Code or paragraph 1 of this Article, shall be punished by imprisonment of three (3) to ten (10) years if:

2.1. when the stolen property or services has a value exceeding five thousand (5,000) EUR;

2.2. when the stolen property serves a religious function, or it is stolen from religious premises or other premises where religious ceremonies are carried out;

2.3 when the stolen property has a cultural, religious or historical value; is of special scientific, technical, or artistic importance; is part of a public collection, a protected private collection or a public exhibition; or, is a natural monument or object of nature under protection.

2.4. when the property is stolen from a grave;

2.5. when the stolen property is a weapon;

2.6. the perpetrator carried a weapon or any other dangerous instrument; or,

2.7. the perpetrator acted as a member of a group.

Article 328
Theft in the nature of robbery

1. Whoever, surprised in the commission of theft and with the intent to retain possession of the stolen property, uses force or serious threat to attack the life or body of another person shall be punished by a fine and imprisonment of three (3) to ten (10) years.

2. When the offense provided for in paragraph 1 of this Article is committed by the perpetrator acting as a member of a group or while in possession of a weapon or dangerous instrument, the perpetrator shall be punished by a fine and imprisonment of five (5) to twelve (12) years.

3. When the offense provided for in paragraph 1 of this Article is committed by the perpetrator acting as a member of an armed group or the offense results in grievous bodily injury, the perpetrator shall be punished by a fine and imprisonment of seven (7) years to twelve (12) years.

4. When the offense provided for in paragraph 1 of this Article results in death, the perpetrator shall be punished by a fine and imprisonment of not less than ten (10) years or lifelong imprisonment.

Article 329
Robbery

1. Whoever, by the use of force or serious threat to attack the life or body of another person, appropriates the movable property of such person with the intent to obtain an unlawful material benefit for himself or herself or another person shall be punished by a fine and imprisonment of three (3) to twelve (12) years.

2. When the offense provided for in paragraph 1 this Article involves a stolen object of a value exceeding five thousand (5,000) EUR, the perpetrator shall be punished by a fine and imprisonment of five (5) to twelve (12) years.

3. When the offense provided for in paragraph 1 of this Article is committed by the perpetrator acting as a member of a group or while in possession of a weapon or dangerous instrument, the perpetrator shall be punished by a fine and imprisonment of seven (7) to twelve (12) years.

4. When the offense provided for in paragraph 1 of this Article is committed by the perpetrator acting as a member of an armed group or the offense results in grievous bodily injury, the perpetrator shall be punished by a fine and imprisonment of seven (7) to fifteen (15) years.

5. When the offense provided for in paragraph 1 of this Article results in death, the perpetrator shall be punished by a fine and imprisonment of not less than ten (10) years or lifelong imprisonment.

Article 330
Misappropriation of another's property

1. Whoever, with the intent to obtain an unlawful material benefit for himself, herself or another person, appropriates property that has been entrusted to himself, herself or another person, shall be punished by a fine and imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article is committed by a guardian, attorney or any other person with a legal duty towards the owner of the property, the perpetrator shall be punished by a fine and imprisonment of up to three (3) years.

3. When the value of the appropriated property exceeds ten thousand (10,000) EUR the perpetrator shall be punished by a fine and imprisonment of one (1) to five (5) years.

4. When the appropriated property has a cultural, religious or historical value; is of special scientific, technical, or artistic importance; is part of a public collection, a protected private collection or a public exhibition; or, is a natural monument or object of nature under protection, the perpetrator shall be punished by a fine and imprisonment of one (1) to eight (8) years.

5. Whoever unlawfully appropriates the movable property of another person which he or she has found or accidentally came into possession of, with the intent to obtain an unlawful material benefit for himself or herself or another person shall be punished by a fine and imprisonment of up to one (1) year.

6. If the value of the property appropriated is less than fifty (50) EUR, the perpetrator shall be punished by a fine or up to six (6) months imprisonment.

7. Criminal proceedings for the offense provided for in paragraphs 1 and 5 of this Article shall be initiated by a motion.

Article 331
Taking possession of movable property

1. Whoever unlawfully takes the movable property of another person to keep it in his or her possession but without the intent to appropriate it shall be punished by a fine or by imprisonment of up to one (1) year.

2. An attempt to commit the offense provided for in paragraph 1 of this Article shall be punishable if it involves the attempt to take or the taking of a motor vehicle of another person.

3. Criminal proceedings for the offense provided for in paragraph 1 of this Article shall be initiated by a motion if the property is under the ownership or administration of a public entity.

Article 332
Unlawful occupation of real property

1. Whoever unlawfully occupies the real property of another person or any part thereof shall be punished by a fine or by imprisonment of up to two (2) years.

2. When the offense provided for in paragraph 1 of this Article is committed under one of the following circumstances, the perpetrator shall be punished by imprisonment of three (3) months to three (3) years:

2.1. when the occupied real property is part of a protected forest, a protected park or other forest with a special purpose, construction grounds or a road; or,

2.2. when the perpetrator occupies the real property knowing it has been subject of an eviction by order of the court or order or decision of any public entity or institution established under the applicable Laws of the Republic of Kosovo.

3. The perpetrator shall be punished by imprisonment of one (1) to three (3) years when he or she has previously been convicted for unlawful occupation of real property or has been evicted from such real property by order of the court or order or decision of any public entity or institution established under the applicable Laws of the Republic of Kosovo.

Article 333
Destruction or damage to property

1. Whoever destroys, damages, or renders unusable the property of another person under circumstances other than as provided in Article 334 of this Code shall be punished by imprisonment of up to one (1) year.

2. When the criminal offense provided for in paragraph 1 of this Article results in a loss exceeding five thousand (5,000) EUR, the perpetrator shall be punished by imprisonment of one (1) to three (3) years.

3. When the offense provided for in paragraph 1 of this Article involves an item that has a cultural, religious or historical value; is of special scientific, technical, or artistic

importance; is part of a public collection, a protected private collection or a public exhibition; is a natural monument or, object of nature under protection; is exposed in public or is an item that serves for public use or for decoration of a square, street or park, the perpetrator shall be punished by a fine and by imprisonment up to three (3) years without regard to the loss.

4. When the criminal offence provided for in paragraph 1 of this Article is committed because of bias towards nationality, language, religious belief or lack of religious belief, color of skin, gender, sexual orientation, or because of their affinity with persons who have one the aforementioned protected characteristics, the perpetrator of the criminal offence shall be punished by imprisonment of up to three (3) years.

Article 334
Arson

1. Whoever starts a fire or causes an explosion with the purpose of damaging or destroying the property of another person shall be punished by imprisonment of six (6) months to three (3) years.

2. Whoever starts a fire or causes an explosion with the purpose of destroying another person's building or vehicle and the building or vehicle is occupied or in use shall be punished by imprisonment of one (1) to five (5) years.

3. When the offense in paragraph 1 or 2 of this Article involves damage of twenty thousand (20,000) EUR or more to the property, or the offense causes grievous bodily injury to another, the perpetrator shall be punished by imprisonment of three (3) to ten (10) years.

4. If the criminal offense from paragraph 1 or 2 of this Article results in death, the perpetrator shall be punished by not less than ten (10) years or lifelong imprisonment.

Article 335
Fraud

1. Except as provided for in Article 336 of this Code, whoever, by means of a false representation of facts or by concealing facts and with the intent to obtain an unlawful material benefit for himself, herself or another person, or to cause material damage to another person, deceives or continues the deception of another person and thereby induces a person to do or abstain from doing an act to the detriment of his or her property or another person's property shall be punished by a fine and imprisonment of three (3) months to three (3) years.

2. When the offense provided for in paragraph 1 of this Article results in unlawful material gain or causes damage of ten thousand (10,000) EUR or more, the perpetrator shall be punished by a fine and imprisonment of six (6) months to five (5) years.

3. When the object of the fraud is to obtain an unlawful benefit from public funds, the perpetrator shall be punished by a fine and imprisonment of six (6) months to five (5) years.

4. When the object of the fraud is to obtain an unlawful benefit from a bank, credit union or other financial institution, the perpetrator shall be punished by a fine and imprisonment of one (1) to five (5) years.

5. When the offense provided for in paragraph 1 of this Article results in unlawful material gain or causes damage exceeding fifty thousand (50,000) EUR, the perpetrator shall be punished by a fine and imprisonment of three (3) to ten (10) years.

6. When the value of the benefit obtained is less than fifty (50) EUR, the perpetrator shall be punished by a fine or imprisonment of up to six (6) months.

Article 336
Subsidy fraud

1. Whoever, in connection with the application for a grant, continuation, or modification of the terms of a subsidy, provides a competent authority with incorrect or incomplete information which is a condition for the granting, continuation or modification of a subsidy, or conceals such information in violation of an obligation to disclose such information to a competent authority, shall be punished by a fine or by imprisonment of up to five (5) years.

2. Whoever uses such subsidy in violation of the law or for purposes other than those for which it was originally granted by the subsidy provider shall be punished by a fine or by imprisonment of up to five (5) years.

3. If the offense provided for in paragraphs 1 or 2 of this Article results in material gain or material damage exceeding twenty-five thousand (25,000) EUR, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. A subsidy for the purposes of this provision means a benefit from public funds under the law of the Republic of Kosovo which, at least in part is granted without market related consideration and is aimed at stimulating the economy.

Article 337
Fraud related to receiving funds from European community

1. Whoever intentionally uses or presents false, incorrect or incomplete statements or documents and as a result unlawfully receives or retains funds from the General Budget of the European Community or budgets managed by, or on behalf of the European Community shall be punished by imprisonment of one (1) to five (5) years.

2. Whoever conceals information in violation of a specific obligation to disclose such information and as a result unlawfully receives or retains funds from the General Budget of the European Community or from budgets managed by, or on behalf of the European Community shall be punished by a fine or by imprisonment of one (1) to three (3) years.

3. Whoever uses funds from the General Budget of the European Community or budgets managed by, or on behalf of, the European Community for purposes other than those for which they were originally granted shall be punished by imprisonment of two (2) to eight (8) years.

Article 338
Misuse of insurance

1. Whoever, with the intent to collect insurance money or benefits from an insurer, destroys, damages, or hides property insured against such destruction, damage, loss or theft and then reports or falsely reports the destruction, damage, loss or theft shall be punished by a fine and imprisonment of up to three (3) years.

2. Whoever, with the intent to collect insurance money or benefits for bodily injury or impairment of health from an insurer, falsely reports an injury or impairment shall be punished shall be punished by a fine and imprisonment of up to three (3) years.

3. Whoever, with the intent to collect insurance money for bodily injury or impairment of health from an insurer, inflicts on himself or herself such injury or impairment and then reports the injury or impairment shall be punished by a fine and imprisonment of six (6) months to three (3) years.

Article 339
Intrusion into computer systems

1. Whoever, without authorization and with the intent to obtain an unlawful material benefit for himself, herself or another person or to cause damage to another person, alters, publishes, deletes, suppresses or destroys computer data or programs or in any other way intrudes into a computer system shall be punished by a fine and imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article results in a material benefit exceeding tent thousand (10,000) EUR, or material damage exceeding ten thousand (10,000) EUR, the perpetrator shall be punished by a fine and imprisonment of six (6) months to five (5) years.

Article 340
Extortion

1. Whoever, with the intent to obtain an unlawful material benefit for himself, herself or another person, uses force or serious threat to compel another person to do or abstain from doing an act to the detriment of his or her property or another person's property shall be punished by a fine and imprisonment of three (3) months to five (5) years.

2. When the offense provided for in paragraph 1 of this Article is committed by a perpetrator acting as a member of a group, is committed using a weapon or a dangerous instrument; or, the offense results in a material benefit in a sum that exceeds ten thousand (10,000) EUR, the perpetrator shall be punished by a fine and imprisonment of one (1) to ten (10) years.

Article 341
Blackmail

1. Whoever, with the intent of obtaining an unlawful material benefit for himself, herself or another person, threatens another person to reveal something about him or her or about persons close to him or her which will damage their honor or reputation, and in this way compels such person to do or abstain from doing an act to the detriment of his or her property or another person's property shall be punished by a fine and imprisonment of six (6) months to five (5) years.

2. When the offense provided for in paragraph 1 of this Article is committed by a perpetrator acting as a member of a group; is committed using a weapon or a dangerous instrument; or, the offense results in an unlawful material gain exceeding ten thousand (10,000) EUR, the perpetrator shall be punished by a fine and imprisonment of one (1) to ten (10) years.

Article 342
Breach of trust

1. Whoever, in representing, maintaining or taking care of the property interests of another person fails to perform his or her duty or misuses his or her authorizations with the intent of obtaining an unlawful material benefit for himself, herself or another person or to cause damage to the person whose property interests he or she is representing or

maintaining or whose property is under his or her care shall be punished by a fine and imprisonment of three (3) months up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed by a guardian, attorney or any other person with a legal duty towards the owner of the property, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

Article 343
Usury

1. Whoever, on behalf of himself, herself or another person, accepts or negotiates an evidently disproportionate amount of property in return for a service to another person, by taking advantage of such person's difficult financial circumstances, difficult housing circumstances, hardship, inexperience or inability to make judgments shall be punished by a fine and by imprisonment of six (6) months to five (5) years.

2. If the criminal offense provided for in paragraph 1 of this Article results in a financial loss of ten thousand (10,000) EUR or if the perpetrator realized a material gain exceeding ten thousand (10,000) EUR, the perpetrator shall be punished by a fine and imprisonment of one (1) to eight (8) years.

3. If the criminal offense provided for in paragraph 1 of this Article results in a financial loss of twenty-five thousand (25,000) EUR or if the perpetrator realized a material gain exceeding twenty five thousand (25,000) EUR, the perpetrator shall be punished by a fine and imprisonment of three (3) to twelve (12) years.

Article 344
Damaging another person's property rights

1. Whoever, for the purpose of frustrating the satisfaction of a claim on property, conveys, destroys or takes away an object on his or her property in which another person has an interest based on a mortgage, lease or other usufructuary right and thereby causes damage to such person shall be punished by a fine or by imprisonment of up to three (3) years.

2. Whoever, with the intent to obstruct the settlement of a debt to the creditor in the course of an execution by force, conveys, destroys or conceals part of the property and thereby damages the creditor shall be punished as provided for in paragraph 1 of this Article.

3. Whoever, with the intent to obstruct the settlement of a debt to the creditor accepts false claims on property, enters a false contract or in another way aggravates his material

condition and thereby decreases the possibility for the creditors to be compensated, shall be punished as provided for in paragraph 1 of this Article.

Article 345
Purchase, receipt or concealment of goods obtained through the commission of a criminal offense

1. Whoever purchases, accepts, conceals or in any other way procures or hides an object or property which he or she knows has been obtained by the commission of a criminal offense shall be punished by imprisonment of three (3) months to three (3) years.

2. Whoever purchases, accepts, conceals or in any other way procures or hides an object or property which he or she could have known has been obtained by the commission of a criminal offense shall be punished by imprisonment of up to one (1) year.

3. Where the object or property has a value exceeding five thousand (5,000) EUR, the perpetrator shall be punished by imprisonment of one (1) to three (3) years.

Article 346
Burglary of motor vehicles

1. Whoever, in an unlawful manner, enters or remains in the vehicle of another person or fails to leave such vehicle upon the request of the lawful or authorized person shall be punished by imprisonment of up to three (3) years.

2. When the offense in paragraph 1 of this Article is committed in one or more of the following circumstances the perpetrator shall be punished by imprisonment of one (1) to five (5) years:

2.1. at a time when the vehicle were occupied by one or more persons;

2.2. the perpetrator is armed with a weapon, dangerous instrument or other object capable of causing grievous bodily injury or serious impairment to health; or

2.3. the perpetrator threatens or injures another person in the course of the offense.

3. When the offense provided for in paragraph 1 of this Article is committed by an official person abusing his or her position or authorizations, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

CHAPTER XXVIII
CRIMINAL OFFENSES AGAINST THE ENVIRONMENT, ANIMALS, PLANTS AND CULTURAL OBJECTS

Article 347
Polluting, degrading or destroying the environment

1. Whoever, in violation of the law, pollutes or degrades the air, water or soil or excessively uses or exploits natural resources shall be punished by a fine or by imprisonment of up to two (2) years.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

3. When the offense provided for in paragraph 1 of this Article results in the impairment to health of a significant number of people or the complete or partial destruction of flora or fauna or reservoirs of drinking water or any other significant material damage to the environment or an increase in pollution to a critical level the perpetrator shall be punished by a fine and by imprisonment of to five (5) years.

4. When the offense provided for in paragraph 2 of this Article results in the impairment to health of a significant number of people or the complete or partial destruction of flora or fauna or reservoirs of drinking water or any other significant material damage to the environment or an increase in pollution to a critical level or critical damage to the environment, the perpetrator shall be punished by a fine and by imprisonment up to two (2) years.

5. When the offense provided for in paragraph 1 of this Article results in irreparable damage or destruction of the environment or endangerment of protected natural resources, the perpetrator shall be punished by a fine and imprisonment of one (1) to eight (8) years.

6. When the offense provided for in paragraph 2 of this Article results irreparable damage or destruction of the environment or endangerment of protected natural resources, the perpetrator shall be punished by a fine and by imprisonment of six (6) months to five (5) years

Article 348
Unlawful handling hazardous substances and waste

1. Whoever, in violation of the law, disposes of, handles, stores, transports, exports or imports hazardous substances or waste likely to cause death or grievous bodily injury to any person or substantial material damage to the quality of the air, soil, or water or to

animals, plants or property shall be punished by a fine and by imprisonment of one (1) to three (3) years.

2. Whoever, in violation of the law disposes of, handles, stores, transports, exports or imports radioactive substances or radioactive waste which can cause death or grievous bodily injury to any person or substantial material damage to the quality of air, soil or water or to animals or plants or property shall be punished by a fine and by imprisonment of one (1) to five (5) years.

3. When the criminal offense provided for in paragraph 1 of this Article, is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

4. When the criminal offense provided for in paragraph 2 of this Article, is committed by negligence, the perpetrator shall be punished by a fine or imprisonment of up to two (2) years.

5. When the offense provided for in paragraph 1 or 2 this Article results in death or grievous bodily injury to any person or substantial material damage to property, animals or plants, or the substantial material degradation of the quality of the air, water or soil, the perpetrator shall be punished by a fine and by imprisonment of three (3) to twelve (12) years.

6. When the offense provided for in paragraph 3 this Article results in death or grievous bodily injury to any person or substantial material damage to property, animals or plants, or the substantial material degradation of the quality of the air, water or soil, the perpetrator shall be punished a fine or imprisonment from one (1) to eight (8) years.

Article 349
Allowing unlawful construction or unlawful operation of plants and installations that pollute the environment

1. Whoever, in violation of the law on protecting the environment, allows the construction or installation of a plant or operates or manages a plant or an installation in which a hazardous activity is carried out and thereby risks causing death or grievous bodily injury to any person, pollutes the environment, the air, soil or water or causes damage of five thousand (5,000) EUR or more to animals or plants or property shall be punished by a fine or by imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

3. Whoever in violation of the law, allows or applies technologies that pollutes the environment in large scale or territory shall be punished by a fine or by imprisonment of up to three (3) years.

4. When the offense provided for in paragraph 3 of this Article results in complete or partial destruction of flora or fauna or large scale pollution that takes a significant time or expenses to be remedied, the perpetrator shall be punished by a fine and by imprisonment of six (6) months to five (5) years.

5. When imposing a sentence for the criminal offense provided for in this Article, the court may require the perpetrator to undertake certain measures for protection, safeguarding and improving the environment.

Article 350
Damaging objects and installations for protection of the environment

1. Whoever, damages, destroys, removes or in other manner renders unusable objects or installations for the protection of the environment, shall be punished by a fine or by imprisonment of up to three (3) years.

2. If the criminal offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

3. If the criminal offense provided for in paragraph 1 of this Article results in the pollution of air, water or soil in large scale and territory, the perpetrator shall be punished by a fine and by imprisonment of six (6) months to five (5) years.

4. If the criminal offense provided for in paragraph 2 of this Article results in the pollution of air, water or soil in large scale and territory, the perpetrator shall be punished by a fine or by imprisonment of up to three (3) years.

5. When the offense provided for in paragraph 1 and 3 of this Article results in complete or partial destruction of flora or fauna or large scale pollution that takes significant time and expense to be remedied, the perpetrator shall be punished by a fine and by imprisonment of one (1) to eight (8) years.

6. When the offense provided for in paragraph 2 and 4 of this Article results in complete or partial destruction of flora or fauna or large scale pollution that significant time and expense to be remedied, the perpetrator shall be punished by a fine and by imprisonment of six (6) months to five (5) years.

7. When imposing a sentence for the criminal offense provided for in this Article, the court may require the perpetrator to undertake certain measures for protection, safeguarding and improving the environment.

Article 351
Production, sale and circulation of harmful substances for the treatment of animals

1. Whoever produces for the purpose of sale or circulates substances for the treatment or the prevention of disease in animals or birds where such substances are harmful to their life or health shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article results in the death of a great number of animals or birds, the perpetrator shall be punished by a fine and by imprisonment of three (3) months to three (3) years.

3. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to six (6) months.

4. When the offense provided for in paragraph 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

Article 352
Providing irresponsible veterinarian assistance

1. A veterinarian or an authorized assistant of a veterinarian who, when in providing veterinarian assistance, prescribes or applies obviously inappropriate means or an incorrect method of treatment or fails to use appropriate hygienic measures and thereby causes the deterioration or in general violates the rules of the veterinary profession in the process of treatment and thereby causes sickness, a deterioration of sickness or the death of an animal shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence the perpetrator shall be punished by a fine or by imprisonment of up to six (6) months.

3. When the offense provided for in paragraph 1 of this Article results in the death of a great number of animals or birds, the perpetrator shall be punished by imprisonment of three (3) months to three (3) years.

4. When the offense provided for in paragraph 2 of this Article results in the death of a great number of animals or birds, the perpetrator shall be punished by a fine or imprisonment of up to one (1) year.

Article 353
Unlawful practice of veterinarian services

Whoever without the proper professional qualifications undertakes, for compensation, the treatment for animals or offers other veterinarian services shall be punished by a fine or by imprisonment of up to six (6) months.

Article 354
Failure to comply with orders for suppressing diseases in animals and vegetation

1. Whoever, at the time of an epidemic which might endanger livestock, fails to comply with an order or decision issued by a competent authority in accordance with the law providing for measures to suppress or prevent disease shall be punished by a fine or by imprisonment of up to three (3) years.

2. Whoever, during the period of endangerment of vegetation by disease or pest, fails to comply with an order or decision by a competent authority providing for measures to suppress or prevent disease or pest shall be punished as provided for in paragraph 1 of this Article.

3. When the offense provided for in paragraph 1 or 2 of this Article results in considerable damage to property the perpetrator shall be punished by a fine or by imprisonment of up to five (5) years.

4. When the offense provided for in paragraph 1 or 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

5. When the offense provided for in paragraph 3 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to three (3) years.

6. For the purposes of this article, “livestock,” means any bovine, goat, equine, bird, poultry, fowl, honey bee, sheep, pig or fish.

Article 355
Pollution of food and water for animals

1. Whoever, by the use of a noxious or harmful substance, pollutes food or water for animals, birds, bees, wild animals or fish or pollutes any water supply whether natural or man-made that provides water for animals, birds, bees, wild animals or fish and thereby endangers the life or health of animals, birds, bees, wild animals or fish shall be punished by a fine or by imprisonment of up to two (2) years.

2. Whoever, by the use of a noxious or harmful substance, pollutes any body of water and thereby endangers the survival of animals, birds, bees, wild animals or fish in the water shall be punished as provided for in paragraph 1 of this Article.

3. When the offense provided for in paragraph 1 or 2 of this Article results in the death of a large number of animals, birds, bees, wild animals or fish of a value exceeding ten thousand (10,000) EUR, the perpetrator shall be punished by a fine and imprisonment of three (3) months to three (3) years.

4. When the offense provided for in paragraph 1 or 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or imprisonment up to three (3) months. When the offense provided for in paragraph 3 of this Article is committed by negligence, the perpetrator shall be punished by a fine or imprisonment of up to six (6) months.

Article 356
Destruction of vegetation by harmful substances

1. Whoever, contrary to the law and by the use of a harmful substance, causes the destruction of, plants, trees or other vegetation and thereby causes damage of ten thousand (10,000) EUR or more shall be punished by a fine or by imprisonment of up to two (2) years.

2. If the offense provided for in paragraph 1 of this Article is committed against a specially protected, plants, trees or vegetation, the perpetrator shall be punished by a fine or by imprisonment from three (3) months to three (3) years.

3. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or imprisonment of up to six (6) months. When the offense provided for in paragraph 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

Article 357
Devastation of forests

1. Whoever, in violation of the law or an order by a competent authority, cuts or destroys a forest or in any other way devastates forests shall be punished by a fine or by imprisonment of up to two (2) years.

2. When the offense provided for in paragraph 1 of this Article is committed in a protected forest, protected park or any other forest used for a specific purpose the perpetrator shall be punished by a fine or by imprisonment of up to three (3) years.

Article 358
Forest theft

1. Whoever, with the intent to steal, cuts down trees in a forest and the quantity of the timber cut down exceeds two cubic meters shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article is committed with the intent to sell the cut timber; if the quantity of the cut timber exceeds five cubic meters; or, the offense is committed in a protected forest, protected park or any other forest used for a specific purpose, the perpetrator shall be punished by a fine and by imprisonment of three (3) months to three (3) years.

3. An attempt to commit the offense provided for in paragraph 1 of this Article shall be punishable.

Article 359
Unlawful hunting

1. Whoever, hunts wild animals when there is a prohibition on hunting or in the territory where hunting is prohibited, shall be punished by a fine or imprisonment of up to one (1) year.

2. Whoever, without permission or other authorization, hunts or kills a wild animal or traps it alive shall be punished by a fine or by imprisonment of up to six (6) months.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed off season; in a group; or against prey of a value exceeding two thousand (2,000) EUR or importance according to hunting regulations, the perpetrator shall be punished by a fine or by imprisonment of up to two (2) years.

4. Whoever hunts endangered or rare species of animals for which there is a prohibition on hunting or hunts a particular species without a specific hunting license for such species shall be punished by a fine and by imprisonment of three (3) months to three (3) years.

5. Whoever hunts by using methods of mass extermination, by using a motor vehicle or by using a strong light shall be punished by a fine and by imprisonment of three (3) months to three (3) years.

6. The wild animals and the hunting equipment shall be confiscated.

Article 360
Sale or removal of wild animal trophies from the republic of Kosovo

1. Whoever unlawfully sells or removes from the Republic of Kosovo a wild animal trophy shall be punished by a fine or by imprisonment of up to two (2) years.

2. Whoever unlawfully sells or removes from the Republic of Kosovo a wild animal trophy acquired from the commission of the offenses provided for in paragraphs 1 to 3 of Article 359 of this Code shall be punished by a fine or by imprisonment of up to three (3) years.

3. The wild animal trophies shall be confiscated.

Article 361
Sale or removal of protected goods of nature, plants or animals out of the Republic of Kosovo

Whoever unlawfully sells or removes out of the Republic of Kosovo protected goods of nature, plants or animals under special protection shall be punished by a fine or by imprisonment of up to two (2) years.

Article 362
Unlawful fishing

1. Whoever fishes at the time when the fishing is prohibited or in the waters where the fishing is prohibited, shall be punished by a fine or by imprisonment of up to three (3) months.

2. Whoever fishes using explosives, electricity, poison or intoxicating substances and thereby causes the death of fish in such a way as to harm propagation of fish stocks shall be punished by a fine or by imprisonment of up to two (2) years.

Article 363
Damage, destruction and unauthorized removal of protected monuments or objects out of the Republic of Kosovo

1. Whoever damages or destroys a protected cultural, historical, religious, scientific or natural monument or object shall be punished by a fine or by imprisonment of up to two (2) years.

2. When the offense provided for in paragraph 1 of this Article is committed against a protected cultural, historical, religious, scientific or natural monument or an object that

has a unique value or if the offense results in serious damage, the perpetrator shall be punished by a fine or by imprisonment of up to three (3) years.

3. Whoever, without proper authorization by a competent authority, removes from the Republic of Kosovo a protected cultural, historical, religious, scientific or natural monument or object shall be punished by a fine or by imprisonment of up to one (1) year.

4. When the offense provided for in paragraph 3 of this Article involves a protected cultural, historical, religious, scientific or natural monument or an object that has a unique value, the perpetrator shall be punished by a fine or by imprisonment of up to three (3) years.

5. For the purposes of this Article, a "protected cultural, historical, religious, scientific or natural monument or object" means an object of veneration of a religious community existing on property dedicated to religious services, a tombstone, grave or some other place of burial, and a public monument, a natural monument, an object of art, science or craft which is kept in a public collection or public exhibition, an object which serves a public need or decorates a public road, square or park, a natural curiosity or an endangered type of animal or plant.

6. An attempt to commit the offense provided for in paragraph 1 or 3 of this Article shall be punishable.

Article 364
Unauthorized work and appropriation of cultural monuments

1. Whoever, without authorization by the competent authority, conducts conservation, restoration or research work on a cultural monument, or, despite a prohibition or without the authorization, carries out archaeological excavations or research and thereby destroys or seriously damages a cultural monument or its characteristics shall be punished by a fine or by imprisonment of up to two (2) years.

2. When the offense provided for in paragraph 1 of this Article is committed against a cultural monument of unique value or results in serious damage, the perpetrator shall be punished by a fine and by imprisonment of six (6) months to three (3) years.

3. Whoever, in the course of archaeological or other research, takes possession of or takes away an object which has been excavated or an object which has been found in some other way and which represents a cultural monument shall be punished as provided for in paragraph 2 of this Article.

CHAPTER XXIX
CRIMINAL OFFENSES AGAINST THE GENERAL SECURITY OF PEOPLE AND PROPERTY

Article 365
Causing general danger

1. Whoever, by using fire, flood, weapons, explosives, poison or poisonous gas, ionizing radiation, mechanical power, electrical power or any other kind of energy or with any other similar dangerous action or dangerous means causes great danger to human life or considerable damage to property, shall be punished by imprisonment of six (6) months to five (5) years.

2. Whoever, contrary to the obligations imposed by law does not install equipment for protection against fire, flood, explosion, poison or poisonous gases, ionizing radiation, mechanical power, electrical power or any other kind of energy or with any other similar dangerous action or dangerous means, or fails to maintain such equipment in proper condition or fails to put it to use or in general fails to comply with the rules or technical regulations on protective measures and thereby causes great danger to human life or considerable damage, to property shall be punished by imprisonment of one (1) to five (5) years.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed in a place where a large number of people are present, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. When the offense provided for in paragraph 1 or 2 of this Article results in grievous bodily injury or substantial damage to property, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years.

5. When the offense provided for in paragraph 1 or 2 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of three (3) to twelve (12) years.

6. When the offense provided for in paragraph 1 or 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to three (3) years.

7. When the offense provided for in paragraph 6 of this Article is committed in a place where a large number of people are present, the perpetrator shall be punished by imprisonment of up to five (5) years.

8. When the offense provided for in paragraph 6 of this Article results in grievous bodily injury or substantial damage to property, the perpetrator shall be punished by imprisonment of up to five (5) years.

9. When the offense provided for in paragraph 6 of this Article results in the death of one (1) or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 366
Destroying, damaging or removing public installations

1. Whoever destroys, damages or removes installations or equipment for electricity, gas, water, heating, communications, sewage, environmental protection, pipelines, underwater cables, dams or other similar equipment and in this way causes a disturbance to the supply of services to the population or to the economy shall be punished by imprisonment of up to five (5) years.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

3. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury or substantial damage to property, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of three (3) years up to twelve (12) years.

5. When the offense provided for in paragraph 2 of this Article results in grievous bodily injury or substantial damage to property, the perpetrator shall be punished by imprisonment of six (6) months up to five (5) years.

6. When the offense provided for in paragraph 2 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 367
Destroying, damaging or removing safety equipment and endangering work place safety

1. Whoever destroys, damages or removes safety equipment in any workplace and thus endangers human life or causes material damage to property shall be punished by imprisonment of one (1) to eight (8) years.

2. Whoever is responsible for workplace safety and health in any workplace and who fails to install safety equipment, fails to maintain such equipment in working condition, fails to ensure its use when necessary or fails to comply with provisions or technical rules

on workplace safety measures and thereby endangers human life or causes considerable damage to property shall be punished by imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment of up to three (3) years.

4. When the offense provided for in paragraphs 1 or 2 of this Article results in the grievous bodily injury of one or more persons or substantial damage to property, the perpetrator shall be punished with imprisonment of one (1) to ten (10) years.

5. When the offense provided for in paragraph 3 of this Article results in the grievous bodily injury of one or more persons or substantial material damage, the perpetrator shall be punished with imprisonment of up to five (5) years.

6. When the offense provided for in paragraph 1 or 2 of this Article results in the death of one or more persons, the perpetrator shall be punished with imprisonment from one (1) to twelve (12) years.

7. When the offense provided for in paragraph 3 of this Article results in the death of one or more persons, the perpetrator shall be punished with imprisonment from one (1) to eight (8) years.

8. The court may impose a condition that the perpetrator installs the safety equipment within a specified time limit.

Article 368
Unlawful construction work

1. A responsible person who, in designing, supervising or executing any building or construction work, acts in violation of the law, contrary to generally accepted professional standards or contrary to the terms of a construction permit and thereby endangers the life or body of people or property valued at five thousand (5,000) EUR or more shall be punished by imprisonment of six (6) months to five (5) years.

2. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment of up to three (3) years.

3. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury or considerable damage to property, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of three (3) to twelve (12) years.

5. When the offense provided for in paragraph 2 of this Article results in grievous bodily injury or considerable damage to property, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

6. When the offense provided for in paragraph 2 of this Article results in death of one (1) or more persons the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 369
Unlawful delivery or transportation of explosives or flammable materials

1. Whoever, in violation of the law transports or delivers for transport explosives or easily flammable materials shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 this Article is committed by a person who delivers the explosives or easily flammable materials to be transported by public transportation or transports such materials himself or herself using public transportation shall be punished by a fine or imprisonment of up to three (3) years.

3. Whoever in violation of the law delivers explosives or other easily flammable materials to premises where a large number of people convene, where a large number of people are gathered or where a large number of people are expected, shall be punished by imprisonment of six (6) months to three (3) years.

4. If the criminal offense provided for in this Article is committed by negligence, the perpetrator shall be punished by a fine or imprisonment of up to one (1) year.

Article 370
Failure to avoid danger

1. Whoever fails to take measures to prevent fire, flood, explosion, traffic disasters or any other danger to human life or physical safety or property on a large scale even though he or she could have done so without endangering himself, herself or another person, shall be punished by a fine or by imprisonment of up to one (1) year.

2. Whoever prevents or obstructs another person from taking measures to avoid fire, flood, explosion, traffic disasters or any other danger to human life or physical safety or damage to property on a large scale shall be punished by imprisonment of three (3) months to three (3) years.

Article 371
Misusing distress or danger signals

Whoever misuses any distress or danger sign or signal or makes a groundless call for help with the intent to make official persons, or fire fighters take action or not take action shall be punished by a fine or by imprisonment of up to six (6) months.

CHAPTER XXX
WEAPON OFFENSES

Article 372
Unauthorised import, export, supply, transport, production, exchange, brokering or sale of weapons or explosive materials

1. Whoever, in violation of the applicable law relating to weapons or explosive materials imports, exports, buys, supplies, transports, produces, exchanges, brokers or sells weapons or explosive materials shall be punished by a fine of up to seven thousand and five hundred (7,500) EUR and by imprisonment of one (1) to eight (8) years.

2. When the offense provided for in paragraph 1 of this Article involves more than four (4) weapons, more than four (4) explosive materials or more than four hundred (400) bullets, the perpetrator shall be punished by a fine and imprisonment of one (1) to ten (10) years.

3. For the purposes of this Article, "production" of weapons includes conversion or modification of any object to make a weapon or of any weapon into a different type of weapon, or the deactivation or reactivation of any weapon.

4. The weapons, the means for transporting weapons and the means for the production of weapons shall be confiscated.

Article 373
Unlawful obliteration, removal or altering of markings on firearms or ammunition

1. Whoever obliterates, removes or alters a marking on a firearm or ammunition or whoever marks a firearm or ammunition with a false marking shall be punished by a fine or imprisonment up to three (3) years.

2. Whoever produces a firearm or ammunition and fails to mark the firearm or ammunition at the time of production in accordance with the applicable law relating to weapons markings shall be punished by a fine and imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraphs 1 or 2 of this Article involves more than four (4) weapons, or more than four hundred (400) bullets, the perpetrator shall be punished by a fine and imprisonment of one (1) to five (5) years.

4. For the purpose of this Article "marking" means an identification marking which has been placed on a firearm or ammunition by the producer or by a competent state body.

5. The firearm or ammunition shall be confiscated. Any item used to obliterate, remove or alter a marking or make a false marking shall be confiscated.

Article 374
Unauthorised ownership, control or possession of weapons

1. Whoever owns, controls or possesses a weapon in violation of the applicable law relating to such weapon shall be punished by a fine of up to seven thousand and five hundred (7,500) EUR or by imprisonment of up to five (5) years.

2. When the offense provided for in paragraph 1 of this Article involves more than four (4) weapons, or more than four hundred (400) bullets, the perpetrator shall be punished by imprisonment of two (2) to ten (10) years.

3. The weapon owned, controlled or possessed in violation of this Article shall be confiscated.

Article 375
Use of weapon or dangerous instrument

1. Whoever uses a weapon or explosive in violation of the applicable law relating to such weapon or explosive shall be punished by imprisonment of one (1) to eight (8) years.

2. Whoever uses a weapon or a dangerous instrument in a threatening or intimidating manner shall be punished by a fine of up to ten thousand (10,000) EUR and by imprisonment of one (1) to ten (10) years.

3. The weapon or dangerous instrument used in violation of this Article shall be confiscated.

Article 376
False weapons permits, consents and licences and provision of false information

1. Whoever provides any false information, either verbally or in writing, at any stage of the application procedure for a weapons' or explosives' permit, consent or license shall

be punished by a fine of up to five thousand (5,000) EUR or by imprisonment of up to three (3) years.

2. Whoever manufactures, possesses, sells or purchases a fraudulent weapons' or explosives' permit, consent or license shall be punished by a fine of up to five thousand (5,000) EUR or by imprisonment of up to three (3) years.

3. Whoever holds a weapons' or explosives' permit license or other authorization and fails to immediately show the permit, license or other authorization to the police or KFOR upon their request shall be punished by a fine up to two thousand and five hundred (2,500) EUR or by imprisonment of up three (3) months. If the perpetrator's permit or license is not in his or her possession at the time of the request and he or she fails to inform the police or KFOR of the location of the permit, license or other authorization, he or she shall be punished by a fine up to two thousand and five hundred (2,500) EURs or by imprisonment of up three (3) months.

4. Any fraudulent permit, license or other authorization shall be confiscated. The means to manufacture any fraudulent permit, license or other authorization shall be confiscated.

Article 377
Manufacturing and procuring weapons and instruments designed to commit criminal offenses

1. Whoever manufactures, procures or makes it possible for another person to obtain weapons or poisons, or equipment necessary for their manufacture, which he or she knows is destined for the use or commission of a criminal offense shall be punished by imprisonment of three (3) months to five (5) years.

2. Whoever manufactures, procures or makes it possible for another person to obtain a false key, a picklock or some other instrument to be used in burglary, which he or she knows is destined for the use or commission of a criminal offense shall be punished by imprisonment of up to one (1) year.

CHAPTER XXXI
CRIMINAL OFFENSES AGAINST SECURITY OF PUBLIC TRAFFIC

Article 378
Endangering public traffic

1. Whoever violates any law related to road traffic or road transportation and endangers public traffic, human life, physical safety and thereby causes light bodily injury or

material damage to property shall be punished by a fine or by imprisonment of up to three (3) years.

2. Whoever violates any law related to road traffic or road transportation and thereby endangers railway, tram, trolleybus, bus, lift or water traffic and in this way endangers human life, physical safety or property shall be punished by imprisonment of up to five (5) years.

3. When the offense in paragraph 2 of this Article results in light bodily harm to a person or damage of fifteen thousand (15,000) EUR or more to property, the perpetrator shall be punished by a fine or by imprisonment of six (6) months to five (5) years.

4. When the offense provided for in paragraph 1 or 2 of this Article results in grievous bodily injury to any person or damage of twenty thousand (20,000) EUR or more to property, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

5. When the offense provided for in paragraph 1 or 2 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of three (3) to twelve (12) years.

6. When the offense provided for in paragraph 1 or 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to one (1) year.

7. When the offense in paragraph 6 of this Article results in light bodily harm to a person or damage of fifteen thousand (15,000) EUR or more to property, the perpetrator shall be punished by a fine or by imprisonment of up to three (3) years.

8. When the offense provided for in paragraph 6 of this Article results in grievous bodily injury or damage of twenty thousand (20,000) EUR or more to property, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

9. When the offense provided for in paragraph 6 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 379
Driving while impaired or intoxicated

1. Whoever drives a motor vehicle while impaired or under the influence of alcohol or any other intoxicating substance shall be punished by a fine or imprisonment of up to three (3) years.

2. When the offense in paragraph 1 of this Article results in light bodily harm to a person or damage of five thousand (5,000) EUR or more to property, the perpetrator shall be punished by a fine or by imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury to any person or damage of twenty thousand (20,000) EUR or more to property, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of three (3) to twelve (12) years.

Article 380
Endangering public traffic by dangerous acts or means

1. Whoever destroys, removes or damages installations, equipment, signs or signals designed for traffic safety, or gives erroneous signs or signals or places obstacles on public roads or in any other manner endangers human life or physical safety shall be punished by imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article results in light bodily harm to a person or considerable damage to property, the perpetrator shall be punished by a fine or by imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury or substantial damage to property, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

4. When the offense provided for in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of three (3) to twelve (12) years.

5. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or imprisonment of up to one (1) year.

6. When the offense provided for in paragraph 5 of this Article results in light bodily harm to a person or considerable damage to property, the perpetrator shall be punished by a fine or by imprisonment of up to three (3) years.

7. When the offense provided for in paragraph 5 of this Article results in grievous bodily injury or substantial damage to property, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

8. When the offense provided for in paragraph 5 of this Article results in the death of one (1) or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 381
Irresponsible supervision of public traffic

1. A responsible person entrusted with supervising the conditions and maintenance of roads and objects in these roads, means of transport, the fulfillment of determined working conditions for drivers or a responsible person entrusted with the management of driving who by the irresponsible exercise of his or her duty endangers human life or physical safety or causes damage to property, shall be punished by a fine or imprisonment of up to five (5) years.

2. Whoever is responsible for giving orders for driving or allows another to drive despite knowing that the driver is not able to drive the vehicle in a safe manner due to fatigue, illness, intoxication by alcohol or for other reasons or that the vehicle is not in a proper condition and thereby endangers human life or physical safety or causes damage to property shall be punished as provided for in paragraph 1 of this Article.

3. When the offense provided for in paragraph 1 or 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or imprisonment of up to three (3) years.

4. When the offense provided for in paragraph 1 or 2 of this Article results in grievous bodily injury or substantial damage to property, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

5. When the offense provided for in paragraph 1 or 2 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of three (3) to twelve (12) years.

6. When the offense provided for in paragraph 3 of this Article results in grievous bodily injury or substantial damage to property the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

7. When the offense provided for in paragraph 3 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment of one (1) to eight (8) years.

Article 382
Refraining from providing help to persons injured in traffic accidents

1. The driver of a vehicle or other means of transportation, who fails to provide help to a person who has been injured by that means of transportation, shall be punished by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article results in grievous bodily injury, the perpetrator shall be punished by imprisonment of three (3) months to five (5) years.

3. When the offense provided for in paragraph 1 of this Article results in the death of the injured person, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

Article 383
Misusing international communication signals

Whoever needlessly transmits an internationally accepted communication signal or an internationally used signal of distress or a danger signal, or causes deception that there is no danger or misuses an internationally accepted communication signal shall be punished by imprisonment of three (3) months to three (3) years.

CHAPTER XXXII
CRIMINAL OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE AND PUBLIC ADMINISTRATION

Article 384
Definitions

For purposes of this Chapter, "official proceedings" includes any criminal proceedings as defined in the Criminal Procedure Code of the Republic of Kosovo; proceedings before any court and the Constitutional Court; proceedings before the Assembly of the Republic of Kosovo and municipal assemblies; or any proceeding authorized by law before a Ministry, agency or independent institution of the Republic of Kosovo, including disciplinary proceedings and notary proceedings.

Article 385
Failure to report preparation of criminal offenses

1. Whoever, having knowledge about the preparation of the commission of any offense fails to report the fact at the time when the commission of the offense may still be averted and the offense is committed or attempted shall be punished by a fine or by imprisonment of up to one (1) year.

2. Whoever fails to report the preparation of the commission of one or more of the following criminal offenses shall be punished by imprisonment of three (3) months to three (3) years.

2.1. aggravated murder;

2.2. murder;

2.3. assault with grievous bodily injury;

2.4. any offense in violation of Chapter XIV-Criminal Offenses Against the Constitutional Order and Security of Republic of the Republic of Kosovo;

2.5. any offense in violation of Chapter XV-Criminal Offenses Against Humanity And Values Protected By International Law;

2.6. any offense in violation of Chapter XX-Criminal Offenses Against Sexual Integrity;

2.7. any offense in violation of Chapter XXXIV-Criminal Offenses Against Official Duty;

2.8. any offense in violation of Chapter XXIII-Narcotics Offenses;

2.9. any offense in violation of Chapter XXX-Weapons Offenses.

3. Except for offenses involving child abuse and domestic violence, a person is not criminally liable under paragraph 1 of this Article if he or she is related to the perpetrator of the criminal offense as the parent, child, spouse, sibling, adoptive parent or adopted child or person with whom the perpetrator lives in an extra-marital communion.

Article 386
Failure to report criminal offenses or perpetrators

1. Whoever, having knowledge of the identity of the perpetrator of one or more of the following criminal offenses, fails to report such fact shall be punished by a fine or by imprisonment of up to three (3) years:

1.1. aggravated murder;

1.2. murder;

1.3. assault with grievous bodily injury;

1.4. any offense in violation of Chapter XIV-Criminal Offenses against the Constitutional Order and Security of Republic of the Republic of Kosovo;

1.5. any offense in violation of Chapter XV-Criminal Offenses against Humanity and Values Protected by International Law;

1.6. any offense in violation of Chapter XX-Criminal Offenses against Sexual Integrity;

1.7. any offense in violation of Chapter XXXIV-Criminal Offenses against Official Duty;

1.8. any offense in violation of Chapter XXIII-Narcotics Offenses;

1.9. any offense in violation of Chapter XXX-Weapons Offenses.

2. An official person or a responsible person who fails to report a criminal offense he or she has discovered in the exercise of his or her duties shall be punished as provided for in paragraph 1 of this Article, if such offense is punishable by imprisonment of at least three (3) years.

3. Except for offenses involving child abuse and domestic violence, a person is not criminally liable under this Article if he or she is related to the perpetrator of the criminal offense as the parent, child, spouse, sibling, adoptive parent or adopted child or person with whom the perpetrator lives in an extra-marital communion.

Article 387
Failure to inform of a person indicted by the international criminal tribunal

1. Whoever, having knowledge of the indictment and whereabouts of a person indicted by the international criminal tribunal and fails to report such whereabouts, although the timely discovery of the wanted person depends on such report, shall be punished by a fine or by imprisonment for a term up to three (3) years.

2. A person is not criminally liable under this Article if he or she is related to the perpetrator of the criminal offense as the parent, child, spouse, sibling, adoptive parent or adopted child or person with whom the perpetrator lives in an extra-marital communion.

Article 388
Providing assistance to perpetrators after the commission of criminal offenses

1. Whoever harbors the perpetrator of any offense other than as provided in paragraph 2 of this Article or aids him or her to elude discovery or arrest by concealing instruments, evidence or in any other way or whoever harbors a convicted person or takes steps towards frustrating the arrest, execution of a punishment or an order for mandatory treatment shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1 of this Article relates to one or more of the following criminal offenses the perpetrator shall be punished by imprisonment of six (6) months to five (5) years:

2.1. aggravated murder;

2.2. murder;

2.3. assault with grievous bodily injury;

2.4. any offense in violation of Chapter XIV-Criminal Offenses against the Constitutional Order and Security of Republic of the Republic of Kosovo;

2.5. any offense in violation of Chapter XV-Criminal Offenses against Humanity and Values Protected by International Law;

2.6. any offense in violation of Chapter XX-Criminal Offenses against Sexual Integrity;

2.7. any offense in violation of Chapter XXXIV-Official Corruption and Criminal Offenses against Official Duty;

2.8. any offense in violation of Chapter XXIII-Narcotics Offenses;

2.9. any offense in violation of Chapter XXX-Weapons Offenses.

3. When the offense provided for in paragraph 1 of this Article relates to a criminal offense punishable by life long imprisonment, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years.

4. The punishment provided for in paragraph 1 of this Article may not be more severe, neither in manner nor in degree, than the punishment prescribed for the criminal offense committed by the perpetrator who was given assistance.

5. Except for offenses involving child abuse and domestic violence, a person is not criminally liable under this Article if he or she is related to the perpetrator of the criminal

offense as the parent, child, spouse, sibling, adoptive parent or adopted child or person with whom the perpetrator lives in an extra-marital communion.

Article 389
Accessory to a person indicted by the international criminal tribunal

1. Whoever renders assistance to, or hides a person indicted by the international criminal tribunal or aids such person to elude discovery, shall be punished by imprisonment for a term up to three (3) years.

2. No punishment for the criminal offense referred to in the paragraph 1 of this Article shall be imposed on a person who is the parent, child, spouse, sibling, adoptive parent or adopted child or person with whom the perpetrator lives in an extra-marital communion.

Article 390
False report or charge

1. Whoever falsely reports to an official person charged with the duty to investigate or prosecute that a particular person has committed a criminal offense prosecuted ex officio, while knowing that such person is not the perpetrator, shall be punished by fine or imprisonment of three (3) months to three (3) years.

2. Whoever provides false evidence of a criminal offense or in any other manner causes the initiation of criminal proceedings for an offense prosecuted ex officio against a person whom he or she knows did not commit the offense shall be punished as provided for in paragraph 1 of this Article.

3. Whoever reports that he or she has committed a criminal offense prosecuted ex officio, even though he or she has not committed such offense, shall be punished by a fine or by imprisonment of up to three (3) months.

4. Whoever reports to an official person charged with the duty to investigate or prosecute that a criminal offense which is prosecuted ex officio has been committed, even though he or she knows that the offense has not been committed, shall be punished as provided for in paragraph 3 of this Article.

Article 391
False statement under oath

1. Whoever, having taken an oath before an authority competent to administer affidavits or oaths, and thereafter signs an affidavit or states any matter that he or she does not believe to be true, or knowingly conceals or omits to state any matter relevant to the proceedings shall be punished by a fine or by imprisonment of up to three (3) years.

2. When the declaration provided for in paragraph 1 of this Article has been given in the course of criminal proceedings, the perpetrator shall be punished by a fine or imprisonment of up to five (5) years.

3. When the perpetrator of the criminal offense provided for in paragraph 1 of this Article voluntarily withdraws his or her statement before the end of his or her testimony the court may reduce the punishment.

Article 392
False statements

1. A party, witness, expert witness, translator or interpreter who gives a false statement in court proceedings, minor offence proceedings, administrative proceedings before a notary public or disciplinary proceedings shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the false statement is a basis for the final decision in the proceedings, the perpetrator shall be punished by imprisonment of three (3) months to three (3) years.

3. When the criminal offence provided for in paragraph 1 of this Article results in serious consequences, the perpetrator shall be punished by imprisonment of one (1) to five (5) years.

4. When the perpetrator of the criminal offence provided for in paragraph 1 of this Article voluntarily withdraws his or her statement before a final decision has been issued, the court may reduce the punishment.

Article 393
False statements of co-operative witnesses

1. A co-operative witness who gives a statement or testimony that is false in any relevant part or who purposely omits to state the complete truth to a prosecutor or the police shall be punished by a fine or imprisonment of three (3) months to five (5) years.

2. Whoever commits the offense referred to in paragraph 1 of this Article and subsequently withdraws the statement or testimony and reports or testifies truthfully before the end of his or her interview or testimony shall be punished by a fine of up to five hundred (500) EUR or by imprisonment of up to three (3) months, or the court may waive the punishment if there are mitigating circumstances.

Article 394
Obstruction of evidence or official proceedings

1. Whoever by any means of compulsion or promise of a gift or any other form of benefit with the intent to:

1.1. causes any person to make a false statement, provide a false document or conceal a material fact, in an official proceeding;

1.2. prevents or delays the attendance or testimony of any person in any official proceeding;

1.3. prevents or delays the communication by any person of information relating to the commission of a criminal offense to any police officer or other authorized investigator, prosecutor or judge;

1.4. prevents or delays a person from producing any document or record, in any official proceeding;

1.5. causes any person to alter, remove, conceal, destroy, damage, or render unserviceable, in whole or in part, any record, property, object or documents with the intent to impair the object's availability for use in an official proceeding; or

1.6. causes a person to evade a legal summons to give testimony or produce evidence in an official proceeding;

1.7. induces a witness or an expert to decline to give or to give a false statement in court proceedings, minor offence proceedings, administrative proceedings or in proceedings before a notary public or disciplinary proceedings shall be punished by imprisonment of six (6) months to five (5) years.

2. Whoever, with the intent to prevent or hamper the collection of evidence in court proceedings, minor offences proceedings, administrative proceedings, proceedings before a notary public or disciplinary proceedings, conceals, destroys, damages or renders unserviceable, in whole or in part, the property of another person or a document that may be used as evidence, shall be punished by a fine or by imprisonment of up to three (3) years.

3. Whoever, with the intent to prevent or hamper the collection of evidence in court proceedings or administrative proceedings, removes, shifts or changes the place of any boundary marker, land marker or any other mark designed to mark ownership or real estate or right to use water, or, with the same intent, places such markers in a misleading manner shall be punished as provided for in paragraph 1 of this Article.

4. Whoever in the commission of the offenses provided for in paragraphs 1 to 3 of this Article threatens to use violence or uses violence, shall be punished by imprisonment of at least two (2) years.

5. If the offense provided for in paragraph 1 of this Article is committed against any witness the perpetrator shall be punished by imprisonment of at least three (3) years, and if such offense results in bodily injury, at least five (5) years.

Article 395
Intimidation during criminal proceedings

Whoever uses force or serious threat, or any other means of compulsion, a promise of a gift or any other form of benefit to induce another person to refrain from making a statement or to make a false statement or to otherwise fail to state true information to the police, a prosecutor or a judge, when such information relates to obstruction of criminal proceedings shall be punished by a fine of up to one hundred and twenty-five thousand (125,000) EUR and by imprisonment of two (2) to ten (10) years.

Article 396
Retaliation

1. Whoever takes any action harmful to any person, including interference with lawful employment or livelihood of any person, with the intent to retaliate for providing truthful information relating to the commission or possible commission of any criminal offense to police, an authorized investigator, a prosecutor or a judge, shall be fined and punished by imprisonment of up to three (3) years.

2. Whoever with the intent to retaliate against any official person for any act performed in the course of his or her official duties, kills another person shall be punished by imprisonment of at least fifteen (15) years or lifelong imprisonment.

3. Whoever with the intent to retaliate against any official person for any act performed in the course of his or her official duties attempts to kill another person shall be punished by imprisonment of at least ten (10) years.

4. Whoever, with the intent provided for in paragraphs 1 to 3 of this Article, causes bodily injury or damages the property of any person shall be punished by at least three (3) years, but if the offense occurred in relation to a criminal proceeding, the perpetrator shall be punished by at least the same sentence as the most serious criminal offense that was the subject of the criminal proceeding.

Article 397
Tampering with evidence

1. Whoever, alters, removes, conceals, destroys, damages or renders unserviceable, in whole or in part, any record, property, object or document with the intent to impair the object's availability for use in an official proceeding, shall be punished by a fine or by imprisonment of six (6) months to five (5) years.

2. Whoever, with the intent to prevent or hamper the collection of evidence in court proceedings or administrative proceedings, removes, shifts or changes the place of any boundary marker, land marker or any other mark designed to mark ownership or real estate or right to use water, or, with the same intent, places such markers in a misleading manner shall be punished as provided for in paragraph 1 of this Article.

Article 398
Falsifying documents

1. Whoever draws up a false document, alters a genuine document with the intent to use such document as genuine or knowingly uses a false or altered document as genuine shall be punished by a fine or by imprisonment of up to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed in relation to a public document, will, bill of exchange, public or official registry or some other registry kept in accordance with the law the perpetrator shall be punished by a fine or by imprisonment of up to five (5) years.

Article 399
Special cases of falsifying documents

1. A person shall be deemed to have committed the offense of falsifying documents and shall be punished a fine or by imprisonment of up to three (3) years, if such person:

1.1. without authorization completes a letter, blank form, or any other item which has already been signed by another person and fills in a statement that creates a legal relationship;

1.2. deceives another person with regard to the content of any document and such person signs the document thinking that he or she is signing some other document or a document with some other content;

1.3. issues a document on behalf of another person without his or her authorization or on behalf of a person who does not exist;

1.4. issues a document and claims by signing the document that he or she has a position, title or rank, although he or she does not, and such act has a substantial influence on the value of the document; or

1.5. issues a document using a genuine stamp or sign without prior authorization.

Article 400
Violating secrecy of proceedings

1. Whoever, without authorization, reveals information disclosed in any official proceeding which must not be revealed according to law or has been declared to be secret by a decision of the court or a competent authority shall be punished by a fine or by imprisonment of up to one (1) year.

2. Whoever without authorization reveals information on the identity or personal data of a person under protection in the criminal proceedings or in a special program of protection shall be punished by imprisonment of up to three (3) years.

3. If the offense provided for in paragraph 3 of this Article results in serious consequences for the person under protection or the criminal proceedings are made impossible or severely hindered, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

4. If the offense provided for in paragraph 3 of this Article results in the death of the person under protection, the perpetrator shall be punished by imprisonment of at least ten (10) years or lifelong imprisonment.

Article 401
Contempt of court

1. Whoever fails to obey any final order, ruling, decision or judgment of any Court in the Republic of Kosovo or who refuses or obstructs the publication of any final decision or, judgment of such court shall be punished by a fine or imprisonment up to six (6) months.

2. Fines imposed under this article may be daily and may be imposed until the perpetrator complies with the final order, ruling, decision or judgment that is the subject of the action.

3. Where the contempt relates to an action between two private parties, the court may order that the fine be paid to the injured party.

Article 402
Failure to execute court decisions

1. The official or responsible person who refuses to execute any final order, ruling, decision or judgment of any court in the Republic of Kosovo or who fails to execute the decision pursuant to the time frame provided by law or the time frame specified in the decision shall be punished by a fine or imprisonment of up to two (2) years.

2. When the offense provided for in paragraph 1 of this Article causes a severe violation of human rights or substantial material damage, the perpetrator shall be punished by imprisonment of six (6) months of up to five (5) years.

3. If the perpetrator of the criminal offense provided for in paragraph 1 of this Article executes the final decision of the court, the prosecution will not be undertaken.

Article 403
Legalization of false content

1. Whoever misleads a competent authority into certifying any untrue matter designed to serve as evidence of a legal matter in a public document, register or book shall be punished by imprisonment of three (3) months to five (5) years.

2. Whoever uses such a document, register or book even though he or she knows it to be false shall be punished as provided for in paragraph 1 of this Article.

Article 404
Uprising of the persons deprived of liberty

1. Whoever, in the institution where he or she is detained on the basis of a lawful decision ordering the deprivation of liberty, organizes an uprising of persons deprived of liberty with the intent to release themselves by force or to attack jointly the official persons in such institution or to compel, through the use of force or serious threat, any person to do or abstain from doing an act in violation of their duty shall be punished by imprisonment of one (1) to five (5) years.

2. A participant in the uprising provided for in paragraph 1 of this article shall be punished by imprisonment of three (3) months up to one (1) year.

3. When the offense provided for in paragraph 1 of this Article is committed by the use of force or serious threat, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

4. When the perpetrator of the offense provided for in paragraph 1 or 2 of this Article withdraws voluntarily from the uprising before exercising force or serious threat, the court may waive his punishment.

Article 405
Escape of persons deprived of liberty

1. Whoever, escapes from the institution where he or she is detained on the basis of a lawful decision ordering the deprivation of liberty, shall be punished by imprisonment of up to three (3) years.

2. Whoever, by the use of bribery, escapes from the institution where he or she is detained on the basis of a lawful decision ordering the deprivation of liberty shall be punished by imprisonment of up to five (5) years.

3. Whoever, by the use of force or serious threat, escapes from the institution where he or she is detained on the basis of a lawful decision ordering the deprivation of liberty, shall be punished by imprisonment of one (1) to five (5) years.

Article 406
Facilitating the escape of persons deprived of liberty

1. Whoever facilitates the escape of a person who is detained on the basis of a lawful decision ordering the deprivation of liberty, shall be punished by imprisonment of three (3) months to five (5) years.

2. Whoever, by the use of bribery facilitates the escape of a person who is detained on the basis of a lawful decision ordering the deprivation of liberty, shall be punished by imprisonment of three (3) months to five (5) years.

3. Whoever, by use of force or serious threat, facilitates the escape of a person who is detained on the basis of a lawful decision ordering the deprivation of liberty, shall be punished by imprisonment of three (3) months to five (5) years.

4. When the offense provided for in this Article is committed jointly by more than one person, they shall be punished by imprisonment of one (1) to eight (8) years.

Article 407
Unlawful release of persons deprived of liberty

An official person who in abusing his or her position or authorizations, unlawfully releases another person deprived of liberty and entrusted to him or her, aids his or her escape or enables an unlawful connection or correspondence whose purpose is the

preparation of escape shall be punished by imprisonment of six (6) months to five (5) years.

Article 408
Unlawful facilitation of the exercise of a profession, activity or duty

Whoever enables another person to exercise a profession, activity or duty, even though he or she knows that a final judgment imposing an accessory punishment has prohibited the person from exercising such profession, activity or duty shall be punished by a fine or imprisonment of three (3) months to three (3) years.

CHAPTER XXXIII
CRIMINAL OFFENSES AGAINST PUBLIC ORDER

Article 409
Obstructing official persons in performing official duties

1. Whoever, by force or serious threat, obstructs or attempts to obstruct an official person in performing official duties or, using the same means, compels him or her to perform official duties shall be punished by imprisonment of three (3) months to three (3) years.

2. Whoever participates in a group of persons which by common action obstructs or attempts to obstruct an official person in performing official duties or, using the same means, compels him or her to perform official duties shall be punished by a fine or by imprisonment of up to three (3) years.

3. The leader or organizer of the group which commits the offense provided for in paragraph 2 of this Article shall be punished by imprisonment of one (1) to five (5) years.

4. When the offense provided for in paragraph 1 or 2 of this Article involves a threat to use a weapon or dangerous instrument or results in bodily injury, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

5. When the offense provided for in paragraph 1 or 2 of this Article is committed against a judge, a prosecutor, an official of a court, prosecution officer or a person authorized by the court and prosecution office, a police officer, a military officer, a customs officer or a correctional officer during the exercise of their official functions the perpetrator shall be punished by imprisonment of one (1) to five (5) years.

6. When the offense provided for in paragraph 1 or 2 of this Article results in grievous bodily injury, the perpetrator shall be punished by imprisonment of at least five (5) years.

Article 410
Attacking official persons performing official duties

1. Whoever attacks or seriously threatens to attack an official person, judge, prosecutor or a person who assists in performing official duties related to public security or the security of the Republic of Kosovo or maintaining public order shall be punished by imprisonment of three (3) months to three (3) years.

2. When the offense provided for in paragraph 1 of this Article results in light bodily injury to the official person or his or her assistant or involves a threat to use a weapon or dangerous instrument, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

3. When the offense provided for in paragraph 1 of this Article, results in grievous bodily injury to the official person or his or her assistant, the perpetrator shall be punished by imprisonment of one (1) to ten (10) years.

4. When the perpetrator of the offense provided for in paragraphs 1, 2 or 3 of this Article is provoked by the unlawful or brutal action of the official person, the court may mitigate the punishment.

Article 411
Call to resistance

1. Whoever calls upon others to resist against or disobey lawful decisions or measures issued by a competent authority or an official shall be punished by imprisonment of up to three (3) years.

2. If the offense provided for in paragraph 1 of this Article results in a severe hindrance or the impossibility of implementing a lawful decision, measure or official action, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years.

Article 412
Participating in a crowd committing a criminal offense and hooliganism

1. Whoever participates in an assembled crowd of more than eight persons which by collective action deprives another person of his or her life, inflicts a grievous bodily injury on another person, causes a general danger, causes damages of twenty thousand (20,000) EUR or more to property or commits other offenses of grave violence, punishable by imprisonment of at least five (5) years or attempts to commit such offenses, shall be punished by imprisonment of six (6) months to five (5) years.

2. The organizer of the crowd referred to in paragraph 1 of this Article shall be punished by imprisonment of two (2) to ten (10) years.

3. Any person, who by his violent actions or helping, or by participating in hooligan actions, throwing things towards persons or citizens, participants in sport activities, or breaking, damaging equipment, public infrastructure, or breaking, damaging equipment and infrastructure and public or private sports objects, alone or in an organized group and that has the purpose to damage official persons, sports participants or security staff in official duty, in open or closed sport fields, performs criminal offence of hooliganism.

4. For criminal offence, defined in paragraph 3 of this Article, there is foreseen the conviction with the fine from two hundred (200) to ten thousand (10.000) EUR for hooliganism with petit consequences or with imprisonment up to five (5) years for hooliganism with serious consequences.

Article 413
Failure to participate in averting a public danger

Whoever, contrary to orders by a competent authority, refuses without a justified reason to participate in averting a danger to human life or property during a fire, flood, earthquake or other disaster shall be punished by a fine or by imprisonment of up to one (1) year.

Article 414
Removing or damaging official stamps or marks

Whoever removes or damages an official stamp or mark affixed by an authorized official for the purpose of securing an object or premises, or whoever, without removal of or damage to the stamp or mark, opens the secured object or enters such premises, or opens the item where such stamp or mark was placed, shall be punished by a fine or imprisonment of up to three (3) years.

Article 415
Taking or destroying official stamps or official documents

Whoever unlawfully takes, hides, destroys, damages or in any other way renders unusable an official stamp, book, file or document belonging to or in the possession of a public entity or another legal person which exercises public authorizations shall be punished by a fine or by imprisonment of up to three (3) years.

Article 416
Destroying or concealing archive materials

Whoever unlawfully destroys, hides or renders unusable archive materials or removes such materials out of the country shall be punished by a fine or by imprisonment of up to three (3) years.

Article 417
Impersonating an official

1. Whoever falsely claims to be an official or military person or wears the insignia of an official or military person without authorization shall be punished by a fine or by imprisonment of up to one (1) year.

2. Whoever, with the intent to obtain a material benefit for himself, herself or another person or to cause damage to another person, falsely claims to be an official or military person or whoever, with the intent to obtain a material benefit for himself, herself or another person or to cause damage to another person and without authorization, wears the insignia of an official or military person or undertakes any action of an official or military person shall be punished by a fine and imprisonment of up to three (3) years.

Article 418
Self justice

1. Whoever arbitrarily exercises a right that he or she believes belongs to him or her instead of referring to a competent authority shall be punished by a fine or by imprisonment of up to six (6) months.

2. Whoever, by use of force or serious threat exercises a right that he or she believes belongs to him or her, instead of referring to a competent authority, shall be punished by imprisonment of up to two (2) years.

3. When the offense provided for in paragraph 2 of this Article is committed by a perpetrator acting as a member of a group, the perpetrator shall be punished by imprisonment of six (6) months to three (3) years.

Article 419
Unlawful provision of legal assistance

1. Whoever, without authorization from a client provides legal assistance shall be punished by a fine or by imprisonment of up to two (2) years.

2. Whoever provides legal assistance without qualifications, licensing or in any other manner contrary to law shall be punished by a fine or by imprisonment of up to three (3) years.

3. Whoever commits the offense in paragraphs 1 or 2 of this Article for remuneration shall be punished by a fine and by imprisonment of up to five (5) years.

4. For the purposes of this law "legal assistance" shall be defined as set forth in the Law on Bar.

Article 420
Disrupting religious ceremonies

1. Whoever unlawfully disrupts or prevents a religious ceremony from taking place shall be punished by a fine or by imprisonment of up to one (1) year.

2. When the offense provided for in paragraph 1of this Article is committed by the use of force or serious threat, the perpetrator shall be punished by imprisonment of three (3) months to three (3) years.

Article 421
Damaging graves or corpses

1. Whoever without authorization excavates, digs, demolishes, removes, damages, destroys or violates a grave or some other place of burial shall be punished by a fine or by imprisonment of up to one (1) year.

2. Whoever, without authorization removes, damages, destroys or hides a corpse, part of a corpse or the ashes of the deceased shall be punished by a fine or by imprisonment of up to three (3) years.

CHAPTER XXXIV
OFFICIAL CORRUPTION AND CRIMINAL OFFENSES AGAINST OFFICIAL DUTY

Article 422
Abusing official position or authority

1. An official person, who, by taking advantage of his office or official authority, exceeds the limits of his or her authorizations or does not execute his or her official duties with the intent to acquire any benefit for himself or another person or to cause damage to

another person or to seriously violates the rights of another person, shall be punished by imprisonment of six (6) months to five (5) years.

2. For purposes of this Article, the abuse of official position includes, but is not limited to:

2.1. intentionally or knowingly violating a law relating to the official's office, duties or employment;

2.2. intentionally failing to perform any mandatory duty as required by law;

2.3. accepting any gift, fee or advantage of any kind as a result of the performance of an official duty unless the acceptance of the gift, fee or advantage is permitted by law;

2.4. misusing government property, services, personnel, or any other thing of value belonging to the government that has come into the official's custody or possession by virtue of the official's office or employment;

2.5. intentionally subjecting another person to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful; or

2.6. intentionally denying or impeding another in the exercise or enjoyment of any legal right, privilege, power, or immunity.

Article 423
Misusing official information

1. An official person who misuses official information with the intent to acquire any undue gain or advantage for himself or herself or another person shall be punished by a fine and imprisonment of six (6) months to five (5) years.

2. When the official information relates to any procurement action or public auction, the perpetrator shall be punished by a fine and imprisonment of two (2) to eight (8) years.

3. When the offense provided for in paragraph 1 of this Article results in a material benefit or loss exceeding five thousand (5,000) EUR, the perpetrator shall be punished by a fine and imprisonment of one (1) to eight (8) years.

4. When the offense provided for in paragraph 1 of this Article results in a material benefit or loss exceeding fifty thousand (50,000) EUR, the perpetrator shall be punished by a fine and imprisonment of three (3) to twelve (12) years.

5. For purposes of this Article "official information" means information that he or she has access to by means of his office or employment and which has not been made public.

Article 424
Conflict of interest

1. An official person who participates personally in any official matter in which he or she, a member of the family, or any related legal person, has a financial interest shall be punished by a fine or imprisonment up to three (3) years.

2. When the official matter is a procurement action or public auction, the perpetrator shall be punished by imprisonment of one (1) to five (5) years.

3. For purposes of this Article, "participates" means exercising official authority through decision, approval, disapproval, recommendation, rendering advice, investigation, or otherwise exercising influence over an official matter.

4. For purposes of this Article, "official matter" means a judicial or other official proceeding; an application, request for a ruling or other official determination; a contract or claim; a public auction or other procurement action; or, another matter affecting the financial or personal interests of the official or another person.

5. For purposes of this Article, "related legal person" means any legal person in which the official or a member of the family has a financial relationship, including a relationship or a prospective relationship as a responsible person or employee.

Article 425
Misappropriation in office

1. An official person, who, with the intent to obtain an unlawful material benefit for himself, herself or another person, appropriates property entrusted to him or her because of his or her duty or position shall be punished by a fine and imprisonment of six (6) months to five (5) years.

2. When the offense provided for in paragraph 1 of this Article results in a material benefit or loss exceeding five thousand (5,000) EUR, the perpetrator shall be punished by a fine and imprisonment of one (1) to eight (8) years.

3. When the offense provided for in paragraph 1 of this Article results in a material benefit or loss exceeding fifty thousand (50,000) EUR, the perpetrator shall be punished by a fine and imprisonment of three (3) to twelve (12) years.

Article 426
Fraud in office

1. An official person who, with the intent to obtain unlawful material benefit for himself, herself or another person, by presenting a false statement of an account or in any other

way deceives an authorized person into making an unlawful disbursement shall be punished by a fine and imprisonment of six (6) months to five (5) years.

2. When the offense provided for in paragraph 1 of this Article results in a material benefit exceeding five thousand (5,000) EUR, the perpetrator shall be punished by a fine and imprisonment of one (1) to eight (8) years.

3. When the offense provided for in paragraph 1 of this Article results in a material benefit exceeding fifty thousand (50,000) EUR, the perpetrator shall be punished by a fine and imprisonment of three (3) to twelve (12) years.

Article 427
Unauthorised use of property

Whoever, without authorization, uses money, securities or other movable property which has been entrusted to him or her in his or her duty or generally in his or her workplace or which has been made accessible to him or her because of his or her service or work or whoever confers such property on another person for unauthorized use shall be punished by a fine or by imprisonment of up to three (3) years.

Article 428
Accepting bribes

1. An official person who requests or receives, directly or indirectly, any undue gift or advantage, for himself, herself or for another person, or who accepts an offer or promise of such gift or advantage, so that the official person acts or refrains from acting in accordance with his or her official duties, shall be punished by fine and imprisonment of six (6) months to five (5) years.

2. An official person who requests or receives, directly or indirectly, any undue gift or advantage, for himself or herself or for another person, or accepts an offer or promise of such gift or advantage, so that the official person acts or refrains from acting, in violation of his or her official duties, shall be punished by fine and imprisonment of three (3) to twelve (12) years.

3. When the offense under paragraph 1 of this Article results in a benefit exceeding fifteen thousand (15,000) EUR, the perpetrator shall be punished by fine and imprisonment of one (1) to eight (8) years.

Article 429
Giving bribes

1. Whoever promises, offers or gives, directly or indirectly, any undue gift or advantage to an official person so that the official person acts or refrains from acting in accordance with his or her official duties, shall be punished by a fine or imprisonment of up to three (3) years.

2. Whoever promises, offers or gives, directly or indirectly, any undue gift or advantage to an official person so that the official person acts or refrains from acting, in violation of his or her official duties, shall be punished by a fine and imprisonment of three (3) months to three (3) years.

3. When the offense under paragraph 1 of this Article results in a benefit exceeding fifteen thousand (15,000) EUR, the perpetrator shall be punished by fine and imprisonment of one (1) to eight (8) years.

4. When the perpetrator of the offense provided for in paragraph 1 or 2 of this Article gave the bribe at the request of an official person or responsible person and reported the offense before it was discovered or before knowing that the offense was discovered, the court may waive the punishment.

Article 430
Giving bribes to foreign public official

1. Whoever promises, offers or gives, directly or indirectly, any undue gift or advantage to a foreign public official, so that the foreign public official or another person, acts or refrains from acting in the exercise of his or her official duties, shall be punished by a fine and imprisonment of up to five (5) years.

2. Whoever promises, offers or gives, directly or indirectly, any undue gift or advantage to a foreign public official, so that the foreign public official or another person, acts or refrains from acting in violation of his or her official duties, shall be punished by a fine and imprisonment of one (1) to five (5) years.

3. When the offense under paragraph 1 of this Article results in a benefit exceeding fifteen thousand (15,000) EUR, the perpetrator shall be punished by fine and imprisonment of one (1) to eight (8) years.

4. The gift or benefit offered or received in violation of this Article shall be confiscated.

Article 431
Trading in influence

1. Whoever requests or receives, directly or indirectly, any undue gift or advantage, for himself or herself or for another person, or accepts an offer or promise of such gift or advantage, in order to exert an improper influence over the decision making of an official person or foreign public official, whether or not the influence is exerted and whether or not the supposed influence leads to the intended result, shall be punished by a fine or by imprisonment of up to eight (8) years.

2. Whoever promises, offers or gives, directly or indirectly, any undue gift or advantage to another person, for himself or herself or another person, in order that this person exert an improper influence over the decision making of an official person or foreign public official, whether or not the influence is exerted or not and whether or not the supposed influence leads to the intended result, shall be punished by a fine or by imprisonment of up to five (5) years.

3. The gift or benefit received or offered in violation of this Article shall be confiscated.

Article 432
Issuing unlawful judicial decisions

A judge who, with the intent to obtain any unlawful benefit for himself, herself or another person or cause damage to another person, issues an unlawful decision shall be punished by a fine and imprisonment of six (6) months to five (5) years.

Article 433
Disclosing official secrets

1. An official person who, without authorization, communicates, sends, or in some other way makes available to another person information which constitutes an official secret or obtains such information with the intent to convey it to an unauthorized person shall be punished by imprisonment of six (6) months to three (3) years.

2. When the offense provided for in paragraph 1 of this Article is committed for personal gain or for the purpose of publishing or using the information outside of the Republic of Kosovo, the perpetrator shall be punished by a fine and imprisonment of one (1) to ten (10) years.

3. When the offense provided for in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment of up to three (3) years.

4. The provisions of this Article shall apply to a person who discloses an official secret after his or her official status has ceased.

5. For the purposes of this Article, the term "official secret" means information or documents proclaimed by law, other provisions, or by a decision by the competent authority issued on the basis of law to be an official secret and whose disclosure has caused or might cause detrimental consequences. However, the following are not official secrets:

5.1. information or documents that pertain to grave violations of basic human rights or which the failure to disclose could endanger the constitutional order or security of the Republic of Kosovo; or,

5.2. information and documents that are intended to conceal the perpetrator of a criminal offense punishable by imprisonment of at least five (5) years.

Article 434
Falsifying official document

1. An official person who, in an official document, official register or file, enters false information or fails to enter essential information or with his or her signature or official stamp certifies a document, official register or file which contains false data or enables the compilation of such document, register or file with false contents shall be punished by imprisonment of six (6) months to five (5) years.

2. An official person who uses a false document, official register or file as if it were true in his or her duty or business activity or who destroys, hides, damages or in any other way renders unusable the document, official register or file shall be punished as provided for in paragraph 1 of this Article.

Article 435
Unlawful collection and disbursement

1. An official person who collects from another something that such person is not bound to pay or collects more than such person is bound to pay or who, in a payment or delivery pays or delivers less than what is required shall be punished by a fine or by imprisonment of up to one (1) year.

2. If the value of the payments or delivery, provided for in paragraph 1 of this Article, exceeds fifteen thousand (15,000) EUR, the perpetrator shall be punishment buy imprisonment up to three (3) years.

3. An attempt to commit the offense provided for in paragraph 1 of this Article shall be punishable.

Article 436
Unlawful appropriation of property during a search or execution of a court decision

An official person who, during a search of premises or a person or during the execution of a court decision, takes movable property with the intent of obtaining an unlawful material benefit for himself, herself or another person shall be punished by imprisonment of six (6) months to five (5) years.

Article 437
Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations

1. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who fails to do so, shall be punished by a fine or by imprisonment of up to three (3) years. The offense in paragraph 1 of this Article is deemed committed when the deadline for filing the declaration has passed and no report has been filed.

2. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who falsifies or omits data or required information on the required declaration shall be punished by a fine and imprisonment of six (6) months to five (5) years.

3. The value of the non-reported or the falsely reported property, income, gifts, or other material benefits shall be confiscated.

CHAPTER XXXV
TRANSITIONAL AND FINAL PROVISIONS

Article 438
Continuation of criminal sanctions

All criminal sanctions for acts still criminalized by this Code and imposed by final judgments before the entry into force of this Code shall continue with the same duration or to the same extent.

Article 439
Repeal of legal and sub-legal acts

Provisions in UNMIK Regulations and the Criminal Code of the Republic of Kosovo UNMIK REG 2003/25 covering matters addressed in the Criminal Code of Kosovo shall cease to have effect upon the entry into force of this Code.

Article 440
References to criminal code articles in other laws, the UNMIK regulations and the Criminal Code of the Republic of Kosovo

1. A chart outlining the old and new Article numbers is attached to and adopted with this Code.

2. This chart shall apply to all laws and regulations in the Republic of Kosovo.

3. All references to Articles in other laws of the Republic of Kosovo, the UNMIK Regulations (REG 2003/25) or the Criminal Code of the Republic of Kosovo shall refer to the new Article numbers as set forth in this chart.

4. The provisions of the Criminal Code of the Republic of Kosovo take precedence over all other legal and sub-legal provisions related to criminal offenses and penalties.

Article 441
Transitional provisions for the jurisdiction of special prosecution office of the Republic of Kosovo

1. With the entry into force of this Criminal Code of the Republic of Kosovo in addition to the exclusive competence under Article 5.1 and Article 5.2 of the Law on the Special Prosecution Office of the Republic of Kosovo, the Special Prosecution Office of the Republic of Kosovo shall have also exclusive competence to investigate and prosecute the following crimes and the attempt and collaboration offenses related to such offenses:

1.1 commission of the Offence of Terrorism, Recruitment for Terrorism, Training for Terrorism, Incitement to Commit a Terrorist Offence, and Concealment or Failure to Report Terrorists and Terrorist Groups as set forth in Articles 136, 139, 140,141 and 142 of this Code;

1.2. failure to Report Preparation of Criminal Offenses, Failure to Report Criminal Offenses or Perpetrators and Providing Assistance to Perpetrators After the Commission of Criminal Offences as set forth in Articles 385, 386 and 388 of this Code when these offences are committed in relation to Terrorism or the Assistance in the Commission of Terrorism as set forth in Articles 136 and 137 of this Code;

1.3. preparation of Terrorist Offences or criminal offences against the Constitutional Order and Security of the Republic of Kosovo as set forth in Articles 136-142 and 144 of this Code when these offenses are committed in relation to terrorism related offences;

1.4. facilitation of the Commission of Terrorism and Organization and Participation in a Terrorist Group as set forth in Articles 138 and 143 of this Code;

1.5. genocide as set forth in Article 148 of this Code;

1.6. crimes against Humanity as set forth in Article 149 of this Code;

1.7. war Crimes in Grave Breach of the Geneva Conventions, War Crimes in Serious Violation of Laws and Customs Applicable in International Armed Conflict, War Crimes in Serious Violation of Article 3 Common to the Geneva Conventions, War Crimes in Serious Violation of Laws and Customs Applicable in Armed Conflict not of an International Character as set forth in Articles 150-153 of this Code;

1.8. attacks in Armed Conflict not of an International Character Against Installations Containing Dangerous Forces as set forth in Article 154 of this Code;

1.9. conscription or Enlisting of Persons between the Age of Fifteen (15) and Eighteen (18) years in Armed Conflict as set forth in Article 155 of this Code;

1.10. employment of Prohibited Means or Methods of Warfare as set forth in Articles 156 of this Code;

1.11. organization of Groups to Commit Genocide, Crimes Against Humanity and War Crimes as set forth in Article 160 of this Code;

1.12. endangering Internationally Protected Persons as set forth in Article 173 of this Code;

1.13. unlawful Appropriation, Use, Transfer and Disposal of Nuclear Material as set forth in Article 176 of this Code;

1.14. threats to Use or Commit Theft or Robbery of Nuclear Material as set forth in Article 177 of this Code;

1.15. organized Crime as set forth in Article 275 of this Code;

1.16. intimidation During Criminal Proceedings for Organized Crime as set forth in Articles 395 of this Code;

1.17. money laundering as set forth in Article 308 of this Code and other criminal offences listed in Chapter IV of the Law on the Prevention of Money Laundering and Terrorist Financing.

2. With the entry into force of this Criminal Code in addition to the subsidiary competence under article 9.1 and article 9.2 of the Law on the Special Prosecution Office of the Republic of Kosovo, the Special Prosecution Office of the Republic of Kosovo shall have also subsidiary competence, according to the modalities set forth in Article 10 of the Law on the Special Prosecution Office of the Republic of Kosovo, to investigate and prosecute the following crimes, and the attempt and collaboration offenses related to such crimes:

2.1. assault on the Constitutional Order of the Republic of Kosovo as set forth in paragraph 1 of Article 121 of this Code;

2.2. inciting National, Racial, Religious or Ethnic Hatred, Discord or Intolerance as set forth in Article 147 of this Code;

2.3. hijacking Aircraft as set forth in Article 164 of this Code;

2.4. endangering Civil Aviation Safety (art.165 of this Code), Endangering Maritime Navigation Safety (art.166 of this Code), Endangering the Safety of Fixed Platforms Located on the Continental Shelf (art.167 of this Code), Piracy (art.168 of this Code) as set forth in Articles;

2.5. smuggling of Migrants as set forth in Article 170 of this Code;

2.6. trafficking in Persons as set forth in Article 171 of this Code;

2.7. sexual Services of Victims of Trafficking as set forth in Article 231 of this Code;

2.8. inducing Sexual Acts by False Promise of Marriage as set forth in Article 240 of this Code;

2.9. providing Premises for Prostitution as set forth in Article 242 of this Code;

2.10. unlawful transplantation and Trafficking of Human Organs and Tissues as set forth in Article 265 of this Code;

2.11. endangering United Nations and Associated Personnel as set forth in Article 174 of this Code;

2.12. murder (art. 178), Aggravated Murder as set forth in Article.179 of this Code;

2.13. hostage Taking as set forth in Article 175 of this Code;

2.14. violating Equal Status of Citizens and Residents of Kosovo as set forth in Article 193 of this Code;

2.15. kidnapping as set forth in Article 194 of this Code;

2.16. torture as set forth in Article 199 of this Code;

2.17. criminal Offences against Sexual Integrity as set forth in Articles 230- 243 of this Code when such offenses are punishable by five (5) or more years of imprisonment;

2.18. unauthorized Purchase, Possession, Distribution and Sale of Narcotic Drugs, Psychotropic Substances and Analogues (art. 273 of this Code), Unauthorized Production and Processing of Narcotic Drugs, Psychotropic Substances and Analogues (art.274 of this Code), Organizing, managing of Financing Trafficking in Narcotic Drugs or Psychotropic Substances as set forth in Article 279 of this Code;

2.19. causing Bankruptcy (Art. 286 of this Code), Defrauding or Damaging Creditors or Debtors as set forth in Articles 289 of this Code, Misuse of Economic Authorization (Art. 290 of this Code), Entering into Harmful Contracts (art.291 of this Code), Causing False Bankruptcy (art.287 of this Code), Fraud in Bankruptcy Proceedings (art.288 of this Code);

2.20. counterfeit Money set forth in Article 302 of this Code, Production, Supply, Selling, Possession or Provision for Use of Counterfeiting Means as set forth in Article 304 of this Code;

2.21. agreements in Restriction of Competition Upon Invitation to Tender as set forth in Article 309 of this Code;

2.22. fraud in Trading with Securities as set forth in Article 310 of this Code;

2.23. abuse of Insider Information as set forth in Article 311 of this Code;

2.24. Government Securities Collusion and Fraud as set forth in Article 312 of this Code;

2.25. false Tax Related Documents as set forth in Article 314 of this Code

2.26. organizing Pyramid Schemes and Unlawful Gambling set forth in Article 300 of this Code, Tax Evasion set forth in Article 313 of this Code;

2.27. unjustified Acceptance of Gifts set forth in Article 315 of this Code, Unjustified Giving of Gifts as set forth in Article 316 of this Code;

2.28. theft in the Nature of Robbery or Robbery as set forth in paragraph 2 and 3 of Article 328 of this Code;

2.29. fraud as set forth in Article 335 of this Code;

2.30. extortion as set forth in Article 340 of this Code;

2.31. unauthorized Import, Export, Supply, Transport, Production, Exchange, Brokerage or Sale of Weapons or Explosive Materials as set forth in Article 372 of this Code;

2.32. participating in a Crowd Committing a Criminal Offence as set forth in Article 412 of this Code;

2.33. abusing Official Position or Authority Accepting Bribes Giving Bribes as set forth in Article 422, 428 429 of this Code;

2.34. misappropriation in Office Fraud in Office as set forth in Articles 425 and 426 of this Code;

2.35. fraud Related to Receiving Funds from European Community as set forth in Article 337 of this Code;

2.36. conflict of Interests as set forth in Article 424 of this Code.

Article 442
Transitional provisions for the jurisdiction of Eulex judges and prosecutors in criminal proceedings

1. With the entry into force of this Criminal Code the EULEX judges and prosecutors assigned to criminal proceedings will have jurisdiction and competence over any case that can be investigated or prosecuted by the Special Prosecution Office of the Republic of Kosovo.

2. Before the commencement of the relevant stage of the proceeding, upon petition of the EULEX Prosecutor assigned to the case or working in the mixed team identified in Articles 9 and 10 of the Law on the Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo, or upon petition of any of the parties to the proceeding, or upon a written request of the President of the competent court or of the General Session or of the Supreme Court of Kosovo where the provisions related to the disqualification of a judge or lay judge foreseen by the Criminal Procedure Code of Kosovo are not applicable, the President of the Assembly of EULEX Judges will have the

authority, for any reason when this is considered necessary to ensure the proper administration of justice, to assign EULEX judges to the respective stage of a criminal proceeding, according to the modalities on case selection and case allocation developed by the Assembly of the EULEX Judges and in compliance with the Law on the Jurisdiction, Case selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo, in addition to the crimes foreseen in Article 3.3 of the Law on the Jurisdiction, Case selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo for the following crimes when the investigation or prosecution is not conducted by the Special Prosecution Office of the Republic of Kosovo:

2.1. assault on the Constitutional Order of the Republic of Kosovo as set forth in paragraph 1 of Article 121 of this Code;

2.2. inciting National, Racial, Religious or Ethnic Hatred, Discord or Intolerance as set forth in Article 147 of this Code;

2.3.hijacking Aircraft, Endangering Civil Aviation Safety, Endangering Maritime Navigation Safety, Endangering the Safety of Fixed Platforms located on the Continental Shelf and Piracy as set forth in Articles 164-168 of this Code;

2.4. smuggling of Migrants as set forth in Article 170 of this Code;

2.5. trafficking in Persons as set forth in Article 171 of this Code;

2.6. sexual services of Victims of Trafficking as set forth in Article 231 of this Code;

2.7. inducing Sexual Acts by False Promise of Marriage as set forth in Article 240 of this Code;

2.8. providing Premises for Prostitution as set forth in Article 242 of this Code;

2.9. unlawful Transplantation and Trafficking of Human Organs and Tissues as set forth in Article 265 of this Code;

2.10. endangering United Nations and Associated Personnel as set forth in Article 174 of this Code;

2.11. murder and Aggravated Murder as set forth in Articles178 and 179 of this Code;

2.12. hostage Taking and Kidnapping as set forth in Articles 175 and 194 of this Code;

2.13. violating Equal Status of Citizens and Residents of Kosovo as set forth in Article 193 of this Code;

2.14. torture by as set forth in Article 199 of this Code;

2.15. criminal Offences Against Sexual Integrity as set forth in Articles 230-243 of this Code in any time are punishable with imprisonment of five (5) or more years taking into consideration the maximum of possible penalty for the offense foreseen by Law;

2.16. unauthorized Purchase, Possession, Distribution and Sale of Narcotic Drugs, Psychotropic Substances and Analogues, Unauthorized Production and Processing of Narcotic Drugs, Psychotropic Substances and Analogues, Organizing, Managing of Financing Trafficking in Narcotic Drugs or Psychotropic Substances as set forth in Articles 273, 274 and 279 of this Code;

2.17. causing Bankruptcy, Defrauding or Damaging Creditors or Debtors, Misuse of Economic Authorization, Entering into Harmful Contracts, Causing False Bankruptcy and Fraud in Bankruptcy Proceedings as set forth in Articles 286-291 of this Code;

2.18. counterfeit Money and Production, Supply, Selling, Possession or Provision for Use of Counterfeiting Means as set forth in Articles 302 and 304 of this Code;

2.19. agreements in Restriction of Competition Upon Invitation To Tender as set forth in Article 309 of this Code;

2.20. fraud in Trading With Securities as set forth in Article 310 of this Code;

2.21. abuse of Insider Information as set forth in Article 311 of this Code;

2.22. Government Securities Collusion and Fraud as set forth in Article 312 of this Code;

2.23. false Tax Related Documents as set forth in Article 314 of this Code;

2.24. organizing Pyramid Schemes and Unlawful Gambling (Art.300 of this Code), Tax Evasion as set forth in Article 313 of this Code;

2.25. unjustified Acceptance of Gifts (Art.315 of this Code), Unjustified Giving of Gifts as set forth in Article 316 of this Code;

2.26. theft in the Nature of Robbery or Robbery as set forth in Articles paragraphs 2 and 3 of Article 328 of this Code;

2.27. fraud and Extortion as set forth in Articles 335 and 340 of this Code;

2.28. unauthorized Import, Export, Supply, Transport, Production, Exchange, Brokerage or Sale of Weapons or Explosive Materials as set forth in Article 372 of this Code;

2.29. participating in a Crowd Committing a Criminal Offence as set forth in Article 412 of this Code;

2.30. abusing Official Position or Authority, Accepting Bribes and Giving Bribes as set forth in Articles 422, 428 and 429 of this Code;

2.31. misappropriation in Office and Fraud in Office as set forth in Articles 425-426 of this Code;

2.32. fraud Related To Receiving Funds from European Community as set forth in Article 337 of this Code;

2.33. conflict of Interests as set forth in Article 424 of this Code.

Article 443
Transitional provisions for the jurisdiction of the Kosovo intelligence agency

1. With the entry into force of this Criminal Code the Kosovo Intelligence Agency will have jurisdiction and competence to collect information on any case involving the criminal offenses set forth in the following Chapters:

1.1. criminal Offenses Against the Constitutional Order and Security of the Republic of Kosovo as set forth in Chapter XIV of this Code;

1.2. criminal Offenses Against Humanity and Values Protected by International Law as set forth in Chapter XV of this Code;

1.3. criminal Offenses Against Public Health as set forth in Chapter XXII of this Code;

1.4. narcotic Drug Offenses as set forth in Chapter XXIII of this Code;

1.5. organized Crime as set forth in Chapter XXIV of this Code;

1.6. criminal Offenses against the General Security of People and Property as set forth in Chapter XXIX of this Code;

1.7. weapons Offenses as set forth in Chapter XXX of this Code.

Article 444
Entry into force

The Criminal Code of Republic of Kosovo shall enter into force on 1 January 2013.

Code No. 04/L-082
20 April 2012

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI