CRIMINAL CODE

(Official Gazette of RS, Nos. 85/2005, 88/2005, 107/2005)

GENERAL PART

CHAPTER ONE
GENERAL PROVISIONS

No Criminal Offence or Punishment without Law

Article 1

No one may be punished or other criminal sanction imposed for an offence that did not constitute a criminal offence at the time it was committed, nor may punishment or other criminal sanction be imposed that was not applicable at the time the criminal offence was committed.

No Punishment without Guilt

Article 2

Punishment and caution may be imposed only on an offender who is guilty of the committed criminal offence.

Basis and Scope of Criminal Law Compulsion

Article 3

Protection of a human being and other fundamental social values constitute the basis and scope for defining of criminal acts, imposing of criminal sanctions and their enforcement to a degree necessary for suppression of these offences.

Criminal Sanctions and their General Purpose

Article 4

(1) Criminal sanctions are punishment, caution, security measures and rehabilitation measures.

(2) The general purpose of prescription and imposing of criminal sanctions is to suppress acts that violate or endanger the values protected by criminal legislation.

(3) A criminal sanction may not be imposed on a person who has not turned fourteen at the time of the commission of an offence. Rehabilitation measures and other criminal sanctions may be imposed on a juvenile under the conditions prescribed by a special law.

CHAPTER TWO
APPLICATION OF CRIMINAL LEGISLATION OF THE REPUBLIC OF SERBIA

Temporal Application

Article 5

(1) The law in force at the time of committing of criminal offence shall apply to the offender.

(2) If after the commission of a criminal offence, the law was amended once or more times, the law most lenient for the offender shall apply.

(3) A person who commits an offence prescribed by a law with a definite period of application shall be tried under such law, regardless of the time of trial, unless otherwise provided by such law.

Applicability of Criminal Legislation on the Territory of Serbia

Article 6

(1) Criminal legislation of the Republic of Serbia shall apply to anyone committing a criminal offence on its territory.

(2) Criminal legislation of the Republic of Serbia shall apply to anyone committing a criminal offence on a domestic vessel, regardless of where the vessel is at the time of committing of the act.

(3) Criminal legislation of the Republic of Serbia shall apply to anyone committing a criminal offence in a domestic aircraft while in flight or domestic military aircraft, regardless of where the aircraft is at the time of committing of criminal offence.

(4) If criminal proceedings have been instituted or concluded in a foreign country in respect of cases specified in paragraphs 1 through 3 of this Article, criminal prosecution in Serbia shall be undertaken only with the permission of the Republic Public Prosecutor.

(5) Criminal prosecution of foreign citizens in cases specified in paragraphs 1 through 3 of this Article may be transferred to a foreign state, under the terms of reciprocity.

Applicability of Criminal Legislation of Serbia to Perpetrators of Particular Criminal Offences Committed Abroad

Article 7

Criminal legislation of Serbia shall apply to anyone committing abroad a criminal offence specified in Articles 305 through 316, and 318 through 321 hereof or Article 223 hereof if counterfeiting relates to domestic currency.

Applicability of Criminal Legislation of Serbia to Serbian Citizen Committing Criminal Offence Abroad

Article 8

(1) Criminal legislation of Serbia shall also apply to a citizen of Serbia who commits a criminal offence abroad other than those specified in Article 7 hereof, if found on the territory of

Serbia or Montenegro or if extradited to the State Union of Serbia and Montenegro.

(2) Under the conditions specified in para 1 of this Article, criminal legislation of Serbia shall also apply to an offender who became a citizen of Serbia and Montenegro after the commission of the offence.

Applicability of Criminal Legislation of Serbia to a Foreign Citizen Committing a Criminal Offence Abroad

Article 9

(1) Criminal legislation of Serbia shall also apply to a foreigner who commits a criminal offence against Serbia or its citizen outside the territory of Serbia other than those defined in Article 7 hereof, if they are found on the territory of Serbia or Montenegro or if extradited to the State Union of Serbia and Montenegro.

(2) Criminal legislation of Serbia shall also apply to a foreigner who commits a criminal offence abroad against a foreign state or foreign citizen, when such offence is punishable by five years' imprisonment or a heavier penalty, pursuant to laws of the country of commission, if such person is found on the territory of Serbia and is not extradited to the foreign state. Unless otherwise provided by this Code, the court may not impose in such cases a penalty heavier than set out by the law of the country where the criminal offence was committed.

Special Requirements for Criminal Prosecution for Offences Committed Abroad

Article 10

(1) In cases referred to in Articles 8 and 9 hereof, criminal prosecution shall not be undertaken if:

1) the offender has fully served the sentence to which he was convicted abroad;

2) the offender was acquitted abroad by final judgement or the statute of limitation has set in respect of the punishment, or was pardoned;

3) to an offender of unsound mind a relevant security measure was enforced abroad;

4) for a criminal offence under foreign law criminal prosecution requires a motion of the victim, and such motion was not filed.

(2) In cases referred to in Articles 8 and 9 hereof criminal prosecution shall be undertaken only when criminal offences are also punishable by the law of the country where committed. When in cases referred to in Article 8 and 9 paragraph 1 hereof, the law of the country where the offence was committed does not provide for criminal prosecution for such offence, criminal prosecution may be undertaken only by permission of the Republic Public Prosecutor.

(3) In case referred to in Article 9 paragraph 2 hereof, if the act at time of commission was considered a criminal offence under general legal principles of international law, prosecution may be undertaken in Serbia following the permission of the Republic Public Prosecutor, regardless of the law of the country where the offence was committed.

Calculating Detention and Time Served Abroad

Article 11

Detention, any other depriving of liberty in respect of a criminal offence, depriving of liberty during extradition procedure, as well as the punishment that the offender has served abroad pursuant to the judgement of a foreign court shall be calculated in the punishment imposed by a domestic court for the same criminal offence, and if the punishment is not of the same kind, calculation shall be done according to the assessment of the court.

Applicability of the Law of a Member State Setting forth Criminal Offence

Article 12

(1) Criminal legislation of a member state that sets forth a criminal offence shall apply to anyone who on the territory of such member state commits a criminal offence provided under its legislation, regardless of where such person stands trial.

(2) If the criminal offence provided under criminal legislation of a member state has been committed on the territory of both member states, the law of the state where the offender stands trial shall apply.

(3) For criminal offences provided under legislation of a member state when such acts are committed outside the State Union of Serbia and Montenegro or on a domestic ship or domestic aircraft while outside the territory of the State Union of Serbia and Montenegro, the law of the member state where the offender stands trial shall apply.

Applicability of the General Part of this Code

Article 13

Provisions of the General Part of this Code shall apply to all criminal offences provided under this Code or other law.

CHAPTER THREE
CRIMINAL OFFENCE

1. General Provisions on Criminal Offence

Criminal Offence

Article 14

(1) A criminal offence is an offence set forth by the law as criminal offence, which is unlawful and committed with guilty mind/*mens rea*.

(2) There is no criminal offence without an unlawful act or culpability, notwithstanding the existence of all essential elements of a criminal offence stipulated by law.

Commission of Criminal Offence by Omission

Article 15

(1) A criminal offence is committed by omission if the law defines a failure to undertake a particular action as a criminal offence.

(2) A criminal offence may also be committed by omission even if the law defines the offence as commission, if elements of such criminal offence have materialised by the offender's failure to do what he was obliged to do.

Time of Commission of Criminal Offence

Article 16

(1) A criminal offence is committed at the time the offender was acting or was obliged to act, irrespective of when the consequences of that act occurred.

(2) An accomplice has committed a criminal offence at the time when he acted or was obliged to act.

Place of Commission of Criminal Offence

Article 17

(1) A criminal offence is committed both at the place where the perpetrator acted or was obliged to act, and where full or partial consequences of the act occurred.

(2) An attempted criminal offence shall be considered committed both at the place where the offender acted and at the place where consequences of his intent should or could have occurred.

(3) An accomplice has committed an offence also in the place where he acted in complicity.

An Offence of Minor Significance

Article 18

(1) An offence shall not be considered a criminal offence, if despite having elements of a criminal offence it represents an offence of minor significance.

(2) An offence of minor significance is that in which the degree of the offender's responsibility is low, if consequences are absent or insignificant or eliminated by the offender, and where the general purpose of imposing criminal sanctions does not require sanctioning.

(3) The provisions of paragraphs 1 and 2 of this Article may be applied to criminal offences carrying imprisonment sentence of up to three years or a fine.

Self-defence

Article 19

(1) An act committed in self-defence is not a criminal offence.

(2) Self-defence is such defence as necessary for the perpetrator to repel a concurrent unlawful attack on his person or the person of another.

(3) Punishment of a perpetrator who has exceeded the limits of self-defence may be mitigated. A perpetrator who exceeds the limit of self-defence due to extreme provocation or fear caused by assault may be acquitted.

Extreme Necessity

Article 20

(1) An act committed in extreme necessity shall not constitute a criminal offence.

(2) Extreme necessity exists when an act is committed by the perpetrator to repel from his person or the person of another a concurrent unprovoked danger that could not be otherwise repelled, and the damage inflicted does not exceed the damage threatened.

(3) Punishment of a perpetrator who caused the danger himself, but due to negligence or

has exceeded the limits of extreme necessity, may be mitigated. A perpetrator who has exceeded the limits of extreme necessity under particularly extenuating circumstances, may receive remittance of punishment.

(4) There is no extreme necessity if the offender was under obligation to expose himself to imminent danger.

Force and Threat

Article 21

(1) An act committed under irresistible force is not a criminal offence.

(2) If a criminal offence is committed under force which is not irresistible or under threat, the offender may be punished more leniently.

(3) In case referred to in para 1 of this Article, the person using irresistible force shall be considered perpetrator of the criminal offence.

Guilt

Article 22

(1) A perpetrator is guilty if he/she was mentally competent and acting with premeditation at the time of committing of the criminal offence, and was aware or should or could have been aware that his action was prohibited.

(2) A perpetrator is also guilty when acting in negligence, if so explicitly provided by law.

Mental Incompetence

Article 23

(1) There is no criminal offence if it was committed in a state of mental incompetence.

(2) A perpetrator is mentally incompetent if they were unable to understand the significance of their act or were unable to control their actions due to mental illness, temporary mental disorder, mental retardation or other severe mental disorder.

(3) A perpetrator of a criminal offence whose ability to understand the significance of their act or ability to control their actions was substantially diminished due to any of the conditions stipulated in paragraph 2 of this Article (substantially diminished mental competence) may be given a mitigated sentence.

Self-induced Incompetence

Article 24

(1) The guilt of the perpetrator of a criminal offence who by consumption of alcohol, drugs or otherwise induced such a state of mind where they could not understand the significance of their act or control their actions shall be determined according to the time directly preceding the induced state.

(2) A perpetrator who under the circumstances referred to in paragraph 1 of this Article committed a criminal offence in the state of substantially reduced competence may not receive mitigated punishment on these grounds.

Premeditation

Article 25

A criminal offence is premeditated if the perpetrator was aware of his act and wanted it committed or when the perpetrator was aware that he could commit the act and consented to its commission.

Negligence

Article 26

A criminal offence is committed by negligence if the offender was aware that by his action he could commit an offence, but had recklessly assumed that it would not occur or that he would be able to prevent it or was unaware that by his action he could commit an offence although due to circumstances under which it was committed and his personal characteristics he was obliged to be and could have been aware of such possibility.

Liability for Graver Consequence

Article 27

When a graver consequence has resulted from a criminal offence due to which a more severe punishment is provided by law, such punishment may be imposed if the consequence is attributable to the offender's negligence, as well as if he acted with premeditation if this does not establish elements of another criminal offence.

Mistake of Fact
(*Error Facti*)

Article 28

(1) An act shall not be considered a criminal offence if it was done out of a compelling mistake of fact.

(2) A compelling mistake of law exists where the perpetrator was not required or could not avoid a mistake about particular circumstance, which is a statutory element of the criminal offence, or about particular circumstance, which, had it existed, would have rendered such act permissible.

(3) If the perpetrator's mistake was due to negligence, he shall be guilty of criminal offence committed by negligence, if such offence is provided by law.

Mistake of Law
(Error Iuris)

Article 29

(1) An act shall not be considered a criminal offence if it was done out of a compelling mistake of law.

(2) A compelling mistake of law exists where the perpetrator was not required or could not be aware that his act was prohibited.

(3) A perpetrator who was unaware that an act was prohibited, but could have or should have known, may be punished leniently.

2. Attempted Criminal Offence

Attempt

Article 30

(1) Whoever commences a criminal offence with premeditation, but does not complete it, shall be punished for the attempted criminal offence if such offence is punishable by law with a term of imprisonment of five years or more, and for the attempt of other criminal offence only when the law explicitly provides for the punishment of attempt.

(2) A perpetrator shall be punished for an attempt with a punishment prescribed for the criminal offence or with a lighter punishment.

Inappropriate Attempt

Article 31

An offender who attempts to commit a criminal offence with an inappropriate tool or against an inappropriate object may be remitted from punishment.

Voluntary Abandonment

Article 32

(1) An offender who attempted to commit a criminal offence, but voluntarily abandoned the act of commission or prevented occurrence of consequences, may be remitted from punishment.

(2) The provision of paragraph 1 of this Article shall not apply if the offender has not completed the criminal offence due to circumstances preventing or considerably hindering commission of the criminal offence, or because he assumed that such circumstances were present.

(3) An accessory, instigator or abettor who voluntarily prevents commission of a criminal offence may also be remitted from punishment.

(4) If in cases specified in paragraphs 1 and 3, the offender completes some other criminal offence that is independent of the offence he abandoned, the offender may not be remitted from punishment for such other offence on the same grounds.

3. Complicity in Criminal Offence

Co-perpetration

Article 33

If several persons jointly take part in committing a criminal offence, or jointly commit an offence out of negligence, or by carrying out a jointly made decision, by other premeditated act

significantly contribute to committing a criminal offence, each shall be punished as prescribed by law for such offence.

Incitement

Article 34

(1) Whoever with intent incites another to commit a criminal offence shall be punished as prescribed by law for such offence.

(2) Whoever with intent incites another to commit a criminal offence whose attempt is punishable by law, and such offence has not been attempted at all, shall be punished as for the attempted criminal offence.

Aiding and Abetting

Article 35

(1) Anyone aiding another with intent in committing a criminal offence shall be punished as prescribed by law for such criminal offence, or by a mitigated penalty.

(2) The following, in particular, shall be considered as aiding in the commission of a criminal offence: giving instructions or advice on how to commit a criminal offence; supply of means for committing a criminal offence; creating conditions or removal of obstacles for committing a criminal offence; prior promise to conceal the commission of the offence, offender, means used in committing a criminal offence, traces of criminal offence and items gained through the commission of criminal offence.

Limits of Culpability and Punishment of Accomplices

Article 36

(1) An accomplice is culpable for a criminal offence within the limits of his intent or negligence, and the inciter and abettor within the limits of their intent.

(2) Grounds which preclude the culpability of the perpetrator (Art. 23, 28 and 29 hereof) do not preclude a criminal offence of co-perpetrators, inciters or abettors if they are culpable.

(3) Personal relations, characteristics and circumstances due to which the law allows remittance of punishment, or that affect sentencing, may be taken in consideration only for such perpetrator, co-perpetrator, inciter or abettor where such relations, characteristics and circumstances exist.

(4) Personal relations, characteristics and circumstances representing an essential element of a criminal offence do not have to exist with an inciter or abettor. An inciter or abettor having no such personal characteristic may be given a mitigated penalty.

4. Punishment of Inciter and Abettor for an Attempt

Attempt and Lesser Criminal Offence

Article 37

(1) If a criminal offence remains an attempt, the inciter and abettor shall be punished for the attempt.

(2) If an offender commits a lesser criminal offence than the one incited to or abetted, and

which would have been comprised in such offence, the inciter and abettor shall be punished for the committed criminal offence.

(3) Provision of paragraph 2 of this Article shall not apply if the inciter would receive more severe penalty by application of Article 34, paragraph 2 hereof.

5. Special Provisions on Criminal Liability for Offences Committed through the Media

Culpability of an Editor-in-chief

Article 38

(1) A perpetrator of a criminal offence committed through publication of information in newspapers, other periodicals, on the radio, television or newsreels is the author of the information.

(2) As an exception to paragraph 1 of this Article, an editor-in-chief or person replacing him at the time of publication of the information shall be deemed perpetrator of a criminal offence committed through publication of information in newspapers, other periodicals, on the radio, television or newsreels:

1) if the author remains unknown until the conclusion of the main hearing before a first instance court and the offence carries a statutory penalty of five years imprisonment or more;

2) if the information was published without the author's consent;

3) if at the time of publication factual or legal obstacles existed for prosecution of the author, and continue to exist.

(3) An editor-in-chief or person replacing him is not culpable if due to justifiable reasons he was unaware of any of the circumstances referred to in paragraph 2, items 1 through 3 of this Article.

Criminal Liability of Publisher, Printer and Producer

Article 39

(1) If conditions set forth in Article 38 hereof exist, the perpetrators shall be:

1) publisher – for a criminal offence committed through regular printed publications, and if there is no publisher or factual or legal obstacles exist for his prosecution – the type-setter/printer who had knowledge thereof;

2) producer – for the criminal offence committed by way of compact disc, phonograph record, magnetic tape and other audio mediums, film for public and private showing, slides, video or other similar means intended for a wider audience.

(2) If the publisher, printer or producer is a legal entity or government authority, the official in charge of publishing, printing or production shall be culpable.

Application of Provisions of Articles 38 and 39

Article 40

Provisions of Articles 38 and 39 hereof shall apply only provided these persons may not be considered perpetrators of a criminal offence pursuant to general provisions of this Code.

Protection of Sources of Information

Article 41

Persons referred to in Articles 38 and 39 hereof shall not be considered perpetrators of a criminal offence if they failed to disclose to the court or a competent body the author of the information or source of information, unless a criminal offence has been committed which is punishable by at least five years imprisonment or more, or if necessary in order to prevent such criminal offence.

CHAPTER FOUR
PENALTIES

1. Purpose of Punishment, Types of Punishment and Requirements for Imposition thereof

Purpose of Punishment

Article 42

Within the framework of the general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of punishment is:

1) to prevent an offender from committing criminal offences and deter them from future commission of criminal offences;

2) to deter others from commission of criminal offences;

3) to express social condemnation of the criminal offence, enhance moral strength and reinforce the obligation to respect the law.

Types of Punishment

Article 43

The following sanctions may be pronounced to a perpetrator of criminal offence:

1) imprisonment;

2) fine;

3) community service;

4) revocation of driver's license.

Principal and Secondary Penalties

Article 44

(1) Imprisonment and community service may be pronounced only as principal sanctions.

(2) A fine and revocation of driver's license may be pronounced as principal and as secondary sanctions.

(3) If several sanctions are prescribed for a single criminal offence, only one may be pronounced as principal sanction.

Imprisonment

Article 45

(1) A sentence of imprisonment may not be less than thirty days or more than twenty years.

(2) A sentence of imprisonment referred to in paragraph 1 of this Article is pronounced in

full years and months, and if under six months then also in days.

(3) A term of imprisonment from thirty to forty years may exceptionally be pronounced for the most serious criminal offences or the most serious forms of criminal offences together with the penalty referred to in para 1 of this Article. This sentence is pronounced in full years.

(4) A term of imprisonment from thirty to forty years may not be pronounced to a person who at the time of commission of the criminal offence is under twenty-one years of age.

Release on Parole

Article 46

(1) The court may release on parole a convicted person who has served half of the prison sentence if in the course of serving the prison sentence he has improved so that it is reasonable to assume that he will behave well while at liberty and particularly that he will refrain from committing a new criminal offence until the end of the imposed prison sentence. In deliberating whether to release the convicted person on parole, consideration shall be given to his conduct during serving of the sentence, performance of work tasks relative to his abilities, and other circumstances indicating that the purpose of punishment has been achieved.

(2) In the case referred to in paragraph 1 of this Article, if parole is not revoked, it shall be considered that the convicted person has served his sentence.

Revocation of Parole

Article 47

(1) The court shall revoke parole if the convicted person, while on parole, commits one or more criminal offences punishable by a term of imprisonment exceeding one year.

(2) The court may revoke parole, if a person on parole commits one or more criminal offences punishable by a term of imprisonment of under one year. In determining whether to revoke the parole, the court shall particularly take into consideration whether criminal offences are related, motives and other circumstances justifying revocation of parole.

(3) Provisions of paragraphs 1 and 2 of this Article shall also apply when the paroled person is tried for a criminal offence committed prior to release on parole.

(4) When the court revokes parole it shall pronounce sentence by applying provisions of Article 60 and 62, paragraph 2 hereof, taking the previously pronounced sentence as already established. The part of the sentence served by the convicted person pursuant to previous conviction shall be calculated into the new sentence, whilst time spent on parole shall not be calculated.

(5) If the paroled person is convicted to a term of imprisonment under one year, and the court does not revoke parole, parole shall be extended for the period of imprisonment for such sentence served by the convicted persons.

(6) In cases referred to in paragraphs 1 through 3 of this Article, parole may be revoked not later than two years from the day parole has expired.

General Provisions on Fines

Article 48

(1) A fine may be determined and pronounced either in daily amounts (Article 49) or a particular amount (Article 50).

(2) A fine for criminal offences committed for gain may be pronounced as secondary punishment even when not stipulated by law or when the law stipulates that the perpetrator may be punished with imprisonment or fine, and the court pronounces imprisonment as the principal punishment.

Fine in Daily Amounts

Article 49

(1) A fine in daily amounts shall be determined by first defining the number of daily amounts and then the sum of the daily amount. The final amount of the fine shall be determined by the court by multiplying the adjudicated number of daily amounts with the value of one daily amount.

(2) The number of daily amounts may not be less than ten nor exceed three hundred and sixty days. The number of daily amounts for the committed criminal offence shall be determined in accordance with the general rules for determining penalties (Article 54).

(3) The sum of one daily amount is determined by dividing the difference between the income and expenditures of the perpetrator during the previous year by the number of days in the year. A single daily amount may not be under five hundred dinars or more than fifty thousand dinars.

(4) For the purpose of determining the daily amount the court may request information from banks and other financial institutions, government authorities and legal entities who are obliged to deliver the requested information and may not invoke protection of business or other secret.

(5) If it is not possible to obtain verified information on the income and expenses of the perpetrator, or if he does not generate any income, but owns property or holds property rights, the court shall as a rough estimate determine the daily amount based on the available information. The number of daily amounts is determined within the following ranges:

1) up to sixty for criminal offences punishable by imprisonment up to three months;

2) from thirty to one hundred and twenty for criminal offences punishable by imprisonment up to six months;

3) from sixty to one hundred and eighty for criminal offences punishable by imprisonment up to one year;

4) from one hundred and twenty to two hundred and forty for criminal offences punishable by imprisonment up to two years;

5) at least one hundred and eighty for criminal offences punishable by imprisonment up to three years.

6) within the prescribed amount for criminal offences where a fine is prescribed as the only penalty.

Fine in Particular Amount

Article 50

(1) If it is not possible to determine the amount of a daily amount either based on the rough estimate of the court (Art. 49, para 5), or collecting of such information would significantly prolong the criminal proceedings, the court shall pronounce a fine in set amount within the stipulated range of minimum and maximum fine.

(2) A fine may not be less than ten thousand dinars. A fine may not exceed one million dinars and in case of criminal offences committed for gain more than ten million dinars.

(3) A fine as principal punishment is pronounced in the following amounts:

1) up to one hundred thousand dinars for criminal offences punishable by imprisonment up to three months;

2) from twenty thousand to two hundred thousand dinars for criminal offences punishable by imprisonment up to six months;

3) from thirty thousand to three hundred thousand dinars for criminal offences punishable by imprisonment up to one year;

4) from fifty thousand to five hundred thousand dinars for criminal offences punishable by imprisonment up to two years;

5) at least one hundred thousand dinars for criminal offences punishable by imprisonment up to three years.

6) within the prescribed amount for criminal offences where a fine is prescribed as the only penalty.

Enforcement of Fine

Article 51

(1) The time period for payment of a fine is defined in the judgement and may not be less than fifteen days or more than three months. In justifiable cases the court may allow the convicted person to pay the fine in instalments where the period of payment may not exceed one year.

(2) If the convicted person fails to pay the fine within the set period, the court shall replace the fine with a term of imprisonment, by converting each one thousand dinars into one day of imprisonment, provided that the term of imprisonment may not exceed six months, and if the pronounced fine exceeds seven hundred thousand dinars, the term of imprisonment may not exceed one year.

(3) If the convicted person pays only a part of the fine, the court shall convert *pro rata* the remaining amount of the fine to a term of imprisonment, and if the convicted person pays the remaining amount of the fine, enforcement of the prison sentence shall be discontinued.

(4) An unpaid fine may instead of imprisonment be replaced with a community service order, by converting each one thousand dinars into eight hours of community service, provided the total duration of community service does not exceed three hundred and sixty hours.

(5) After death of the convicted person the fine shall not be enforced.

Community Service

Article 52

(1) Community service may be imposed for criminal offences punishable by imprisonment of up to three years or a fine.

(2) Community service is any socially beneficial work that does not offend human dignity and is not performed for profit.

(3) Community service may not be less than sixty hours or longer than three hundred and sixty hours. Community service shall last sixty hours during one month and shall be performed during a period that may not be under one month or more than six months.

(4) In pronouncing this penalty the court shall give consideration to the purpose of punishment, have regard to the type of committed criminal offence, personality of the perpetrator and his readiness to perform community service. Community service may not be pronounced without consent of the offender.

(5) If the offender fails to perform a number of all any hours of community service, the court shall replace this penalty by a term of imprisonment by calculating every eight hours of community service as one day of imprisonment.

(6) If the offender fulfils his obligations in respect of community service, the court may reduce the pronounced duration of community service by one quarter.

Revocation of Driver's License

Article 53

(1) The driving license of a perpetrator of an offence in whose commission or preparation a motor vehicle was used, may be revoked.

(2) The court shall determine the duration of the penalty specified in paragraph 1 of this Article, which may not be less than one nor more than three years, calculated from the day the decision became final, and where time spent in prison is not calculated into this sentence.

(3) The penalty specified in paragraph 1 of this Article may be pronounced as secondary punishment together with a term of imprisonment or a fine, and may be imposed as principal punishment for criminal offences punishable by imprisonment of up to two years. Revocation of driving licence may not be ordered together with the safety measure of ban on driving a vehicle.

(4) If the convicted person drives a motor while his driver's license is revoked, the court shall replace the penalty of revocation of driver's license by a term of imprisonment, by calculating every year of revocation of driver's license as one month of imprisonment.

2. Determination of Sentence

General Principles on Sentencing

Article 54

(1) The court shall determine a punishment for a criminal offender within the limits set forth by law for such criminal offence, with regard to the purpose of punishment and taking into account all circumstance that could have bearing on severity of the punishment (extenuating and aggravating circumstances), and particularly the following: degree of culpability, the motives for committing the offence, the degree of endangering or damaging protected goods, the circumstances under which the offence was committed, the past life of the offender, his personal situation, his behaviour after the commission of the criminal offence and particularly his attitude towards the victim of the criminal offence, and other circumstances related to the personality of the offender.

(2) In determining the fine in particular amount (Article 50), the court shall afford particular consideration to financial status of the offender.

(3) The circumstance which is an element of a criminal offence may not be taken into consideration either as aggravating or extenuating, unless it exceeds the degree required for establishing the existence of the criminal offence or particular form of the criminal offence or if there are two or more of such circumstances, and only one is sufficient to define the existence of a severe or less severe form of criminal offence.

Repeat Offence

Article 55

The court may, in determining punishment for a perpetrator of a criminal offence they committed after serving of sentence, pardon or sentence under limitations or remittance of punishment, upon expiry of period for revocation of parole or admonition by the court, take such circumstance as aggravating, and shall give particular consideration to seriousness of the previous offence, whether the previous offence was of the same kind as the latter, whether both offences were committed from same motives, circumstances under which the offences were committed and the time elapsed from the previous conviction or pronounced punishment, pardon or sentence under limitations, remittance of punishment or of the expiry of the time limit for revocation of previous suspended sentence or pronounced caution by the court.

Mitigation of Penalty

Article 56

The court may pronounce to a perpetrator of a criminal offence a penalty which is under statutory limits or a mitigated penalty, if:

1) mitigation of penalty is provided by law;

2) the law provides for remittance from punishment of the offender and the court decides otherwise;

3) the court finds that particularly mitigating circumstances exist and determines that the purpose of punishment may be achieved by a mitigated penalty.

Limits of Mitigation

Article 57

(1) When requirements for mitigation of penalty specified in Article 56 hereof are met, the court shall mitigate the penalty within the following limits:

1) if the lowest statutory penalty for the criminal offence is imprisonment of five or more years, the sentence may be reduced to two years imprisonment;

2) if the lowest statutory penalty for the criminal offence is imprisonment of three years, the sentence may be reduced to one-year imprisonment;

3) if the lowest statutory penalty for the criminal offence is imprisonment of two years, the sentence may be reduced to six-month imprisonment;

4) if the lowest statutory penalty for the criminal offence is imprisonment up to one year, the sentence may be reduced to three months;

5) if the lowest statutory penalty for the criminal offence is imprisonment under one year, the sentence may be reduced to thirty -day imprisonment;

6) if the statutory penalty for the criminal offence does not specify minimum sentence, imprisonment may be replaced by fine or community service;

7) if the statutory penalty for the criminal offence is a fine with specified lowest amount, the fine may be reduced to ten thousand dinars.

(2) When the court has powers of remittance from punishment, it may reduce the penalty without limitations stipulated for mitigation of punishment.

Remittance of Punishment

Article 58

(1) The court may remit from punishment a perpetrator of a criminal offence only when so explicitly provided by law.

(2) The court may also remit from punishment a perpetrator of a criminal offence committed from negligence if the consequences of the offence affect the offender so strongly that imposing of penalty would obviously not serve the purpose of punishment.

Settlement of the Offender and Victim

Article 59

(1) The court may remit from punishment the perpetrator of a criminal offence punishable by up to three years' imprisonment or a fine if the offender has fulfilled all his obligations from an agreement reached with the victim.

(2) The court may also remit from punishment the perpetrator of a criminal offence punishable by imprisonment of up to five years if following the commission of the offence, and before learning that he has been uncovered, the offender eliminates the consequences of the offence or compensates damages caused by the criminal offence.

Joinder of Offences

Article 60

(1) If an offender by one act or several acts has committed several criminal offences for which he is tried concurrently, the court shall first determine penalties for each of the offences respectively and shall then pronounce a single penalty.

(2) The court shall pronounce a single penalty in line with the following rules:

1) if a term of imprisonment of forty years has been determined for one of the criminal offences in joinder, only such sentence shall be pronounced;

2) if the court has determined imprisonment for criminal offences in joinder, it shall increase the most severe punishment, provided that the single sentence does not attain the sum of cumulative sentences, or exceed twenty years' imprisonment;

3) if prison sentences of maximum three years are prescribed for all criminal offences in joinder, the single sentence may not exceed ten years' imprisonment;

4) if only fines are determined for criminal offences in joinder, the court shall pronounce a single fine in the amount of the cumulative sum of determined fines, provided it does not exceed eighteen million dinars, and where the court determined particular amounts (Article 50), the fine may not exceed one million or ten million dinars when one or more offences were committed for gain;

5) if only community service is provided for criminal offences in joinder, the court shall pronounce a single penalty of community service, provided it does not exceed three hundred and sixty hours, and the time period within which community service is performed should not exceed six months.

6) if imprisonment is provided for some criminal offences in joinder and a fine for others, the court shall pronounce a single fine pursuant to provisions of items 2 through 4 of this paragraph.

(3) The court shall pronounce a fine as secondary punishment if it has been prescribed for one of the criminal offences in joinder, and if the court has determined more than one fine it shall pronounce a single fine pursuant to the provisions of paragraph 2, item 4 of this Article. If the court determines a fine as principal penalty and also determines a fine as secondary penalty, it shall pronounce a single fine applying the rules specified in paragraph 2, item 4 of this Article.

(4) If the court determines imprisonment and juvenile detention as penalties for joinder of offences, a single penalty of imprisonment shall be pronounced by applying the rules specified in paragraph 2, item 2 of this Article.

Continuing Offence

Article 61

(1) A continuing offence comprises several identical offences or offences of the same type committed in temporal continuity by the same offender, representing a whole, due to existence of at least two of the following requirements: same victim, same type of object of the offence, use of same situation or same permanent relationship, same places or spaces of commission of the offence or same intent of offender.

(2) Offences against person may constitute continuing criminal offence only when perpetrated against the same person.

(3) Offences that by their nature do not allow combining into one offence cannot constitute continuing criminal offence.

(4) If a continuing criminal offence comprises both serious and less serious forms of the same offence, it shall be considered that the continuing criminal offence constitutes the most serious form of committed offences.

(5) If a continuing criminal offence comprises offences whose element is a pecuniary amount, it shall be considered that the continuing criminal offence achieved the sum of amounts achieved by individual offences, if comprised by single intent of the offender.

(6) A criminal offence which is not included in a continuing offence in a final court ruling, but uncovered subsequently, shall constitute a separate criminal offence or be part of a separate continuing offence.

Sentencing

Article 62

(1) If a convicted person is tried for a criminal offence committed before commencement of serving of prison sentence for earlier conviction, or for a criminal offence committed in the course of serving prison sentence or juvenile detention, the court shall pronounce a single sentence for all criminal offences by applying the provisions of Article 60 hereof, taking into account the sentence pronounced earlier as an already determined penalty. The sentence or a part of the sentence the convicted person has already served shall be credited to the pronounced sentence of imprisonment.

(2) For a criminal offence committed in the course of serving a prison sentence or juvenile detention, the court shall pronounce a sentence to the offender, irrespective of previously pronounced sentence, if by application of the provisions of Article 60 hereof and due to the seriousness of the criminal offence and the remaining part of the earlier sentence, the purpose of punishment cannot be achieved.

(3) A convicted person who in the course of serving a prison sentence or juvenile detention commits an offence for which the law stipulates a fine or a term of imprisonment up to one year, shall receive disciplinary punishment.

Crediting Time in Detention and Earlier Sentence

Article 63

(1) The time spent in detention, as well as any other depravation of liberty in relation to a criminal offence shall be credited to the pronounced prison sentence, fine and community service.

(2) If a criminal procedure has been conducted for several criminal offences in joinder, and detention has not been ordered for each of them, the time spent in detention shall be credited to the pronounced prison sentence, fine and community service for the offence of which the accused is convicted.

(3) A prison sentence or a fine which the offender has served or paid for a misdemeanour or commercial offence, as well as sentence or disciplinary measure of depriving of liberty which the offender has served for violation of military discipline shall be credited to the sentence pronounced for a criminal offence whose elements comprise also the elements of a misdemeanour, commercial offence or violation of military discipline.

(4) For each crediting, a day spent in detention, a day of depriving of liberty, a day of imprisonment, eight hours of community service and one thousand dinars of fine shall be deemed equal.

CHAPTER FIVE
CAUTIONARY MEASURES

1. Suspended Sentence and Judicial Admonition

Purpose of Suspended Sentence and Judicial Admonition

Article 64

(1) Cautionary measures are suspended sentence and judicial admonition.

(2) Within the general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of a suspended sentence and judicial admonition is not to impose a sentence for lesser criminal offences to the offender who is guilty when it may be expected that an admonition with the threat of punishment (suspended sentence) or a caution alone (judicial admonition) will have sufficient effect on the offender to deter him from further commission of criminal offences.

Suspended Sentence

Article 65

(1) By suspended sentence the court determines punishment of the offender and concurrently determines that it shall not be enforced provided the convicted person does not commit a new offence during a period set by the court, which may not be under one or longer than five years (probationary period).

(2) The court may order in suspended sentence that the penalty shall be enforced if the convicted person fails to restore material gain acquired through commission of the offence, fails to compensate damages caused by the offence or fails to fulfil other obligations provided in provisions of criminal legislation. The court shall set the time for fulfilling such obligations within the specified probationary period.

(3) Security measures ordered together with suspended sentence shall be enforced.

Requirements for Pronouncing a Suspended Sentence

Article 66

(1) A sentence of imprisonment of up to two years may be suspended.

(2) For criminal offences punishable by imprisonment up to ten years or more the sentence may not be suspended.

(3) A suspended sentence may not be pronounced when more than five years have elapsed from the time the sentence pronounced to a perpetrator for premeditated criminal offence became final.

(4) In determining whether to pronounce a suspended sentence the court shall, having regard to the purpose of suspended sentence, particularly take into consideration the personality of the offender, his previous conduct, his conduct after committing the criminal offence, degree of culpability and other circumstances relevant to the commission of crime.

(5) If both a term of imprisonment and a fine are imposed, only the prison sentence may be suspended.

Revocation of Suspended Sentence due to New Criminal Offence

Article 67

(1) The court shall revoke a suspended sentence if the convicted person commits one or more criminal offences during probation and is sentenced to imprisonment of two years or more.

(2) If a convicted person during probation commits one or more criminal offences and is sentenced to imprisonment of under two years or a fine, the court shall, after deliberating all circumstances relating to the committed offence and the offender, and particularly congruence of the offences, their significance and motivation for their commitment, decide whether to revoke the suspended sentence. In its deliberation the court shall be bound by the ban on suspending a sentence if the offender is to be sentenced to more than two years in prison for criminal offences determined in the suspended sentence and for new criminal offences (Article 66, paragraph 1).

(3) If the court revokes a suspended sentence, it shall pronounce a single prison sentence by applying the provisions of Article 60 hereof for both the previously committed and for new criminal offence, and assuming punishment from the revoked suspended sentence as already determined.

(4) If the court does not revoke a suspended sentence, it may pronounce a suspended sentence or a penalty for the new criminal offence. If convicted to a term of imprisonment for the new offence, time served for this sentence shall not be credited to time on probation as determined in the suspended sentence for the previous offence.

(5) If the court decides that a suspended sentence should be pronounced for the new offence as well, it shall by applying the provisions of Article 60 hereof determine a single sentence for both the previous and the new criminal offence, and shall specify a new probation period that may not be less than one year or longer than five years, counting from the day when the new judgement becomes final. If the convicted person in the course of the new probation period commits a criminal offence, the court shall revoke the suspended sentence and impose imprisonment, applying the provisions of paragraph 3 of this Article.

Revocation of a Suspended Sentence due to a Previously Committed Criminal Offence

Article 68

(1)) The court shall revoke a suspended sentence if, after its pronouncement, the court determines that the convicted person committed a criminal offence prior to ordering of a suspended sentence and if in the consideration of the court there would have been no grounds for ordering a suspended sentence had such offence been known. In such cases, Article 67, paragraph 3 hereof shall apply.

(2) If the court does not revoke a suspended sentence, provision of Article 67, paragraph 4 hereof shall apply.

Revocation of Suspended Sentence due to Failure to Meet Particular Obligations

Article 69

If by suspended sentence the convicted person is ordered to fulfil particular obligations referred to in Article 65, paragraph 2 hereof, and he fails to fulfil such obligation within the period set in the judgement, the court may extend the deadline during the period of probation, or may revoke the suspended sentence and order the penalty determined in the suspended sentence.

If the court establishes that the convicted person is unable to fulfil the obligation on justifiable grounds, it may release him from such obligation or replace it by another appropriate obligation provided by law.

Time-limits for Revocation of a Suspended Sentence

Article 70

(1) A suspended sentence may be revoked during the probationary period. If in this period a convicted person commits a criminal offence which entails a revocation of suspended sentence, whereas this is determined by judgement after the expiry of the probationary period, the suspended sentence may be revoked not later than one year from the day the probationary period expired.

(2) If a convicted person fails to meet an obligation referred to in Article 65, Paragraph 2 hereof within the specified time, the court may, not later than one year from expiry of the probationary period, order enforcement of the punishment set forth in the suspended sentence.

Suspended Sentence with Protective Supervision

Article 71

(1) The court may order protective supervision of an offender under suspended sentence during probation.

(2) Protective supervision includes assistance, care and protection measures provided by law.

(3) If the court establishes during the course of protective supervision that the purpose of

this measure has been achieved, it may terminate protective supervision before the expiry of the specified time period.

(4) If a convicted person under protective supervision fails to fulfil the obligations ordered by the court, the court may caution such person or may replace the previous obligation by another or extend protective supervision within the probation period or revoke the suspended sentence.

Requirements for Ordering Protective Supervision

Article 72

(1) When pronouncing a suspended sentence, the court may order protective supervision of the offender if, considering his personality, previous conduct, attitude after committing of the offence and particularly his attitude towards the victim of the offence and circumstance of its commission, it may be assumed that protective supervision would enhance achieving the purpose of suspended sentence.

(2) The court orders protective supervision in the judgement pronouncing suspended sentence and determines measures of protective supervision, duration and manner of implementation thereof.

Protective Supervision

Article 73

Protective supervision may comprise one or more of the following obligations:

1) reporting to competent authority for enforcement of protective supervision within periods set by such authority;
2) training of the offender for a particular profession;
3) accepting employment consistent with the offender's abilities;
4) fulfilment of the obligation to support family, care and raising of children and other family duties;
5) refraining from visiting particular places, establishment or events if that may present an opportunity or incentive to re-commit criminal offences;
6) timely notification of the change of residence, address or place of work;
7) refraining from drug and alcohol abuse;
8) treatment in a competent medical institution;
9) visiting particular professional and other counselling centres or institutions and adhering to their instructions;
10) eliminating or mitigating the damage caused by the offence, particularly reconciliation with the victim of the offence.

Selecting Measures of Protective Supervision

Article 74

In selecting the obligations set forth in Article 73 hereof, the court shall particularly have regard to the age of an offender, his health, affinities and habits, motives from which he committed the offence, conduct after commission of the offence, earlier conduct, personal and family situation, ability to meet the ordered obligations as well as other circumstances pertinent to the personality of the offender which bear relevance to the selection of the measures for protective supervision and duration thereof.

Duration of Protective Supervision

Article 75

(1) Duration of protective supervision measures is set within the probationary period determined in the suspended sentence.

(2) Protective supervision shall cease by revocation of the suspended sentence.

(3) For the duration of protective supervision the court may, given the results achieved, set aside particular obligations or replace them with others.

(4) If during protective supervision the court determines that the objective of such measure has been achieved, it may end the protective supervision before expiry of the specified period.

Consequences of Failure to Fulfil Protective Supervision Requirements

Article 76

If the convicted person under protective measures fails to fulfil the obligations ordered by the court, the court may caution him or replace the previously ordered obligation by another or extend the duration of protective supervision within the probationary period or revoke suspended sentence.

Judicial Caution

Article 77

(1) Judicial caution may be pronounced for criminal offences punishable by imprisonment under one year or fine, which have been committed under such extenuating circumstances that they render them particularly minor.

(2) For particular criminal offences and under conditions provided by law, a judicial caution may be pronounced even when such offences are punishable by imprisonment up to three years.

(3) The court may pronounce caution for joinder of offences provided requirements specified in paragraphs 1 and 2 of this Article have been established for each of them.

(4) In deliberating whether to pronounce a judicial caution, the court shall, having regard to the purpose of the caution, particularly take into consideration the personality of the offender, his past conduct, his conduct after commission of the offence, and specifically his attitude to the victim of the offence, degree of culpability and other circumstances under which the offence was committed.

(5) Judicial caution may not be pronounced to members of armed forces for criminal offences against the Army of Serbia and Montenegro.

CHAPTER SIX
SECURITY MEASURES

Purpose of Security Measures

Article 78

Within the general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of security measures is to eliminate circumstances or conditions that may have influence on an offender to commit criminal offences in future.

Types of Security Measures

Article 79

(1)The following security measures may be ordered to offender:
1) compulsory psychiatric treatment and confinement in a medical institution;
2) compulsory psychiatric treatment at liberty;
3) compulsory drug addiction treatment;
4) compulsory alcohol addiction treatment;
5) prohibition from practising a profession, activity or duty;
6) prohibition to drive a motor vehicle;
7) confiscation of objects;
8) expulsion of a foreigner from the country;
9) publishing of judgement.

(2) Under the conditions prescribed by this Code, certain security measures may be imposed on a mentally incompetent person who committed unlawful act provided under law as a criminal offence (Article 80, para 2).

Ordering Scurity Measures

Article 80

(1) Where grounds under this Code exist, the court may impose one or more security measures on an offender.

(2) Compulsory psychiatric treatment and confinement in a medical institution and compulsory psychiatric treatment at liberty shall be imposed as an individual sanction on a mentally incompetent criminal offender. In addition to these measures, ban on practising certain profession, activity or duty, ban on driving a motor vehicle and confiscation of objects may also be ordered.

(3) Measures specified in paragraph 2 of this Article may be ordered to an offender whose mental capacity is substantially impaired, if under pronouncement of a penalty or suspended sentence.

(4) Compulsory drug addiction treatment, compulsory alcohol addiction treatment, ban on practising particular profession, activity or duty, ban on driving a motor vehicle, confiscation of objects and publishing of judgement may be ordered if the offender is under pronouncement of penalty, suspended sentence, judicial caution or if the offender is remitted from punishment.

(5) Expulsion of a foreigner from the country may be pronounced if an offender is under pronouncement of penalty or suspended sentence.

(6) For joinder of criminal offences a security measure shall be ordered if determined for one of the offences in joinder.

Compulsory Psychiatric Treatment and Confinement in a Medical Institution

Article 81

(1) The court shall order compulsory psychiatric treatment and confinement in a medical institution to an offender who committed a criminal offence in a state of substantially impaired mental capacity if, due to the committed offence and the state of mental disturbance, it determines that there is a risk that the offender may commit a more serious criminal offence and that in order to eliminate this risk they require medical treatment in such institution.

(2) If the requirements referred to in paragraph 1 of this Article are met, the court shall order compulsory treatment and confinement in a medical institution to an offender who in state of mental incompetence committed an unlawful act provided under law as a criminal offence.

(3) The court shall discontinue the measure referred to in paragraphs 1 and 2 of this

Article when it determines that the need for treatment and confinement of the offender in a medical institution no longer exist.

(4) The measure specified in paragraph 1 of this Article when ordered together with a term of imprisonment may last longer than the pronounced sentence.

(5) Time spent in a medical institution by the offender who committed a criminal offence in a state of substantially impaired mental capacity and who has been sentenced to prison shall be credited to serving of the pronounced sentence. If time spent in a medical institution is less than the pronounced prison sentence, the court shall order, upon termination of the security measure, that the convicted person is remanded to prison to serve the remainder of the sentence or released her on parole. In deliberating to grant parole the court shall, in addition to requirements set forth in Article 46 hereof, particularly take into consideration the degree of success of treatment of the convicted person, his medical condition, time spent in the medical institution and the remaining part of the sentence.

Compulsory Psychiatric Treatment at Liberty

Article 82

(1) The court shall order compulsory psychiatric treatment at liberty to an offender who has committed an unlawful act provided under law as a criminal offence in a state of mental incapacity if it determines that danger exists that the offender may again commit an unlawful act provided under law as a criminal offence, and that treatment at liberty is sufficient to eliminate such danger.

(2) The measure specified in paragraph 1 of this Article may be ordered to a mentally incompetent perpetrator under compulsory psychiatric treatment and confinement in a medical institution when the court determines, based on results of medical treatment, that his further treatment and confinement in a medical institution is no longer required and that treatment at liberty would be sufficient.

(3) Under conditions specified in paragraph 1 of this Article, the court may also order compulsory psychiatric treatment at liberty to an offender whose mental competence is substantially impaired if he is under a suspended sentence or released on probation pursuant to Article 81, paragraph 5 hereof.

(4) Compulsory psychiatric treatment at liberty may be undertaken periodically in particular medical institution if necessary for a successful treatment, with the proviso that periodical institutional treatment may not exceed fifteen days in continuity or two months in aggregate.

(5) Compulsory psychiatric treatment at liberty shall last as long as there is a need for treatment, but may not exceed three years.

(6) If in case referred in paragraphs 1 through 3 of this Article, the offender does not comply with treatment at liberty or abandons it of his own volition, or if despite treatment, danger of committing an unlawful act provided under law as a criminal offence is reasserted, which necessitates his treatment and confinement in an appropriate medical institution, the court may order compulsory psychiatric treatment and confinement in such institution.

Compulsory Drug Addiction Treatment

Article 83

(1) The court shall order compulsory treatment to an offender who has committed a criminal offence due to addiction to narcotics and if there is a serious danger that he may continue committing criminal offences due to this addiction.

(2) The measure specified in paragraph 1 of this Article shall be carried out in a penitentiary institution or in an appropriate medical or other specialised institution and shall last as long as there is a need for treatment, but not more than three years.

(3) When the measure referred in paragraph 1 of this Article is ordered together with a term of imprisonment, duration thereof may exceed the pronounced sentence but its overall duration shall not exceed three years.

(4) The time spent in the institution for medical treatment shall be credited to the prison sentence.

(5) If the measure referred to in paragraph 1 of this Article is pronounced together with a fine, a suspended sentence, judicial caution or remittance of punishment, it shall be carried out at liberty and may not exceed three years.

6) If an offender without justifiable reasons fails to undertake treatment at liberty or abandons treatment at his own volition, the court shall order coercive enforcement of such measure in an appropriate medical or other specialised institution.

Compulsory Alcohol Addiction Treatment

Article 84

(1) The court shall order compulsory treatment to an offender who has committed a criminal offence due to addiction on alcohol abuse and if there is serious threat that he may continue to commit offences due to such addiction.

(2) The measure specified in paragraph 1 of this Article shall be carried out in a penitentiary institution or an appropriate medical or other specialised institution and shall last as long as there is need for treatment, but may not exceed the duration of the pronounced prison sentence.

(3) The time spent in an institution for medical treatment shall be credited against the prison sentence.

(4) If the measure specified in paragraph 1 of this Article is ordered together with a fine, suspended sentence, judicial caution or remittance of punishment, it shall be carried out at liberty and may not exceed two years.

(5) If without justified reasons, an offender fails to undertake treatment at liberty or abandons treatment at his own volition, the court shall order the coercive enforcement of the measure in an appropriate medical or other specialised institution.

Prohibition to Practise a Profession, Activity or Duty

Article 85

(1) The court may prohibit an offender from practising a particular profession, activity, or all or certain duties related to the disposition, use, management or handling of another's property or taking care of that property, if it is reasonably believed that his further exercise of that duty would be dangerous.

(2) The court shall determine the duration of the measure referred to in paragraph 1 of this Article that may not be less than one more than ten years, calculated from the day the judgement became final, and the time spent in a prison or medical institution where the security measure has been exercised shall not be credited to the term of this measure.

(3) If ordering a suspended sentence, the court may order revoking of such sentence if the offender violates the prohibition to practise a particular profession, activity or duty.

Prohibition to Drive a Motor Vehicle

Article 86

(1) The court may order a ban on driving a motor vehicle to an offender who committed a criminal offence of endangering road safety.

(2) In ordering the measure specified in paragraph 1 of this Article the court shall determine the type and category of vehicles covered by the ban.

(3) The court may order the measure referred to in paragraph 1 of this Article if it finds that the gravity of the committed offence, the circumstances under which the offence was committed or previous violations of traffic regulations by the offender indicate that it would be dangerous to allow such person to drive motor vehicle of a certain type or category.

(4) The court shall determine the duration of the measure referred in paragraph 1 of this Article, which may not be less than three months or more than five years, calculating from the day the judgement became final, and the time served in prison or in an institution where the security or rehabilitation measure is carried out shall not be credited to the term of this measure.

(5) If the measure referred to in paragraph 1 of this Article is ordered to a person holding a foreign driver's license, the prohibition shall refer to driving a motor vehicle in the territory of Serbia.

(6) If the court orders a suspended sentence, such sentence shall be revoked if the offender violates the ban to drive a motor vehicle.

(7) The law may stipulate mandatory ban to drive a motor vehicle.

Seizure of Objects

Article 87

(1) Objects used or intended for use in the commission of a criminal offence or resulting from the commission of a criminal offence may be seized, if property of the offender.

(2) The objects referred to in paragraph 1 of this Article may be seized even if not property of the offender if so required by the interests of general safety or it there is still a risk that they will be used to commit a criminal offence, if without prejudice to the right of third parties to compensation of damages by the offender.

(3) The law may stipulate a mandatory seizure of objects and/or their mandatory destruction. The law may also stipulate the requirements for seizure of particular objects in specific cases.

Expulsion of a Foreigner from the Country

Article 88

(1) The court may order expulsion from the territory of Serbia of a foreigner who committed a criminal offence for a period of one to ten years.

(2) In deliberating to order the measure referred to in paragraph 1 of this Article, the court shall take into consideration the time and gravity of a committed offence, motives for committing of the offence, manner of commission and other circumstances for declaring the foreigner a persona non grata in Serbia.

(3) The period of expulsion commences on the day the decision becomes effective, and the time spent in prison shall not be credited to the term of this measure.

(4) The measure referred in paragraph 1 of this Article shall not be ordered against an offender enjoying protection pursuant to the ratified international treaties.

Publishing of the Judgement

Article 89

(1) In the conviction for a criminal offence committed by means of the media, or for a criminal offence resulting in endangerment of life and health of persons, where publishing of the judgement would be conductive to eliminating or diminishing such danger, the court may decide to publish the judgement in the same media or other appropriate means, in full or in excerpt, at the expense of the offender.

(2) The law may provide for a mandatory publishing of judgement. In such cases the court shall determine the media where the judgement is to be published and whether to publish it in full or in excerpt.

(3) Publishing of judgement shall be effected not later than thirty days following the day the judgement becomes final.

Termination of Security Measures Pursuant to Court Decision

Article 90

(1) The court may issue a decision to terminate the security measure of prohibition of practising professions, activity or duty and prohibition of driving a motor vehicle after the elapse of three years from the day of enforcement thereof.

(2) In deliberating whether to order termination of security measure referred in paragraph 1 of this Article, the court shall take into consideration the conduct of the convicted person after the conviction, whether the offender compensated the damage caused by the criminal offence, whether he returned material gain obtained through the commission of the offence and other circumstances indicating justification to terminate such measures.

CHAPTER SEVEN CONFISCATION OF MATERIAL GAIN

Grounds for Confiscation of Material Gain

Article 91

(1) No one may retain material gain obtained by criminal offence.

(2) The gain referred to in paragraph 1 of this Article shall be seized on conditions provided herein and by decision of the court determining commission of a criminal offence.

Conditions and Manner of Seizure of Material Gain

Article 92

(1) Money, items of value and all other material gains obtained by a criminal offence shall be seized from the offender, and if such seizure should not be possible, the offender shall be obligated to pay a pecuniary amount commensurate with obtained material gain.

(2) Material gain obtained by a criminal offence shall also be seized from the persons it has been transferred to without compensation or with compensation that is obviously inadequate to its actual value.

(3) If material gain is obtained by an offence for another, such gain shall be seized.

Protection of the Injured Party

Article 93

(1) If in criminal proceedings a property claim of the injured party is accepted, the court shall order seizure of material gain only if it exceeds the adjudicated amount of the property claim.

(2) The injured party who in criminal proceedings has been directed to institute civil action in respect of his property claim, may request compensation from the seized material gain if he institutes a civil action within six months from the day the decision referring him to litigation becomes final.

(3) The injured party who does not file a property claim during criminal proceedings may request compensation from the seized material gain if he has instituted civil action to determine his claim within three months from the day of learning of the judgement ordering seizure of material gain, and not later than three years from the day the order on seizure of material gain became final.

(4) In cases referred in paragraphs 2and 3 of this Article, the injured party must, within three months from the day the decision accepting his property claim became final, request to be compensated from the seized material gain.

CHAPTER EIGHT
LEGAL CONSEQUENCES OF CONVICTION

Ensuing of Legal Consequences of Conviction

Article 94

(1) Convictions for particular criminal offences or particular penalties may have as a legal consequence the cessation or forfeiture of particular rights or prohibition to acquire particular rights.

(2) Legal consequences of conviction may not ensue when a fine has been ordered to the offender for a criminal offence, a suspended sentence – unless revoked, judicial caution or when punishment of the offender is remitted.

(3) Legal consequences of a sentence may be provided only by law and shall come into effect by force of law in which they are stipulated.

Types of Legal Consequences of Conviction

Article 95

(1) Legal consequences of conviction relating to loss or forfeiture of particular rights are:

1) termination of public function;

2) termination of employment or termination of practising a particular profession or occupation;

3) forfeiture of particular permit or license issued by decision of a government authority or local self-government authority.

(2) Legal consequences of conviction comprising ban on acquiring particular rights are:

1) prohibition of appointment to particular public office;

2) prohibition to acquire particular title, profession or occupation or promotion in service;

3) prohibition of acquiring military officer rank;

4) prohibition to acquire particular permits and licenses issued by decision of a government authority or local self-government authority.

Commencement and Duration of Legal Consequences of Conviction

Article 96

(1) Legal consequences of conviction shall set in on the day the judgement becomes final.

(2) In the event when after the judgement becomes final, pursuant to which legal consequences of conviction have set in, such judgement is revised due to extraordinary legal remedy, the set-in or further continuation of legal consequences of conviction shall be harmonised with the new decision.

(3) Legal consequences of conviction comprising a ban on acquiring particular rights may be ordered for maximum duration of ten years.

(4) Time spent serving a penalty shall not be credited to duration of legal consequences of conviction.

(5) Legal consequences of conviction provided under Article 95, paragraph 2 hereof shall cease by rehabilitation.

CHAPTER NINE
REHABILITATION, END OF LEGAL CONSEQUENCES OF CONVICTION AND DISCLOSURE OF DATA FROM CRIMINAL RECORDS

General Concept of Rehabilitation

Article 97

(1) Rehabilitation shall delete conviction and terminate all legal consequences thereof, and the convicted person shall be deemed with no criminal record.

(2) Rehabilitation occurs either by virtue of law itself (legal rehabilitation) or by petition of the convicted person pursuant to decision of the court (judicial rehabilitation).

(3) Rehabilitation shall not prejudice the rights of third parties deriving from the conviction.

Legal Rehabilitation

Article 98

(1) Legal rehabilitation may be granted only to persons who, prior to conviction in respect of relevant rehabilitation, had no prior convictions or are by law considered without prior convictions.

(2) Legal rehabilitation ensues if:

1) the person convicted but remitted of a penalty, or under pronouncement of judicial admonition, does not commit any new criminal offence within one year after the judgement becomes final;

2) the person under a suspended sentence does not commit any new criminal offence during probation period and within one year after the end of probation;

3) the person sentenced to a fine, community service, revocation of driving licence or imprisonment up to six months does not commit any new criminal offence within the period of three years after the penalty is enforced, is under statute of limitations or remitted;

4) the person sentenced to imprisonment of six months to one year does not commit any new criminal offence within the period of five years after the penalty is enforced, is under statute of limitations or remitted.

5) the person sentenced to imprisonment of one to three years does not commit any new criminal offence within the period of ten years after the penalty is enforced, is under statute of limitations or remitted.

(3) Legal rehabilitation shall not ensue if the secondary penalty has not been enforced or if security measures are still in force.

Judicial Rehabilitation

Article 99

(1) Judicial rehabilitation may be granted to a person sentenced to imprisonment of three to five years, if within the period of ten years after such sentence is served, is under statute of limitations or remitted, that person does not commit a new criminal offence.

(2) In the case referred to in paragraphs 1 this Article, the court shall grant rehabilitation if it finds that the convicted person deserves rehabilitation due to his conduct and if, according to his financial abilities, he has compensated for the damages caused by his criminal offence, and the court is obliged to take into consideration all other circumstances of relevance for granting rehabilitation, and particularly the nature and significance of the offence.

(3) Judicial rehabilitation may not be granted if a secondary penalty has not yet been enforced or if security measures are still in force.

Judicial Rehabilitation of Persons with Prior Convictions

Article 100

The court may grant rehabilitation of a person who has been convicted several times only if requirements referred to in Articles 98 and 99 hereof are satisfied in respect to each of criminal offences that such person has been convicted for. In deliberating whether to grant rehabilitation in such case, the court shall take into consideration all circumstances referred to in Article 99, paragraph 2 hereof.

Termination of Legal Consequences of Conviction

Article 101

(1) After expiry of three years of a sentence served, under statute of limitations or remitted, the court may rule to terminate the legal consequences of conviction in respect of ban to acquire a particular right, unless this has occurred by virtue of rehabilitation.

(2) In deliberating to terminate legal consequences of conviction, the court shall take into consideration the convicted person's conduct after conviction, whether he has compensated for the damage caused by his criminal offence and returned the property gain acquired by the offence, and other circumstances that may indicate to the justifiability of terminating of legal consequences of conviction.

Content and Disclosure of Data from Criminal Records

Article 102

(1) Criminal records contain personal data of the offender, data on penalty, suspended sentence, judicial caution, remittance from punishment and pardon, and data on legal consequences of conviction. Criminal record shall contain subsequent changes of data therein, information on serving of sentence as well as cancellation of records in respect of wrong conviction.

(2) Data from criminal records may be disclosed only to a court, the state prosecutor and an organ of internal affairs in respect of criminal proceedings conducted against a person with prior convictions, the body in charge of enforcement of criminal sanctions and the body involved in the procedure of granting amnesty, pardon, rehabilitation or deciding on termination of legal consequences of conviction, and to social welfare authorities when so required to discharge duties under their competence.

(3) Data from criminal records may also be disclosed upon reasoned request to a government authority, enterprise, other organisation or entrepreneur, if legal consequences of a conviction or security measures are still in force and if there exists a justified reason based on law.

(4) No one shall be entitled to request a citizen to submit any evidence on his prior convictions or non-existence of such convictions.

(5) Citizens may be given, at their request, data on prior convictions, if any, if necessary for realising their rights.

CHAPTER TEN STATUTE OF LIMITATIONS

Limitations on Criminal Prosecution

Article 103

Unless otherwise stipulated by this Code, criminal prosecution may not be instituted after elapse of:

1) twenty five years from the time of committing of a criminal offence punishable by law to imprisonment from thirty to forty years;

2) twenty years from the time of committing of a criminal offence punishable by law to imprisonment over fifteen years;

3) fifteen years from the time of committing of a criminal offence punishable by law to imprisonment of over ten years;

4) ten years from the time of committing of a criminal offence punishable by law to imprisonment of over five years;

5) five years from the time of committing of a criminal offence punishable by law to imprisonment of over three years;

6) three years from the time of committing of a criminal offence punishable by law to imprisonment of over one year;

7) two years from the time of committing of a criminal offence punishable by law to imprisonment of under one year or fine.

Course and Suspension of Limitations on Criminal Prosecution

Article 104

(1) Limitations on criminal prosecution shall commence as of the day of commission of the criminal offence. If the consequence of criminal offence occurs later, limitations on criminal prosecution shall commence as of the day the consequence occurred.

(2) Limitations shall not run during the period when by law prosecution may not commence or continue.

(3) Limitations shall be suspended by each procedural action undertaken to uncover the perpetrator of the offence or to uncover and prosecute the perpetrator for commission of the offence.

(4) Limitations shall be suspended also when during the limitations period the perpetrator commits another serious or more serious offence.

(5) The limitations period shall restart from beginning after every interruption.

(6) Limitations on criminal prosecution shall come into effect in any case after expiry of double the time period required by law for limitation of criminal prosecution.

Limitation on Enforcement of Penalty

Article 105

(1) Unless otherwise provided herein, the pronounced penalty may not be enforced after expiry of:

1. twenty-five years from conviction to imprisonment from thirty to forty years;
2. twenty years from conviction to term of imprisonment over fifteen years;
3. fifteen years from conviction to term of imprisonment over ten years;
4. ten years from conviction to term of imprisonment over five years;
5. five years from conviction to term of imprisonment over three years;
6. three years from conviction to term of imprisonment over one year;
7. two years from conviction to term of imprisonment up to one year, fine, community service or revocation of driver's license.

Limitations on Enforcement of Secondary Penalty and Security Measure

Article 106

(1) Limitation on enforcement of fine and revocation of driver's license if ordered as secondary penalty shall come into effect after expiry of two years from the date the judgement ordering such penalties becomes final.

(2) Limitation on enforcement of security measure of compulsory psychiatric treatment and confinement in medical institution, compulsory psychiatric treatment at liberty, compulsory treatment of drug addicts, compulsory treatment of alcoholics and confiscation of objects shall take effect after expiry of five years from the day the decision ordering such measures becomes final.

(3) Limitation on enforcement of security measure of prohibition to practise a profession, business activity and duty, ban on driving a motor vehicle and expulsion of foreigner from the country shall take effect after expiry of the period for which these measures are ordered.

Course and Suspension of Enforcement of Penalty and Security Measure

Article 107

(1) Limitations on enforcement of penalty shall commence to run on the day the judgement pronouncing the penalty becomes final, and in case of revocation of suspended sentence – from the day the order on revocation becomes final.

(2) If by an act of amnesty or pardon or disposition of the court pursuant to extraordinary legal remedy the pronounced sentence is reduced, the time for setting in of limitations shall be computed against the new penalty, but the course of limitations shall be computed from the previous final judgement.

(3) Limitation shall not run during the period when enforcement of penalty may not be undertaken by law.

(4) Limitation shall be suspended by every act of competent authority for the purpose of enforcement of penalty.

(5) The limitations period shall restart from beginning after every interruption

(6) Limitation on enforcement of penalty shall in any case set in by expiry of double the time required by law for limitation of enforcement of penalty.

(7) In the event of limitation specified in paragraph 6 of this Article, the already commenced enforcement of penalty shall be discontinued.

(8) Provisions of paragraphs 2 through 5 of this Article shall also apply accordingly to limitation of enforcement of security measures.

Criminal Offences and Enforcement of Penalty not subject to Limitation

Article 108

There shall be no statute of limitation for criminal prosecution and enforcement of penalty for offences stipulated in articles 370 through 375 hereof, and for criminal offences that pursuant to ratified international treaties cannot be subject to limitations.

CHAPTER ELEVEN
AMNESTY AND PARDON

Amnesty

Article 109

(1) Persons under amnesty shall be released from prosecution and granted full or partial remittance of punishment, the pronounced penalty replaced by a lighter penalty, rehabilitation granted or particular or all legal consequences of conviction revoked.

(2) Amnesty may repeal the following security measures: prohibition to practise a profession, business activity or duty, prohibition to drive a motor vehicle and expulsion of foreigner from the country.

Pardon

Article 110

(1) Pardon shall release a specifically named person from criminal prosecution and grant full or partial remittance of punishment, replace the pronounced penalty by a lighter penalty or suspended sentence, grant rehabilitation, order shorter duration of legal consequences of conviction or repeal particular or all legal consequences of conviction.

(2) Pardon may repeal or order shorter duration of security measure of prohibition to practise a profession, business activity or duty, prohibition to drive a motor vehicle and expulsion of foreigner from the country.

Effect of Amnesty and Pardon to Rights of Third Parties

Article 111

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

CHAPTER TWELVE
INTERPRETATION

Meaning of Terms for the Purpose of this Code

Article 112

(1) The territory of Serbia shall be deemed to embrace the land, water surfaces within its borders, and air space above it.

(2) Criminal legislation of Serbia shall be deemed to mean the present Code, as well as all other criminal provisions embraced by other laws of Serbia.

(3) An official is:

1) a person discharging official duties in government authority;

2) elected, appointed or assigned person in a government authority, local self-government body or a person permanently or periodically discharging official duty or office in such bodies;

3) a person in an institution, enterprise or other entity who is assigned periodical discharge of public authority, who rules on rights, obligations or interests of natural or legal persons or on public interest;

4) an official shall also be a person who is in fact assigned discharge of official duty or tasks;

5) a member of the military, except in case of provisions of Chapter Thirty Three (Criminal Offences against Official Duty) hereof.

(4) A foreign official is a person who is a member of legislative, executive or judicial authority of a foreign state, public official or officer of an international organisations or bodies thereof, judge or other official of an international tribunal.

(5) A responsible officer is an owner of a business enterprise or other entity, or an officer of a company, institution or other entity to whom, by virtue of his office, invested funds are entrusted or is authorised to perform a specific scope of tasks in respect of management of the property, production or other activity or in supervision thereof, or is in fact entrusted with discharge of particular duties. A responsible officer shall be also the official in case of criminal offences designating the responsible person as perpetrator, when such offences are not provided in the Chapter on criminal offences against official duty or criminal offences of an official.

(6) A member of the military shall mean a professional soldier (professional officer or non/commissioned officer, officer on contract, and soldier on contract), a conscript soldier, military academy cadet, military school student, person from reserve military forces while on active duty, as well as a civilian performing a particular military duty.

(7) When an official, responsible officer or a member of the military is identified as perpetrator of a criminal offence, the persons specified in paragraphs 3, 5 and 6 of this Article may be perpetrators of these offences if the elements of a particular offence or a particular regulation do not indicate that the perpetrator may only be one of those persons.

(8) A child is a person under fourteen years of age.

(9) A minor is a person over fourteen years of age but who has not attained eighteen years of age.

(10) A juvenile is a person who has not attained eighteen years of age.

(11) An offender is a perpetrator, accomplice, inciter and abettor.

(12) Force shall also mean use of hypnosis or means of intoxication with the objective to bring someone against his will into a state of unconsciousness or make powerless to resist.

(13) Elections are the elections for the Assembly of Serbia and Montenegro, the president of Serbia and Montenegro, Assembly of the Republic of Serbia, the president of the Republic of Serbia, local self-government organs and other elections called and conducted pursuant to the Constitution and law.

(14) A referendum is a declaration of citizens to decide issues determined by the Constitution and law.

(15) Narcotics are substances and concoctions declared by statutory regulations as narcotics.

(16) Movables are also any produced or collected energy for emitting light, heat or movement, telephone pulse and computer data and computer program.

(17) Computer data is presented information, knowledge, fact, concept or order that is entered, processed or memorised or has been entered, processed or memorised in a computer or computer network.

(18) A computer network is an assembly of mutually interconnected computers that communicate with each other by exchanging data.

(19) A computer program is a regulated assembly of orders serving to control computer operation, as well as to solve a specific task by means of a computer.

(20) A computer virus is a computer program or some other group of orders entered into a computer or computer network designed to multiply itself and act on other programs or data in a computer or a computer network by adding that program or group of orders to one or more computer programs or data.

(21) A business entity is an enterprise or other legal person engaged in a business activity, as well as an entrepreneur. A legal person that, in addition to its primary activity, also conducts a business activity, shall be deemed a business entity only when engaging in that activity.

(22) An organised group is a group comprising minimum three persons acting in conspiracy to commit criminal offences.

(23) Money is metal and paper money or money fabricated of other material that is legal tender in member states of the State Union of Serbia and Montenegro or a foreign country.

(24) Hallmarks shall also refer to foreign hallmarks.

(25) A motor vehicle is any engine-powered traffic vehicle in land, water and air traffic.

(26) An identification document shall be any item suitable or designated to serve as proof of a fact relevant to legal relations, as well as computer data.

(27) Document, letter, consignment may also be in electronic form.

(28) A family member shall also mean former spouses and heir children, and parents of former spouses.

(29) The expression "shall not be punished" means that in such case there is no criminal offence.

(30) When an imperfect verb is used to express an act of criminal offence, it shall mean that the offence is committed if the act is done once or several times.

(31) The abbreviation "SaM" shall denote the State Union of Serbia and Montenegro, and the abbreviation "Serbia" shall mean the Republic of Serbia.

SPECIAL PART

CHAPTER THIRTEEN
OFFENCES AGAINST LIFE AND LIMB

Murder

Article 113

Whoever causes death of another,
shall be punished with imprisonment from five to fifteen years.

Aggravated Murder

Article 114

Whoever:

1) causes death of another in a cruel or insidious manner;

2) causes death of another by callous violent behaviour;

3) causes death of another and with premeditation endangers the life of other person;

4) causes death of another during commission of robbery or compound larceny,

5) causes death of another for gain, to commit or conceal another offence, from callous revenge or other base motives;

6) causes death of an official or serviceman during discharge or related to discharge of their duty;

7) causes death of a child or pregnant woman;

8) causes death of a member of his family whom he previously abused;

9) with premeditation causes death of several persons, and this not being a case of manslaughter in a heat of passion, infanticide or mercy killing

shall be punished with imprisonment from thirty to forty years.

Manslaughter in a Heat of Passion

Article 115

Whoever causes death of another while brought into a sudden heat of passions through no fault of his own by assault, abuse or serious insult of the killed person,

shall be punished with imprisonment from one to eight years.

Infanticide

Article 116

A mother who causes death of her child at childbirth or immediately after delivery, while in sate of disorder caused by delivery,

shall be punished with imprisonment from six months to five years.

Mercy Killing

Article 117

Whoever causes death of an adult from mercy due to serious illness of such person and at such person's serious and explicit request,

shall be punished with imprisonment from six months to five years.

Negligent Homicide

Article 118

Whoever causes death of another by negligence,

shall be punished with imprisonment from six months to five years.

Incitement to Suicide and Aiding in Suicide

Article 119

(1) Whoever incites another to suicide or aids in committing suicide and this is committed or attempted,

shall be punished with imprisonment of from six months to five years.

(2) Whoever assists another in committing suicide under provisions of Article 117 hereof, and this is committed or attempted,

shall be punished with imprisonment from three months to three years.

(3) Whoever commits the act specified in paragraph 1 of this Article against a juvenile or person in a state of substantially diminished mental capacity,

shall be punished with imprisonment from two to ten years.

(4) If the act specified in paragraph 1 of this Article is committed against a child or mentally incompetent person,

the offender shall be punished in accordance with Article 114 hereof.

(5) Whoever cruelly or inhumanely treats another who is in a position of subordination or dependency and due to such treatment the person commits or attempts suicide that may be attributed to negligence of the perpetrator,

shall be punished with imprisonment from six months to five years.

Illegal Termination of Pregnancy

Article 120

(1) Whoever contrary to regulations governing termination of pregnancy carries out an abortion of a pregnant woman with her consent, commences an abortion or aids her in committing an abortion,

shall be punished with imprisonment from three months to three years.

(2) Whoever engages in acts specified in paragraph 1 of this Article,

shall be punished with imprisonment from six months to five years.

(3) Whoever carries out or commences to carry out an abortion of a pregnant woman without her consent, or if she is under sixteen years of age without consent of and without written consent of her parent, adoptive parent or guardian,

shall be punished with imprisonment from one to eight years.

(4) If the act specified in paragraphs 1 through 3 of this Article results in death, serious health impairment or other grave bodily harm of the woman subjected to abortion,

the perpetrator shall be punished for the offence specified in paragraphs 1 and 2 of this Article by imprisonment of one to seven years, and for the offence specified in paragraph 3 of this Article by imprisonment of two to twelve years.

Serious Bodily Harm

Article 121

(1) Whoever causes serious injury of another or causes serious impairment of health of another,

shall be punished with imprisonment from six months to five years.

(2) Whoever causes serious injury or health impairment of another resulting in endangering of life of that person or destroying or permanent and considerable damage or weakening of a vital function of his body or an organ, or permanent serious health impairment or disfigurement,

shall be punished with imprisonment of one to eight years.

(3) If death of the injured person results from acts specified in paragraphs 1 and 2 of this Article,

the offender shall be punished with imprisonment of two to twelve years.

(4) Whoever commits the act specified in paragraphs 1 and 2 of this Article from negligence,

shall be punished with imprisonment up to three years.

(5) Whoever commits the act specified in paragraphs 1 through 3 of this Article in a heat of passion, if brought in a sudden heat of passions through no fault of his own by assault, abuse or serious insult of the injured person,

shall be punished for the offence specified in paragraph 1 by imprisonment up to three years, and for the offence specified in paragraph 2 by imprisonment from three months to four years, and for the offence specified in para 3 by imprisonment six months to five years.

Light Bodily Injury

Article 122

(1) Whoever causes light injury or minor health impairment,
shall be punished with fine or imprisonment up to one year.
(2) If the injury is caused by a weapon, dangerous implement or other means suitable to inflict serious injury or serious health impairment,
the offender shall be punished with imprisonment up to three years.
(3) A court may pronounce judicial caution to the perpetrator referred to in paragraph 2 of this Article, if he was provoked by rude or violent conduct of the injured party.
(4) Prosecution for the offence referred to in paragraph 1 of this Article shall be instituted by private action.

Brawling

Article 123

Whoever participates in a brawl resulting in death of another or grievous bodily harm,
shall be punished for participation by fine or imprisonment up to three years.

Threat by Dangerous Implement in Brawl or Quarrel

Article 124

Whoever in brawl or quarrel reaches for a weapon, dangerous implement or other means suitable to inflict grievous bodily harm or cause serious health impairment,
shall be punished with fine or imprisonment up to six months.

Endangerment

Article 125

(1) Whoever leaves another without assistance in a state or circumstances dangerous to life or health that he induced,
shall be punished with imprisonment from three months to three years.
(2) If the act specified in paragraph 1 of this Article results in serious health impairment or grievous bodily harm of the abandoned person,
the offender shall be punished with imprisonment from one to five years.
(3) If the act specified in paragraph 1 of this Article results in death of the abandoned person,
the offender shall be punished with imprisonment from one to eight years.

Abandonment of a Helpless Person

Article 126

(1) Whoever abandons a helpless person entrusted in his care or whom he is obliged to take care of, in life- or health-threatening state or circumstances,

shall be punished with imprisonment of three months to three years.

(2) If the act specified in paragraph 1 of this Article results serious health impairment or other grievous bodily harm of the abandoned person,

the offender shall be punished with imprisonment of one to five years.

(3) If the act specified in paragraph 1 of this Article results in death of the abandoned person,

the offender shall be punished with imprisonment of one to eight years.

Failure to Render aid

Article 127

(1) Whoever fails to render aid to a person in life-threatening situation although he could have done so without risk to himself or another,

shall be punished with fine or imprisonment up to one year.

(2) If failure to render aid results in serious health impairment or other grievous bodily harm of the person in life-threatening situation,

the offender shall be punished with fine or imprisonment up to two years.

(3) If failure to render aid results in death of the person in life-threatening situation,

the offender shall be punished with imprisonment of three months to three years.

CHAPTER FOURTEEN
CRIMINAL OFFENCES AGAINST FREEDOMS AND RIGHTS OF MAN AND CITIZEN

Violation of Equality

Article 128

(1) Whoever denies or restricts the right of man and citizen guaranteed by the Constitution, laws or other legislation or general acts or ratified international treaties on grounds of nationality or ethnicity, race or religion or due to absence of such affiliation or difference in political or other conviction, sex, language, education, social status, social origin, property or other personal characteristic, or pursuant to such difference grants another privileges or benefits,

shall be punished with imprisonment up to three years.

(2) If the act specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment of three months to five years.

Violation of the Right to Use a Language or Alphabet

Article 129

Whoever contrary to the regulations governing the use of language and alphabet of peoples or members of national and ethnic groups living in SaM denies or restricts to citizens the use of their mother tongue or alphabet when exercising their rights or addressing authorities or organisations,

shall be punished with fine or imprisonment up to one year.

Violation of the Right to Expression of National or Ethnic Affiliation

Article 130

Whoever prevents another to express his national or ethnic affiliation or culture,

shall be punished with fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall be applied also to whoever coerces another to declare his national or ethnic affiliation.

(3) If the act specified in paragraphs 1 and 2 of this Article are committed by an official in discharge of duty,

such person shall be punished with imprisonment up to three years.

Violation of the Freedom of Religion and Performing Religious Service

Article 131

(1) Whoever prevents or restricts another's freedom of religion or practising a religion,

shall be punished with imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on whoever prevents or hinders another in performing religious services.

(3) Whoever coerces another to express his religious conviction,

shall be punished with fine or imprisonment up to one year.

(4) An official who commits the offences specified in paragraphs 1 through 3 of this Article,

shall be punished with imprisonment up to three years.

Unlawful Depriving of Liberty

Article 132

(1) Whoever unlawfully detains another, keeps him in custody or otherwise unlawfully deprives him of liberty or restricts his freedom of movement,

shall be punished with imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed by an official through abuse of position or authority,

such person shall be punished with imprisonment of six months to five years.

(3) If unlawful depriving of liberty exceeded thirty days or was committed in cruel manner or if such act resulted in serious impairment of health of the person unlawfully deprived of freedom or if other serious consequences resulted,

the offender shall be punished with imprisonment of one to eight years.

(4) If the offences specified in paragraphs 1 and 3 of this Article result in death of the person unlawfully deprived of liberty,

the offender shall be punished with imprisonment from two to twelve years.

(5) An attempt of the offence specified in paragraph 1 of this Article is punishable.

Violation of Freedom of Movement and Residence

Article 133

(1) Whoever denies or restricts freedom of movement or residence in the territory of SaM to the citizen of Serbia,

shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment up to three years.

Abduction

Article 134

(1) Whoever by use of force, threat, deceit or otherwise removes or holds another with the intent to extort money or other property gain from that person or another or to coerce that person or another to do or refrain from doing something or to endure,

shall be punished with imprisonment from one to ten years.

(2) Whoever threatens the abducted person for the purpose of accomplishing the aim of abduction with murder or grievous bodily harm,

shall be punished with imprisonment from three to twelve years.

(3) If the abducted person is held more than ten days or treated in cruel manner or his health is seriously impaired or other serious consequences resulted or whoever commits the offence specified in paragraph 1 of this Article against a juvenile,

shall be punished with imprisonment of three to fifteen years.

(4) If due to the offence specified in paragraphs 1, 2 and 3 of this Article result in death of the abducted person or the offence is committed by an organised group,

the offender shall be punished with imprisonment of five to eighteen years.

Coercion

Article 135

(1) Whoever by use of force or threat coerces another to do or refrain from doing something, or to endure,

shall be punished with imprisonment up to three years.

(2) Whoever commits the offence specified in paragraph 1 of this Article in a cruel manner or by threat of murder or grievous bodily harm or abduction,

shall be punished with imprisonment of six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article result in grievous bodily harm or other serious consequences,

the offender shall be punished with imprisonment from one to ten years.

(4) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person under coercion or if committed by an organised group,

the offender shall be punished with imprisonment from three to twelve years.

Extortion of Confession

Article 136

(1) Whoever acting in an official capacity uses force or threat or other inadmissible means or inadmissible manner with the intent to extort a confession or another statement from an accused, a witness, an expert witness or other person,

shall be punished with imprisonment of three months to five years.

(2) If extortion of confession or statement is aggravated by extreme violence or if extortion of statement results in particularly serious consequences for the accused in criminal proceedings,

the offender shall be punished with imprisonment from two to ten years.

Ill-treatment and Torture

Article 137

(1) Whoever ill-treats another or treats such person in humiliating and degrading manner,

shall be punished with fine or imprisonment up to one year.

(2) Whoever causes anguish to another with the aim to obtain from him or another information or confession or to intimidate him or a third party or to exert pressure on such persons, or if done from motives based on any form of discrimination,

shall be punished with imprisonment from six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty,

such person shall be punished for the offence in paragraph 1 by imprisonment from three months to three years, and for the offence specified in paragraph 2 of this Article by imprisonment of one to eight years.

Endangerment of Safety

Article 138

(1) Whoever endangers the safety of another by threat of attack against the life or body of such person or a person close to him,

shall be punished with fine or imprisonment up to one year.

(2) Whoever commits the offence specified in paragraph 1 of this Article against several persons or if the offence causes anxiety of citizens or other serious consequences,

shall be punished with imprisonment of three months to three years.

Infringement of Inviolability of Home

Article 139

(1) Whoever without permission breaks into another’s flat/house or another’s closed premises or at the request of an official does not leave such flat/house or premises,

shall be punished with fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment up to three years.

(3) The attempt of the offence specified in paragraphs 1 and 2 of this Article shall be punished.

Illegal Search

Article 140

An official who in discharge of duty illegally conducts a search of an apartment/house, premises or person,

shall be punished with imprisonment up to three years.

Unauthorised Disclosure of secret

Article 141

(1) A lawyer, a physician or other person who discloses without permission a secret that has come to his knowledge during performance of his professional duty,

shall be punished with fine or imprisonment up to one year.

(2) Whoever discloses a secret in public or in other person's interest when such interest prevails over the interest of non-disclosure of secret shall not be punished for the offence specified in paragraph 1 of this Article.

Violation of Privacy of Letter and other Mail

Article 142

(1) Whoever without authorisation opens another's letter, telegram or other closed correspondence or consignment or otherwise violates their privacy or whoever without authorisation withholds, conceals, destroys or delivers to other person somebody else's letter, telegram or other mail or who violates the privacy of electronic mail,

shall be punished with fine or imprisonment up to two years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also to whoever communicates to another the content of another's closed mail, telegram or consignment acquired by violating the privacy thereof, or makes use of such contents.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment from six months to three years.

Unauthorised Wiretapping and Recording

Article 143

(1) Whoever using special equipment taps or records conversation, statement or announcement that is not intended for him,

shall be punished with fine or imprisonment from three months to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on whoever enables an unknown person to be informed with the conversation, statement or announcement obtained through unauthorised tapping or audio recording.

(3) if the offence specified in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment from six months to five years.

Unauthorised Photographing

Article 144

(1) Whoever without authorisation makes a photographic, film, video or other recording of another thereby significantly violating his personal life or who delivers such recording to a third party or otherwise enables him to familiarise himself with contents thereof,

shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment up to three years.

Unauthorised Publication and Presentation of another's Texts, Portraits and Recordings

Article 145

(1) Whoever publishes or publicly presents another's text, portrait, photograph, film or a phonogram of a personal character without consent of a person who has drawn up the text or to whom it is related, or without consent of the person depicted on the portrait, photograph or film or whose voice is recorded on a phonogram, or without consent of the person whose consent is mandatory by law and thereby significantly violates the private life of that person,

shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be published by imprisonment up to three years.

Unauthorised Collection of Personal Data

Article 146

(1) Whoever without authorisation obtains, communicates to another or otherwise uses information that is collected, processed and used in accordance with law, for purposes other than those for which they are intended,

shall be punished with a fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on whomever contrary to law collects personal data on citizens and uses data so collected.

(3) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment up to three years.

Violation of the Right to Legal Remedy

Article 147

(1) Whoever prevents another to exercise the right to submit a plea, petition, complaint, appeal, objection, other legal remedy or other submission,

shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment from three months to three years.

Violation of Freedom of Speech and Public Appearance

Article 148

(1) Whoever unlawfully denies or restricts freedom of speech or public appearance of another,

shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment up to three years.

Prevention of Printing and Distribution of Printed Material and Broadcasting

Article 149

(1) Whoever without authorisation prevents or hinders printing, recording, sale or distribution of books, magazines, newspapers, audio and video cassettes or other similar printed or recorded materials,

shall be punished with a fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever prevents or hinders without authorisation broadcasting of radio or television program.

(3) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment up to three years.

Prevention of Publication of Retort and Correction

Article 150

Whoever contrary to final court decision refuses or prevents publication of retort or correction of a published incorrect fact or information which violates someone’s right or interest,

shall be punished with a fine or imprisonment up to one year.

Prevention of Public Assembly

Article 151

(1) Whoever by use of force, threat, deceit or otherwise prevents or hinders a public assembly organised in accordance with law, unless elements of some other serious criminal offence are present,

shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment of three months to three years.

Prevention of Political, Trade Union or other Organising and Activity

Article 152

Whoever by wilful violation of law or other unlawful manner prevents or disturbs political, trade union or other organising or activity of citizens or activity of their political, trade union or other organisations,

shall be punished with a fine or imprisonment up to one year.

Prosecution for Criminal Offences against Freedoms and Rights of Man and Citizen

Article 153

Prosecution for offences specified in Articles 138, paragraph 1, 139, paragraph 1, 142 paragraphs 1 and 2, 143 paragraphs 1 and 2, 144, paragraph 1, 145 paragraph 1, 146 paragraphs 1 and 2 and 147 paragraph 1 hereof shall be conducted against private complaint.

Prosecution for offences specified in Articles 141, 149 paragraphs 1 and 2, 150, 151 paragraph 1 and 152 paragraph 1 hereof are undertaken by prosecutor's office.

CHAPTER FIFTEEN
CRIMINAL OFFENCES AGAINST ELECTORAL RIGHTS

Violation of the Right to Run in Elections

Article 154

Whoever by violation of law or other unlawful means prevents or hinders running for election,

shall be punished with a fine or imprisonment up to one year.

Violation of the Right to Vote

Article 155
Violation of the Right to Vote

Article 155

(1) Whoever with intent to prevent another to exercise his voting right, unlawfully fails to enter the name in voters' register, deletes the name from such register or otherwise unlawfully prevents or hinders him to vote,

shall be punished with fine or imprisonment up to one year.

(2) Whoever by use of force or threat coerces another at elections, impeachment vote or referendum to exercise or not to exercise his voting right or to vote for or against a particular candidate or proposal,

shall be punished with imprisonment of three months to three years.

Giving and Accepting Bribes in connection with Voting

Article 156

(1) Whoever offers, gives, promises reward, gift or other benefit to another in order to vote or not to vote in elections or referendum for or against a particular person or issue,

shall be punished with fine or imprisonment up to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever demands or receives a gift or other benefit to vote or not vote in elections or referendum for or against a particular candidate or issue.

(3) If the offence specified in paragraph 1 of this Article is committed by a member of an electoral board or other person acting in official capacity in respect of voting,

such person shall be punished with imprisonment of three months to five years.

(4) A gift or other benefit shall be seized.

Abuse of the Right to Vote

Article 157

(1) Whoever at elections or at a referendum votes instead of another person under his name or at the same elections votes more than once or uses more than one ballot paper,

shall be punished with a fine or imprisonment up to one year.

(2) A member of the electoral board who enables another to commit the offence referred to in paragraph 1 of this Article,

shall be punished with a fine or imprisonment up to two years.

Compiling of Inaccurate Voters' Lists

Article 158

Whoever with the intention to influence the results of elections or a referendum compiles an inaccurate voters' list,

shall be punished with a fine or imprisonment up to three years.

Prevention of Voting

Article 159
Prevention of Voting

Article 159

(1) Whoever by force, threat or other unlawful manner prevents holding of voting at polling station,

shall be punished with imprisonment up to three years.

(2) Whoever obstructs voting by causing disorder at the polling station whereby voting is interrupted,

shall be punished with a fine or imprisonment up to two years.

Violating the Secrecy of Voting

Article 160

(1) Whoever at elections or referendum violates the secrecy of voting,

shall be punished with a fine or imprisonment up to six months.

(2) If the offence specified in paragraph 1 of this Article is committed by a member of the electoral board or other person acting in official capacity in respect to voting,

such person shall be punished with a fine or imprisonment up to two years.

Ballot and Election Fraud

Article 161

A member of an election or referendum administration body or other person acting in official capacity in respect of voting, who by adding or removing ballot papers or votes during counting or otherwise alters the number of ballot papers or votes or publishes false voting results,

shall be punished with a fine or imprisonment up to three years.

Destroying of Documentation on Voting

Article 162

(1) Whoever destroys, damages, removes or conceals a ballot paper or other document on voting at elections or referendum,

shall be punished with fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by a member of the electoral board or other person acting in official capacity in respect of voting,

such person shall be punished with imprisonment of three months to three years.

CHAPTER SIXTEEN
CRIMINAL OFFENCES AGAINST LABOUR RIGHTS

Violation of Labour Rights and Social Security Rights

Article 163

Whoever deliberately fails to comply with law or other regulations, collective agreement and other general acts on labour rights and on special protection of young persons, women and disabled persons at work, or on social insurance rights and thereby deprives or restricts another's guaranteed right,

shall be punished with a fine or imprisonment up to two years.

Violation of the Right to Employment and during Unemployment

Article 164

Whoever deliberately contravenes regulations or otherwise unlawfully deprives or restricts a citizen's right to be freely employed under equal conditions in the territory of Serbia,

shall be punished with a fine or imprisonment up to one year.

The penalty specified in paragraph 1 of this Article shall be imposed on whoever deliberately fails to comply with law and other regulations or general acts on rights of citizens during unemployment and thereby deprives or restricts a guaranteed right of the unemployed person.

Violation of the Right to Manage

Article 165

(1) Whoever by force, threat, deliberate violation of regulations or otherwise unlawfully prevents or obstructs decision-making of managing bodies or a member of a managing body to participate in the work and decision-making of such body,

shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official or responsible officer by abuse of position or authority,

such person shall be punished with a fine or imprisonment up to two years.

Violation of the Right to Strike

Article 166

(1) Whoever by force, threat or otherwise unlawfully prevents or obstructs employees to, in accordance with law, organise a strike, participate in strike or otherwise exercise their right to strike,

shall be punished with a fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on an employer or responsible officer who lays off one or more employees due to their participation in strike organised in accordance with law, or institutes other measures violating their labour rights.

Abuse of the Right to Strike

Article 167

Whoever organises or leads the strike in a way contrary to law or other regulations and thereby endangers human life and health or property of considerable extent, or if grave consequences result therefrom, unless elements of some other criminal offence entail,

shall be punished with imprisonment up to three years.

Abuse of the Right to Social Security Benefits

Article 168

Whoever by malingering or self-inducing of illness or disability for work or otherwise unlawfully becomes eligible to some right to social security benefit that otherwise he would not be entitled to pursuant to law or other regulations or general acts,

shall be punished with a fine or imprisonment up to one year.

Disregard of Safety Measures at Work

Article 169

(1) A person responsible for undertaking protection measures at work who knowingly fails to observe the law or other regulations or general enactment on safety measures at work, thereby endangering life and health of employees,

shall be punished with a fine or imprisonment up to one year.

(2) If the court pronounces a suspended sentence, it may order the perpetrator to comply with safety measures at work within a specified period of time.

CHAPTER SEVENTEEN
CRIMINAL OFFENSES AGAINST HONOUR AND REPUTATION

Insult

Article 170

(1) Whoever insults another person,

shall be punished with a fine ranging from twenty to one hundred daily amounts or a fine ranging from forty thousand to two hundred thousand dinars.

(2) If the offence specified in paragraph 1 of this Article is committed through the press, radio, television or other media or at a public gathering,

the offender shall be punished with a fine ranging from eighty to two hundred and forty daily amounts or a fine ranging from one hundred and fifty to four hundred and fifty thousand dinars.

(3) If the insulted person returns the insult, the court may punish or remit punishment of both parties or one party.

(4) There shall be no punishment of the perpetrator for offences specified in paragraphs 1 through 3 of this Article if the statement is given within the framework of serious critique in a scientific, literary or art work, in discharge of official duty, journalist tasks, political activity, in defence of a right or defence of justifiable interests, if it is evident from the manner of expression

or other circumstances that it was not done with intent to disparage.

Defamation

Article 171

(1) Whoever expresses or disseminates untruths regarding another person that may harm his honour or reputation,

shall be punished with a fine ranging from fifty to two hundred daily amounts or a fine ranging from one hundred to four hundred thousand dinars.

(2) If the offence specified in paragraph 1 of this Article is committed through the press, radio, television or other media or at a public gathering,

the offender shall be punished with a fine.

(3) If the expressed or disseminated untruths have resulted in serious consequences for the injured party,

the offender shall be punished with a fine ranging from one hundred and twenty to three hundred and sixty daily amounts or a fine from five hundred thousand to one million dinars.

Dissemination of Information on Personal and Family Life

Article 172

(1) Whoever relates or disseminates information of anyone's personal or family life that may harm his honour or reputation,

shall be punished with a fine or imprisonment up to six months.

(2) If the offence specified in paragraph 1 of this Article is committed through press, radio, television or other media or at a public gathering,

the offender shall be punished with a fine or imprisonment up to one year.

(3) If what is related or disseminated resulted or could have resulted in serious consequences for the injured party,

the offender shall be punished with imprisonment up to three years.

(4) The offender shall not be punished for relating or disseminating information on personal or family life in discharge of official duty, journalist profession, defending a right or defending justifiable public interest, if he proves the veracity of his allegations or if he proves reasonable grounds for belief that the allegations he related or disseminated were true.

(5) Veracity or falsehood of related or disseminated information from the personal or family life of a person may not be evidenced, except in cases specified in paragraph 4 of this Article.

Ruining the Reputation of SaM and Member State

Article 173

Whoever publicly ridicules SaM or its member state, their flag, coat of arms or anthem,

shall be punished with a fine or imprisonment up to three months.

Ruining the Reputation of a Nation, National and Ethnic Groups of SaM

Article 174

Whoever publicly ridicules a nation, national or ethnic group living in SaM,

shall be punished with a fine or imprisonment up to three months.

Ruining the Reputation of a Foreign State or International Organisation

Article 175

(1) Whoever publicly ridicules a foreign state, its flag, coat of arms or anthem,
shall be punished with a fine or imprisonment up to three months.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever publicly ridicules the Organisation of the United Nations, International Red Cross or other international organisation where SaM or Serbia is member.

Impunity for Criminal Offences referred in Articles 173 through 175

Article 176

There shall be no punishment of the perpetrator for offences specified in Articles 173 through 175 if the statement is given within the framework of serious critique in a scientific, literary or art work, in discharge of official duty, performing journalist duties, political activity, in defence of a right or defence of justifiable interests, if it is evident from the manner of expression or other circumstances that it was not done with intent to disparage or if he proves the veracity of his allegations or that he had reasonable grounds to believe that what he said or disseminated was true.

Prosecution for Offences against Honour and Reputation

Article 177

(1) Prosecution for offences specified in Articles 170 through 172 hereof is undertaken by private action.

(2) If offences specified in Articles 170 through 172 hereof are committed against a deceased person, prosecution is instituted by private action of the spouse of the deceased or person cohabiting with the deceased, lineal descendant, adoptive parent, adopted child, or the deceased person's sibling.

(3) Prosecution for criminal offence specified in Article 175 hereof is undertaken upon approval of the Republic Public Prosecutor.

CHAPTER EIGHTEEN
SEXUAL OFFENCES

Rape

Article 178

(1) Whoever forces another to sexual intercourse or an equal act by use of force or threat of direct attack against the body of such or other person,
shall be punished with imprisonment from two to ten years.

(2) If the offence specified in paragraph 1 of this Article is committed under threat of disclosure of information against such person or another that would discredit such person's reputation or honour, or by threat of other grave evil,
the offender shall be punished with imprisonment from one to eight years.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in grievous

bodily harm of the person against whom the offence is committed, or if the offence is committed by more than one person or in a particularly cruel or particularly humiliating manner or against a juvenile or the act resulted in pregnancy,

the offender shall be punished with imprisonment from three to fifteen years.

(4) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person against whom it was committed or if committed against a child,

the offender shall be punished with imprisonment from five to eighteen years.

Sexual Intercourse with a Helpless Person

Article 179

(1) Whoever has sexual intercourse with another or commits an equal act by taking advantage of such person's mental illness, mental retardation or other mental disorder, disability or some other state of that person due to which the person is incapable of resistance,

shall be punished with imprisonment of one to ten years.

(2) If the helpless persons suffers serious bodily harm due to the offence specified in paragraph 1 of this Article, or the offence has been committed by several persons or in a particularly cruel or humiliating manner, or against a juvenile or if the act resulted in pregnancy the perpetrator

shall be punished with imprisonment of two to twelve years.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person against whom it was committed or if committed against a child,

the offender shall be punished with imprisonment from five to eighteen years.

Sexual Intercourse with a Child

Article 180

(1) Whoever has sexual intercourse or commits an equal act against a child, shall be punished with imprisonment from one to ten years.

(2) If the offence specified in paragraph 1 of this Article results in grievous bodily harm of the child against whom the act was committed or if the act is committed by several persons or the act resulted in pregnancy, the offender shall be punished with imprisonment from two to twelve years.

(3) If death of the child results due to the offence specified in paragraphs 1 and 2 of this Article,

the offender shall be punished with imprisonment from five to eighteen years.

(4) An offender shall not be punished for the offence specified in paragraph 1 of this Article if there is no considerable difference between the offender and the child in respect of their mental and physical development.

Sexual Intercourse through Abuse of Position

Article 181

(1) Whoever by abuse of position induces to sexual intercourse or an equal act a person who is in a subordinate or dependant position,

shall be punished with imprisonment of three months to three years.

(2) Teacher, tutor, guardian, adoptive parent, stepfather or other person who through abuse of his position or authority has sexual intercourse or commits an act of equal magnitude a juvenile entrusted to him for learning, tutoring, guardianship or care,

shall be punished with imprisonment from one to ten years.

(3) If the offence specified in paragraph 2 of this Article is committed against a child,

the offender shall be punished with imprisonment of two to twelve years.

(4) If the offence specified in paragraphs 1 through 3 of this Article resulted in pregnancy,

the offender shall be punished for the offence specified in paragraph 1 by imprisonment from six months to five years, and for the offence specified in paragraph 2 by imprisonment from two to twelve years, and for the offence specified in paragraph 3 by imprisonment from three to fifteen years.

(5) If death of the child results due to offence specified in paragraph 3 of this Article,

the offender shall be punished with imprisonment from five to eighteen years.

Prohibited Sexual Acts

Article 182

(1) Whoever under conditions specified in Article 178, paragraphs 1 and 2, Article 179, paragraph 1, Article 180 paragraph 1, and Article 181 paragraphs 1 through 3 hereof commits some other sexual act,

shall be punished with a fine or imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article results in grievous bodily harm of the person against whom the act is committed, or if the act is committed by several persons or in a particularly cruel or degrading manner,

the offender shall be punished with imprisonment from two to ten years.

(3) If the offence specified in paragraph 1 of this Article results in death of the person against whom the act is committed,

the offender shall be punished with imprisonment from three to fifteen years.

Pimping and Procuring

Article 183

(1) Whoever pimps a minor for sexual intercourse or an equal act or other sexual act,

shall be punished with imprisonment of three months to five years.

(2) Whoever procures a minor for sexual intercourse or an act of equal magnitude or other sexual act,

shall be punished with imprisonment up to three years.

Mediation in Prostitution

Article 184

(1) Whoever causes or induces another person to prostitution or participates in handing over a person to another for the purpose of prostitution, or who by means of media or otherwise promotes or advertises prostitution,

shall be punished with a fine or imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed against a minor,

the offender shall be punished with imprisonment from one to ten years.

Showing Pornographic Material and Child Pornography

Article 185

(1) Whoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a child or shows to a child a pornographic performance,

shall be punished with a fine or imprisonment up to six months.

(2) Whoever uses a child to produce photographs, audio-visual or other items of pornographic content or for a pornographic show,

shall be punished with imprisonment from six months to five years.

(3) Whoever sells, shows, publicly exhibits or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from offences specified in paragraph 2 of this Article,

shall be punished with imprisonment up to two years.

(4) Items specified in paragraphs 1 through 3 of this Article shall be confiscated.

Prosecution for Criminal Offences against Sexual Freedom

Article 186

Prosecution for criminal offences specified in Article 178 and 179 hereof committed against a spouse and for the criminal offence specified in Article 182 paragraph 1 hereof is initiated by public prosecutor's office.

CHAPTER NINETEEN
OFFENCES RELATING TO MARRIAGE AND FAMILY

Bigamy

Article 187

(1) Whoever enters into a new marriage although already married,

shall be punished with a fine or imprisonment up to two years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on whoever enters into marriage with a person whom he/she knows is already married.

Concluding a Void Marriage

Article 188

(1) Whoever in entering marriage conceals from the other party a fact that voids the marriage or deceives the other party in respect of such fact or maintains the deception relevant to such fact,

shall be punished with imprisonment from three months to three years.

(2) Prosecution may be undertaken only if such marriage is pronounced void on grounds specified in paragraph 1 of this Article.

Enabling to Enter into Unlawful Marriage

Article 189

An official vested with powers to conclude a marriage who in discharge of official duty knowingly allows concluding of marriage that is forbidden or void by law,

shall be punished with imprisonment from three months to three years.

Cohabiting with a Minor

Article 190

(1) An adult cohabiting with a minor,

shall be punished with imprisonment up to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on a parent, adoptive parent or guardian who enables or induces a minor to cohabit with another person.

(3) If the offence specified in paragraph 2 of this Article is committed for gain,

the offender shall be punished with imprisonment from six months to five years.

(4) If a marriage is concluded, prosecution shall not be undertaken, and if undertaken it shall be discontinued.

Abduction of Minor

Article 191

(1) Whoever unlawfully detains or abducts a minor from a parent, adoptive parent, guardian or other person or institution entrusted with care of the minor or whoever prevents enforcement of decision granting custody of a minor to a particular person,

shall be punished with a fine or imprisonment up to two years.

(2) Whoever prevents enforcement of the decision of a competent authority setting out the manner of maintaining of personal relationships of a minor with parent or other relative,

shall be punished with a fine or imprisonment up to one year.

(3) If the offence specified in paragraph 1 of this Article is committed for gain or other base motives or the offence results in serious impairment of health, care or education of the minor,

the offender shall be punished with imprisonment from three months to five years.

(4) The court may remit punishment of a perpetrator of the offence specified in paragraphs 1 and 3 of this Article who voluntarily hands over the minor to a person or institution having custody of the minor or enables enforcement of the custody order.

(5) If the court pronounces a suspended sentence for offences specified in paragraphs 1 through 3 of this Article, it may order the offender to hand over the minor within a set period of time to a person or institution having custody of the minor, or to comply with enforcement of the decision granting custody of the minor to a particular person or institution, or a decision stipulating the manner of maintaining personal relationship between the minor and parent or other relative.

Change of Family Status

Article 192

(1) Whoever by substitution, replacement or otherwise changes the family status of a child,

shall be punished with imprisonment from three months to three years.

(2) Whoever by replacement or from negligence changes the family status of a child,

shall be punished with imprisonment up to one year.

(3) The attempt of the offence specified in paragraph 1 of this Article shall be punished.

Article 193

Neglecting and Abusing a Minor

Neglecting and abusing a minor

Article 193

(1) A parent, adoptive parent, guardian or other person who by gross dereliction of their duty to provide for and bring up a minor neglects a minor they are obliged to take care of,

shall be punished with imprisonment up to three years.

(2) A parent, adoptive parent, guardian or other person who abuses a minor or forces him to excessive labour or labour not commensurate with his age, or to mendacity, or for gain induces him to engage in other activities detrimental to his development,

shall be punished with imprisonment from three months to five years

Domestic Violence

Article 194

(1) Whoever by use of violence, threat of attacks against life or body, insolent or ruthless behaviour endangers the tranquillity, physical integrity or mental condition of a member of his family,

shall be punished with a fine or imprisonment up to one year.

(2) If in committing the offence specified in paragraph 1 of this Article weapons, dangerous implements or other means suitable to inflict serious injury to body or seriously impair health are used,

the offender shall be punished with imprisonment from three months to three years.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in grievous bodily harm or serious health impairment or if committed against a minor,

the offender shall be punished with imprisonment from one to eight years.

(4) If the offence specified in paragraphs 1, 2 and 3 of this Article results in death of a family member,

the offender shall be punished with imprisonment from three to twelve years,

(5) Whoever violates a measure against domestic violence that was imposed on them by the court in accordance with the law

shall be punished with a fine or imprisonment up to six months.

Failure to Provide Maintenance

Article 195

(1) Whoever fails to provide support to a person whom he is required by law to support, in the amount and manner established by the final court decision or final settlement before the court or other appropriate authority,

shall be fined or punished with a fine or imprisonment up to one year.

(2) The perpetrator of the offence specified in paragraph 1 of this Article shall not be punished if failure to provide maintenance is attributable to justifiable reasons.

(3) If the offence specified in paragraph 1 of this Article resulted in serious consequences for the maintained person,

the offender shall be punished with imprisonment from three months to three years.

(4) If the court pronounces a suspended sentence, it may order an obligation to the perpetrator to settle due instalments and to provide maintenance regularly.

Violation of Family Duty

Article 196

(1) Whoever violates statutory family duties and thus leaves a family member who is unable to care for himself in dire circumstances,

shall be punished with imprisonment from three months to three years.

(2) If the offence specified in paragraph 1 of this Article resulted in serious health impairment of a family member,

the offender shall be punished with imprisonment from one to five years.

(3) If the offence specified in paragraph 1 of this Article results in death of a family member,

the offender shall be punished with imprisonment from one to eight years.

(4) If the court pronounces a suspended sentence for offences specified in paragraphs 1 and 2 of this Article, it may order the offender to discharge his family duties set out by law.

Incest

Article 197

An adult who engages in sexual intercourse or an act of equal magnitude with an underage relative by blood, or an underage sibling,

shall be punished with imprisonment up to three years.

CHAPTER TWENTY
CRIMINAL OFFENCES AGAINST INTELLECTUAL PROPERTY

Violation of Moral Right of Author and Performer

Article 198

(1) Whoever under his name or the name of another publishes or puts into circulation copies of another's copyrighted work or performance or otherwise publicly presents another's copyrighted work or performance, in entirety or in part,

shall be punished with a fine or imprisonment up to three years.

(2) Whoever without the author’s permission alters or adapts another’s copyrighted work or alters another’s recorded performance,

shall be punished with a fine or imprisonment up to one year.

(3) Whoever puts into circulation copies of another's copyrighted work or performance in a manner insulting the honour and reputation of the author or performer,

shall be punished with a fine or imprisonment up to six months.

(4) Things referred to under paragraphs 1 through 3 of this Article shall be seized.

(5) Prosecution for offences specified in paragraph 2 of this Article is initiated by the prosecution, and for offences referred to in paragraph 3 of this Article by private action.

Unauthorised Use of Copyrighted Work or other Work Protected by Similar Right

Article 199

(1) Whoever without permission publishes, records, copies or otherwise presents in public, in part or entirety, a copyrighted work, performance, phonogram, videogram, show,

computer programme or database,

shall be punished with a fine or imprisonment up to three years.

(2) The punishment specified in paragraph 1 of this Article shall also be imposed on a person who puts into circulation or with intent to put into circulation keeps illegally multiplied or illegally put into circulation copies of copyrighted work, performance, phonogram, videogram, show, computer program or database.

(3) If the offence referred to in paragraphs 1 and 2 of this Article was committed with intent to acquire material gain for oneself or another,

the offender shall be punished with imprisonment from three months to five years.

(4) Whoever produces, imports, puts into circulation, sells, rents, advertises for sale or renting, or keeps for commercial purposes, equipment and devices whose basic or prevailing purpose is to remove, bypass or forestall technological measures intended for prevention of violation of copyright and other similar rights, or who uses such equipment or devices with an aim to violate copyright or other similar right,

shall be punished with a fine or imprisonment up to three years.

(5) The things referred to in paragraphs 1 through 4 shall be seized and destroyed.

Unathorised Removal or Altering of Electronic Information on Copyright and Similar Rights

Article 200

(1) Whoever without authorisation removes or alters electronic information on copyright or other similar right, or puts into circulation, imports, exports, broadcasts or otherwise presents in public a copyrighted work or other work protected by similar right, from which electronic information on rights was removed or altered without authorisation,

shall be punished with a fine and imprisonment up to three years.

(2) The things referred to in paragraph 1 shall be seized and destroyed.

Violation of Patent Rights

Article 201

(1) Whoever without permission produces, imports, exports, offers for circulation, puts into circulation, stores or uses for commercial operations a patented product or procedure,

shall be punished with a fine or imprisonment up to three years.

(2) If the offence referred to in paragraph 1 results in material gain or damage in an amount exceeding one million dinars,

the offender shall be punished with imprisonment from one to eight years.

(3) Whoever without permission publishes or otherwise presents in public the essence of another's patent that has been applied for, before such patent is published in the manner set out by law,

shall be punished with a fine or imprisonment up to two years.

(4) Whoever without permission applies for a patent or fails to give or gives incorrect name of inventor in the application,

shall be punished with imprisonment from six months to five years.

(5) The things referred to in paragraphs 1 and 2 shall be seized and destroyed.

Unauthorised Use of another's Design

Article 202

(1) Whoever on his product in circulation uses without authorisation another's design which has been applied for or protected,

shall be punished with a fine or imprisonment up to three years.

(2) Whoever without authorisation publishes or otherwise presents in public the essence of another's design before it has been published in the manner set out by law,

shall be punished with a fine or imprisonment up to one year.

(3) The products referred to in paragraph 1 of this Article shall be seized.

CHAPTER TWENTY ONE
OFFENCES AGAINST PROPERTY

Theft

Article 203

(1) Whoever steals another's movable item with intent to obtain unlawful material gain for himself or another by appropriation thereof,

shall be punished with fine or imprisonment up to three years.

(2) The attempt of the offence specified in paragraph 1 shall be punished.

Aggravated/Compound Larceny

Article 204

(1) A person committing the offence of theft (Article 203) shall be punished with imprisonment of one to eight years, if the theft was committed:

1) by forcing or breaking into closed buildings, rooms, safes, cabinets or other closed spaces or by otherwise overcoming major obstacles;

2) by several persons;

3) in a particularly dangerous or brazen manner;

4) by someone having on his person a weapon or dangerous implement for attack or defence;

5) during a fire, flood, earthquake or other calamity;

6) by taking advantage of the helplessness or other grave condition of a person;

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to a perpetrator of the offence of theft if the value of stolen items exceeds the amount of four hundred and fifty thousand dinars or if the stolen object represents a cultural or natural asset.

(3) if the value of stolen goods exceeds one million dinars,

the offender shall be punished with imprisonment of two to ten years.

Grand Larceny

Article 205

(1) Whoever caught in the act of theft (Article 203) and with intent to keep the stolen object uses force against a person or threat of direct attack against the life or body,

shall be punished with imprisonment of one to ten years.

(2) If the value of stolen goods exceeds one million five hundred thousand dinars,

the offender shall be punished with imprisonment of two to twelve years.

(3) If the offence specified in paragraphs 1 through 3 of this Article is committed by several persons or intentional serious bodily harm is inflicted to a person,

the offender shall be punished with imprisonment of three to fifteen years,

Robbery

Article 206

(1) Whoever by use of force against a person or threat of direct attack upon the life or body appropriates another's movable object with intent by appropriation thereof to acquire unlawful material gain for himself or another,

shall be punished with imprisonment of two to ten years.

(2) If the value of appropriated goods exceeds the amount of one million five hundred thousand dinars,

the offender shall be punished with imprisonment of three to fifteen years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by several persons or intentional serious bodily harm is inflicted to a person,

the offender shall be punished with imprisonment of three to fifteen years.

(4) If the value of appropriated goods specified in paragraph 1 of this Article does not exceed ten thousand dinars, and the intent of the offender was to acquire a small material gain,

the offender shall be punished with imprisonment up to three years.

(5) The attempt of the offence specified in paragraph 4 of this Article shall be punished.

Embezzlement

Article 207

(1) Whoever with intent to obtain for himself or another unlawful material gain, appropriates another's movable object entrusted in his care,

shall be punished with fine or imprisonment up to two years.

(2) If the offence specified in paragraph 1 of this Article is committed by a guardian,

he shall be punished by imprisonment of three months to three years.

(3) If the value of embezzled goods exceeds the amount of four hundred and fifty thousand dinars,

the offender shall be punished with imprisonment of one to six years.

(4) If the value of embezzled goods exceeds the amount of one million five hundred thousand dinars,

the offender shall be punished with imprisonment of one to eight years.

(5) Whoever unlawfully appropriates another's movable object he found or came upon by happenstance in order to obtain material gain for himself or another,

shall be punished with fine or imprisonment up to one year.

(6) Prosecution for offences specified in paragraphs 1, 3 and 4 of this Article, if the embezzled goods represent property of citizens, is instituted by private action.

Fraud

Article 208

(1) Whoever with intent to acquire unlawful material gain for himself or another by false presentation or concealment of facts deceives another or maintains such deception and thus induces such person to act to the prejudice of his or another's property,

shall be punished with fine or imprisonment up to three years.

(2) Whoever commits the offence specified in paragraph 1 of this Article only with intent to cause damage to another,

shall be punished with fine or imprisonment up to six months.

(3) If by the offence specified in paragraph 1 and 2 of this Article material gain is acquired or damages caused exceeding four hundred and fifty thousand dinars,

the offender shall be punished with imprisonment of one to eight years.

(4) If by the offence specified in paragraph 1 and 2 of this Article material gain is acquired or damages caused exceeding million five hundred thousand dinars,

the offender shall be punished with imprisonment of two to ten years.

Obtaining and Using Credit and Other Benefits under False Pretences

Article 209

(1) Whoever by false presentation of facts or concealment thereof obtains for himself or another a credit, subvention or other benefit although not meeting the relevant requirements,

shall be punished with fine or imprisonment up to two years.

(2) Whoever uses the obtained credit, subvention or other benefit for purposes other than those for which the credit, subvention or other benefit was granted,

shall be punished with fine or imprisonment up to one year.

(3) The responsible officer in an enterprise or other business entity shall also be punished for the offence specified in paragraphs 1 and 2 of this Article if the credit, subvention or other benefit are obtained for the enterprise or business entity or if used by these entities for purposes other than those for which they were granted.

Petty Theft, Embezzlement and Fraud

Article 210

(1) Whoever commits an act of petty theft, embezzlement or fraud,

shall be punished with fine or imprisonment up to six months.

(2) A theft, embezzlement or fraud are petty if the value of appropriated or embezzled object, or damages caused by fraud do not exceed the amount of fifteen thousand dinars, and the perpetrator's intent was to acquire a small property gain or cause a small damage.

(3) Prosecution for offences specified in paragraph 1 of this Article if committed against private property is instituted by private action.

Appropriation of Another's Object

Article 211

(1) Whoever without intent to acquire material gain unlawfully appropriates another's movable object,

shall be punished with fine or imprisonment up to six months.

(2) If the value of the appropriated object exceeds the amount of one million five hundred thousand dinars or represents a cultural good,

the perpetrator shall be punished with imprisonment of three months to three years.

(3) Prosecution for the offences specified in paragraphs 1 and 2 of this Article, if the appropriated object is in private property, is instituted by private action.

Destruction or Damage of Another's Object

Article 212

(1) Whoever destroys, damages or otherwise makes unusable another's object,

shall be punished with fine or imprisonment up to six months.

(2) If the offence specified in paragraph 1 of this Article results in damages exceeding four hundred and fifty thousand dinars,

the offender shall be punished with fine or imprisonment up to two years.

(3) If the offence specified in paragraph 1 of this Article results in damages exceeding one million five hundred thousand dinars or is committed against a cultural good,

the offender shall be punished with imprisonment of six months to five years.

(4) Prosecution for the offences specified in paragraphs 1 through 3 of this Article, if the damaged object is in private property, is instigated by private action.

Unauthorised Use of Another's Vehicle

Article 213

(1) Whoever without approval of an authorised person uses another's motor vehicle,

shall be punished with fine or imprisonment up to two years.

(2) If the offence specified in paragraph 1 of this Article is committed by forcing or breaking into a motor vehicle, or by use of force or threat,

the offender shall be punished with imprisonment of three months to five years.

(3) An attempt of the offence specified in paragraph 1 of this Article shall be punished.

Extortion

Article 214

(1) Whoever with intent to acquire unlawful property gain for himself or another, by force or threat causes another person to act to the prejudice of his or another's property,

shall be punished with imprisonment of one to eight years.

(2) If by the offence specified in paragraph 1 of this Article material gain exceeding four hundred and fifty thousand dinars is acquired,

the offender shall be punished with imprisonment of two to ten years.

(3) If by the offence specified in paragraph 1 of this Article material gain exceeding one million five hundred thousand dinars is acquired,

the offender shall be punished with imprisonment of two to twelve years.

(4) Whoever engages habitually in offences specified in paragraphs 1 to 3 of this Article, or if the offence is committed by an organised group,

shall be punished with imprisonment of three to fifteen years.

Blackmail

Article 215

(1) Whoever with intent to acquire material gain for himself or another threatens a third party to reveal something against such party or person close to him that would harm their honour or reputation and thereby forces such person to act to the prejudice of his or another's property,

shall be punished with imprisonment of three months to five years.

(2) If by the offence specified in paragraph 1 of this Article material gain exceeding four hundred and fifty thousand dinars is acquired,

the offender shall be punished with imprisonment of one to eight years.

(3) If by the offence specified in paragraph 1 of this Article material gain exceeding one million five hundred thousand dinars is acquired,

the offender shall be punished with imprisonment of two to ten years.

(4) Whoever engages habitually in offences specified in paragraphs 1 to 3 of this Article, or if the offence is committed by an organised group,

shall be punished with imprisonment of two to twelve years.

Abuse of Trust

Article 216

(1) Whoever acting as procurator for another person abuses the granted authorisation with intent to acquire for himself or other person, or to cause damages to the person on whose behalf he is acting as procurator,

shall be punished with fine or imprisonment up to three years.

(2) If by the offence specified in paragraph 1 of this Article material gain exceeding four hundred and fifty thousand dinars is acquired,

the offender shall be punished with imprisonment of one to six years.

(3) If by the offence specified in paragraph 1 of this Article material gain exceeding one million five hundred thousand dinars is acquired,

the offender shall be punished with imprisonment of one to eight years.

(4) If the offence specified in paragraphs 1 through 3 of this Article is committed by a guardian or attorney,

he shall be punished for the offence specified in paragraph 1 by imprisonment of six months to five years, and for the offence specified in paragraph 2 by imprisonment of one to eight years, and for the offence specified in paragraph 3 by imprisonment of two to ten years.

Usury

Article 217

(1) Whoever for loan of money or other consumables to another stipulates for himself disproportionate material gain by abusing another's difficult financial situation, difficult circumstances, need, rashness or insufficient capacity for judgement,

shall be punished with imprisonment of up to three years and a fine.

(2) If the offences specified in paragraph 1 of this Article resulted in serious consequences for the injured party or the offender acquired material gain exceeding four hundred and fifty thousand dinars,

the offender shall be punished with imprisonment of six months to five years and a fine.

(3) If the offences specified in paragraph 1 of this Article resulted in acquiring material gain exceeding one million five hundred thousand dinars,

the offender shall be punished with imprisonment of one to eight years and a fine.

(4) Prosecution of the offence specified in paragraph 1 of this Article is undertaken by private action.

Squatting

Article 218

(1) Whoever unlawfully occupies another's land,

shall be punished with fine or imprisonment up to one year.

(2) If the occupied land comprises a part of a protected forest, national park or other land intended for a particular purpose,

the offender shall be punished with imprisonment of three months to three years.

(3) Prosecution for the offence specified in paragraph 1 of this Article is undertaken by private action.

Unlawful Occupation of Premises

Article 219

(1) Whoever unlawfully occupies another person's building, flat, business or other premises,

shall be punished with fine or imprisonment up to one year.

(2) If the court pronounces a suspended sentence for the offence specified in paragraph 1 of this Article, it may order the perpetrator to vacate and empty the unlawfully occupied premises within a set period of time.

(3) Prosecution for the offence specified in paragraph 1 of this Article is instituted by private action.

Infringement of Another's Right

Article 220

(1) Whoever with intent to prevent exercising of a right to a thing disposes of, destroys, damages or abstracts his own thing to which another person has pledge rights or right of usufruct and thereby causes damage to such person,

shall be punished with fine or imprisonment up to six months.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on whomever with intent to prevent settlement of creditor during enforcement procedure disposes of, destroys, damages or conceals parts of his property and thereby damages the creditor.

(3) Prosecution for offences specified in paragraphs 1 and 2 of this Article, if the injured party are private citizens, is instituted by private action.

Reset

Article 221

(1) Whoever conceals, circulates, purchases, receives in pawn or otherwise obtains an object he knows was acquired by criminal offence or whatever was obtained for it by sale or exchange,

shall be punished with fine or imprisonment up to three years, where the penalty may not exceed the statutory penalty for the offence by whose commission the object was acquired.

(2) Whoever commits the offence specified in paragraph 1 of this Article and could have been aware or should have been aware that the object was obtained through commission of an offence,

shall be punished with fine or imprisonment up to one year.

(3) If the offender habitually engages in the criminal offence specified in paragraph 1 of this Article, or if the offence is committed by an organised group or the value of concealed items exceeds one five hundred thousand million dinars,

the offender shall be punished with imprisonment of six months to five years.

Prosecution in Case when the Perpetrator is Closely Related to the Injured Party

Article 222

Prosecution for criminal offences specified in Articles 203, 204, 208, 213, 216 paragraph 1 through 3 and 221 hereof, if committed against a spouse, a person with whom the injured party is in cohabitation, lineal blood relative, sibling, adoptive parent or adopted child, or other persons with whom the offender lives in a common household, is instituted by private action.

CHAPTER TWENTY TWO OFFENCES AGAINST ECONOMIC INTERESTS

Counterfeiting Money

Article 223

(1) Whoever produces forged money with intent to put it in circulation as genuine or who with same intent alters genuine money,

shall be punished by imprisonment of two to twelve years.

(2) Whoever procures forged money with intent to circulate it as real or who puts forged

money in circulation,

shall be punished by imprisonment of one to ten years.

(3) If by the offence specified in paragraphs 1 and 2 of this Article forged money is produced, altered, circulated or procured in an amount exceeding one million five hundred thousand dinars and/or a corresponding amount in foreign currency,

the offender shall be punished by imprisonment of five to fifteen years.

(4) Whoever accepting forged money as genuine, and upon learning that it is counterfeit, puts it in circulation or whoever knows that forged money is produced or that forged money is put in circulation and fails to report it,

shall be punished by fine or imprisonment up to one year.

(5) Forged money shall be impounded.

Forging Securities

Article 224

(1) Whoever produces forged securities or alters genuine securities with intent to use them as genuine, or to give them to another to use, or whoever uses such forged securities as genuine or procures them to such intent,

shall be punished by imprisonment of one to five years.

(2) If the total nominal amount of forged securities specified in paragraph 1 of this Article exceeds one million five hundred thousand dinars,

the offender shall be punished by imprisonment of two to ten years.

(3) Whoever receives forged securities as genuine and upon learning that these are forgeries puts them in circulation,

shall be punished by fine or imprisonment up to one year.

(4) Forged securities shall be impounded.

Forgery and Misuse of Credit Cards

Article 225

(1) Whoever fabricates a forged credit card or who alters a real credit card with intent to use as genuine or who uses such credit card as genuine,

shall be punished by imprisonment from three months to three years.

(2) If the offender by commission of the offence specified in paragraph 1 of this Article acquired an unlawful material gain through the use of the card,

he shall be punished by imprisonment of six months to five years.

(3) If the offender by commission of the offence specified in paragraph 1 of this Article acquired an unlawful material gain exceeding one million five hundred thousand dinars,

he shall be punished by imprisonment of two to ten years.

(4) The penalty specified in paragraphs 1 through 3 of this Article shall be imposed also to whoever commits the offence through unauthorised use of another's card.

(5) Whoever obtains a forged credit card with intent to use it as genuine or whoever obtains information with intent to use for fabrication of forged credit card,

shall be punished by fine or imprisonment up to one year.

(6) Forged credit cards shall be impounded.

Forging Value Tokens*

Article 226

(1) Whoever fabricates or alters value tokens with intent to use them as genuine or to give them to another to use, or who uses such forged hallmarks as genuine or obtains them to such end,

shall be punished by imprisonment up to three years.

(2) If the overall value of value tokens specified in paragraph 1 of this Article exceeds one million five hundred thousand dinars,

the offender shall be punished by imprisonment of one to eight years.

(3) Whoever by removing a stamp invalidating a value token or otherwise endeavours to give such value token an appearance as if unused in order to re-use them, or who re-uses the already used value tokens or sells them as valid,

shall be punished by fine or imprisonment up to one year.

(4) Forged value tokens shall be seized.

Making, Acquiring and Giving to Another of Means for Counterfeiting

Article 227

(1) Whoever makes, acquires, sells or gives to another to use means for producing forged money or forged securities,

shall be punished by imprisonment of six months to five years.

(2) Whoever makes, acquires, sells or gives to another to use means for producing forged credit cards or forged value tokens,

shall be punished by fine or imprisonment up to two years.

(3) The means specified in paragraphs 1 and 2 of this Article shall be impounded.

Issuing of Uncovered Checks and Use of Uncovered Credit Cards

Article 228

(1) Whoever uses a debit card without cover or uses a credit card for which he fails to provide cover within the contracted period, and thereby acquires for himself or another unlawful material gain exceeding ten thousand dinars,

shall be punished by fine or imprisonment up to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also to whoever issues or puts in circulation a check, bill of exchange, acceptance order, any guarantee or other means of payment or means of securing payment, although aware that it is uncovered and thereby acquires for himself or another unlawful material gain exceeding ten thousand dinars.

(3) If the offence specified in paragraphs 1 and 2 of this Article result in acquiring material gain exceeding one hundred thousand dinars,

the offender shall be punished by imprisonment of one to ten years.

Tax Evasion

Article 229

(1) Whoever with intent to fully or partially avoid payment of taxes, contributions or other statutory dues, gives false information on legal income, objects and other facts relevant to

determination of such obligations, or who with same intent, in case of mandatory reporting (filing of returns) fails to report lawful income, objects and other facts relevant to determination of such obligations or who with same intent conceals information relevant for determination of aforementioned obligations, and the amount of obligation whose payment is avoided exceeds one hundred and fifty thousand dinars,

shall be punished by imprisonment of up to three years and fined.

(2) If the amount of the liability specified in paragraph 1 of this Article whose payment is avoided exceeds one million five hundred thousand dinars,

the offender shall be punished by imprisonment of one to five years and fined.

(3) If the amount of the liability specified in paragraph 1 of this Article whose payment is avoided exceeds seven million five hundred thousand dinars,

the offender shall be punished by imprisonment of one to eight years and fined.

Smuggling

Article 230

(1) Whoever takes goods across the customs line evading customs control measures or who takes goods across the customs line evading customs control while armed, in a group or using force or threat,

shall be punished by imprisonment of six months to five years and fined.

(2) Whoever engages in sale, distribution or concealment of uncleared goods or organises a network of dealers or middlemen for distribution of such goods,

shall be punished by imprisonment of one to eight years and fined.

(3) The goods that are subject of the offence specified in paragraphs 1 and 2 of this Article shall be seized.

(4) A vehicle or other means of transportation whose hidden or secret places were used for transport of goods subject to the offence specified in paragraph 1 of this Article, or which is intended for committing of such criminal offences shall be impounded if the owner or user of such vehicle was aware or should have been aware or was obliged to be aware of it, and if the value of goods that are subject of the offence exceeds one third of the value of such vehicle at the time of commission of the offence.

Money Laundering

Article 231

(1) Whoever converts or transfers property while aware that such property originates from a criminal offence, with intent to conceal or misrepresent the unlawful origin of the property, or conceals and misrepresents facts on the property while aware that such property originates from a criminal offence, or obtains, keeps or uses property with foreknowledge, at the moment of receiving, that such property originates from a criminal offence,

shall be punished by imprisonment of six months to five years.

(2) If the amount of money or property specified in paragraphs 1 of this Article exceed one million five hundred thousand dinars,

the offender shall be punished by imprisonment of one to ten years.

(3) Whoever commits the offence specified in paragraph 1 and 2 of this Article, and could have been aware or should have been aware that the property represents proceeds acquired by criminal offence,

shall be punished by imprisonment of up to three years.

(4) The responsible officer in a legal entity who commits the offence specified in paragraphs 1 through 3 of this Article shall be punished by the penalty stipulated for that offence,

if aware or should have been aware that the money or property represents proceeds acquired by criminal offence.

(5) The money and property specified in paragraphs 1, through 4 of this Article shall be seized.

Abuse of Monopolistic Position

Article 232

A responsible officer in an enterprise or other business entity who has the capacity of a legal person or an entrepreneur, who by abuse of monopolistic or dominant market position or by entering into monopolistic agreements cause market disruptions or brings that entity into a more favourable position in relation to others, thus acquiring material gain for that entity or for another entity or causes damage to other business entities, consumers or users of services,

shall be punished by imprisonment up to three years.

Unauthorised Use of Another's Company Name

Article 233

(1) Whoever with the intention to deceive buyers or users of services, uses another's company name, another's geographic mark of origin, another's hallmark or trademark or another's special mark for goods or incorporates particular features of these marks into his firm, his stamp or trademark or into his special mark for goods,

shall be punished by a fine or imprisonment up to three years.

(2) Whoever for the purpose of sale in larger quantity or value obtains, produces, processes, puts into circulation, rents or stocks goods specified in paragraph 1 of this Article or engages in extending services by using another's marks without authorisation,

shall be punished by imprisonment of six months to five years.

(3) A perpetrator specified in paragraph 2 of this Article who organised a network of resellers or middlemen or has acquired material gain exceeding one million five hundred thousand dinars,

shall be punished by imprisonment of one to eight years.

(4) Items specified in paragraphs 1 through 3 shall be seized.

Misfeasance in Business

Article 234

(1) The responsible officer in an enterprise or other business entity in which he does not hold a majority share and who deliberately violates laws, other regulations or general acts on business activity, or who obviously conducts business activities unconscientiously and consequently from negligence causes damages to such enterprise or other business entity that exceeds four hundred and fifty thousand dinars,

shall be punished by fine or imprisonment up to three years.

(2) If due to the offence specified in paragraph 1 of this Article damage is caused that exceeds one million five hundred thousand dinars or proceedings are instituted for compulsory settlement or bankruptcy,

the offender shall be punished by imprisonment of six months to five years.

Causing Bankruptcy

Article 235

(1) A responsible officer of an enterprise or other business entity having the capacity of a legal entity who by mismanagement of assets or disposal thereof for a pittance, excessive borrowing, undertaking disproportionate obligations, concluding imprudent contracts with individuals incapable of payment, omitting timely collection of claims, destroying or concealing assets or other acts contrary to conducting business with due diligence and thereby causes bankruptcy and damages another,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence,

the offender shall be published by imprisonment of three months to three years.

Causing False Bankruptcy

Article 236

(1) A responsible officer in a company or another business entity who has the capacity of a legal person or an entrepreneur who, with the intention to evade paying liabilities by that entity, causes bankruptcy of that entity by fictitious or actual decrease of assets, by:

1) concealing, fictitiously selling, selling under market price or relinquishing without compensation all or part of the assets of the business entity;

2) concluding fictitious contracts on debt or recognising non-existent claims;

3) concealing, destroying or altering business books that the business entity is required by law to keep in such a way making it impossible to discern therefrom business results or state of assets or liabilities, or by fabricating false documents or otherwise presents the status whereby bankruptcy may be instituted,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article results in serious consequences for the creditor,

the offender shall be punished by imprisonment of two to ten years.

Damaging Creditors

Article 237

(1) A responsible officer of an enterprise or other business entity having the capacity of a legal person who, knowing that such entity is insolvent, by paying a debt or otherwise deliberately puts the creditor in a more favourable position and thereby significantly damages another creditor,

shall be punished by imprisonment of three months to three years.

(2) A responsible officer specified in paragraph 1 of this Article or an entrepreneur who, knowing that the entity is incapable of payment and with the intent to deceive or damage the creditor, recognises false claims, makes false contracts or otherwise fraudulently damages the creditor,

shall be punished by imprisonment of three months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article result in damages to the creditor of large scale or if consequently compulsory settlement or bankruptcy is instituted against the injured party,

the offender shall be punished by imprisonment of one to eight years.

Abuse of Authority in Economy

Article 238

(1) A responsible officer of a company or other economic entity having the capacity of a legal person or entrepreneur who, with the intention to acquire unlawful material gain for the legal person in which he is employed, for another legal person or another economic entity having the capacity of a legal person:

1) establishes or keeps illicit financial, commodity or other value funds at home or abroad, or unlawfully prevents exercising of ownership rights of shareholders;

2) fabricates documents with false contents, false balance, estimates or through interventions or concealing of facts, falsely represents the status or movement of assets and business results, thereby misleading management authorities of the company or another legal person when taking decisions relative to management, or places the company or other legal person in a more favourable position when obtaining funds or other benefits that otherwise they would not be entitled pursuant to regulations in force;

3) uses available assets contrary to their purpose;

4) otherwise grossly violates authorisation in respect of management, disposal and use of assets,

5) contrary to the will of shareholders fails to sign the prospectus for trading in the

stock exchange, and by giving false information misleads buyers of shares in respect of the capital of the legal entity,

shall be punished by imprisonment of three months to five years.

(2) If by the offence specified in paragraph 1 of this Article material gain is acquired exceeding five million dinars,

the offender shall be punished by imprisonment of one to eight years.

Damaging Business Reputation and Credit Rating

Article 239

(1) Whoever with intent to impair another's business reputation or credit standing spreads untruths or falsely present his business activity,

shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article results in serious consequences,

the offender shall be punished by imprisonment of three months to three years.

(3) Prosecution for offences specified in paragraphs 1 and 2 of this Article is instigated by private action.

Disclosing a Business Secret

Article 240

(1) Whoever without authorisation communicates to another, hands over or in any other way makes available information representing a business secret or who obtains such information with the intention to hand them over to an unauthorised person,

shall be punished by imprisonment of three months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed for gain or in respect of particularly confidential information,

the offender shall be published by imprisonment of two to ten years.

(3) Whoever commits the offence specified in paragraph 1 of this Article from negligence,

shall be punished by imprisonment of up to three years.

(4) A business secret represents information and documents declared by law, other regulation or decision of competent authority issued pursuant to law as business secret whose disclosure would cause or could cause harmful consequences for the enterprise or other business entity.

Preventing Control

Article 241

Whoever prevents a controlling authority to effect inspection of business books or other documents or prevents inspection of objects, premises or other facilities,

shall be punished by fine or imprisonment up to one year.

Illegal Production

Article 242

(1) Whoever without authorisation produces or processes goods whose production or

processing requires permission of a competent authority,

shall be punished by fine or imprisonment up to two years.

(2) Whoever produces or processes goods whose production or processing is prohibited,

shall be punished by imprisonment up to three years.

(3) The goods and means of production or processing shall be seized.

Illegal Trade

Article 243

(1) Whoever without a trading permit procures goods or other items in higher value with the objective of sale, or who without authorisation and to higher extent engages in trade or mediation in trade, or engages in representation of organisations in domestic or foreign trade of goods and services,

shall be punished by fine or imprisonment up to two years.

(2) Whoever engages in sale of goods whose production he illegally organised,

shall be punished by imprisonment of three months to three years.

(3) The penalty specified in paragraph 2 of this Article shall be imposed also to whoever unlawfully sells, buys or barters goods or objects whose circulation is prohibited or restricted.

(4) If the offender specified in paragraph 1 through 3 of this Article organises a network of dealers or middlemen or acquired material gain exceeding four hundred and fifty thousand dinars,

he shall be punished by imprisonment of six months to five years.

(5) The goods and objects of unlawful trade shall be seized.

Deceiving Buyers

Article 244

Whoever with intent to deceive buyers puts into circulation products with designation that does not correspond to the content, type, origin or quality of the product or puts into circulation products that by their quantity and quality do not correspond to what is normally implied by that type of products or puts into circulation products without designation of content, type, origin or quality of the product when such designation is statutory or uses evidently misleading advertisement in circulation of the products,

shall be punished by imprisonment up to three years and fined.

Forging Symbols for marking of Goods, Measures and Weights

Article 245

(1) Whoever with intent to use as genuine makes false stamps, seals, brands or other symbols for marking domestic or foreign products that are used for designating gold or other precious metals, wood, cattle or other goods or who with same intent alters such genuine symbols or who uses such altered or fake symbols as genuine,

shall be punished by fine or imprisonment up to three years

(2) Fake symbols, measures and weights shall be seized.

CHAPTER TWENTY THREE OFFENCES AGAINST HUMAN HEALTH

Unlawful Production, Keeping and Circulation of Narcotics

Article 246

(1) Whoever unlawfully produces, processes, sells or offers for sale, or whoever purchases, keeps or transports for sale, or who mediates in sale or buying or otherwise unlawfully puts into circulation substances or preparations that are declared narcotics,

shall be punished by imprisonment of two to twelve years.

(2) If the offence specified in paragraph 1 of this Article is committed by several persons acting in conspiracy to commit such offences, or if the offender has organised a network of dealers or middlemen,

the offender shall be punished by imprisonment of five to fifteen years.

(3) Whoever unlawfully keeps substances or preparations that are declared narcotics,

shall be punished by fine or imprisonment up to three years.

(4) The offender specified in paragraph 3 of this Article who keeps narcotics for self-use may be remitted from punishment.

(5) The offender specified in paragraphs 1 through 3 of this Article who discloses from whom he obtained narcotics may be remitted from punishment.

(6) Whoever unlawfully manufactures, obtains, possesses or gives for use equipment, material and substances that are known to be intended for production of narcotics,

shall be punished by imprisonment of six months to five years.

(7) Narcotics and means for production thereof and processing shall be seized.

Facilitating the Taking of Narcotics

Article 247

(1) Whoever induces another person to take narcotics or gives him narcotics for his or another's use or places at disposal premises for taking of narcotics or otherwise enables another to take narcotics,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed against a minor or several persons or has resulted in particularly grave consequences,

the offender shall be punished by imprisonment of two to ten years.

(3) Narcotics shall be seized.

Failure to Act Pursuant to Health Regulations During Epidemic

Article 248

Whoever during an epidemic of a dangerous contagious disease fails to act pursuant to regulations, decisions or orders setting forth measures for suppression or prevention thereof,

shall be punished by fine or imprisonment up to one year.

Transmitting Contagious Disease

Article 249

Whoever fails to act pursuant to regulations, decisions or orders for suppression or prevention of contagious decease and thereby a contagious disease is transmitted,

shall be punished by imprisonment up to three years.

Transmitting HIV Infection

Article 250

(1) Whoever wittingly endangers another with infection by HIV virus,

shall be punished by imprisonment up to two years.

(2) Whoever wittingly fails to observe regulations and measures relating to prevention of spreading of HIV infection to another person and thereby from negligence effectuates transmission of HIV infection to another person,

shall be punished by imprisonment of one to five years.

(3) Whoever knowing that he/she is infected with HIV wittingly transmits the infection to another person,

shall be punished by imprisonment of two to twelve years.

(4) If the offence specified in paragraph3 of this Article results in death of the infected person,

the offender shall be punished by imprisonment of three to fifteen years.

(5) If the offence specified in paragraph 3 of this Article is committed from negligence,

the offender shall be punished for the offence specified in paragraph 3 of this Article by imprisonment up to three years, and for the offence specified in paragraph 4 of this Article by imprisonment of six months to five years.

Medical Malpractice

Article 251

(1) A doctor who in providing medical services uses an evidently inadequate means or an evidently unsuitable treatment or fails to observe appropriate hygiene standards or evidently proceeds unconscientiously and thereby causes deterioration of a person's health,

shall be punished by imprisonment of three months to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed to other medical staff who in rendering medical assistance or care or performing other medical activity proceeds in an obviously unconscientious manner thereby causing deterioration of a person's medical condition.

(3) If the offence specified in paragraphs 1 and 2 of this Article are committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

Illegal Conducting of Medical Experiments and Testing of drugs

Article 252

(1) Whoever contrary to regulations conducts medical or similar experiments on humans,

shall be punished by imprisonment of three months to five years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on whoever clones human beings or conducts experiments to that purpose.

(3) Whoever contrary to regulations conducts clinical testing of a drug,

shall be punished by imprisonment of three months to three years.

Failure to Provide Medical Assistance

Article 253

(1) A doctor who contrary to his duty refuses to render medical assistance to a person in need of such assistance, and whose life is in immediate and present danger or is in danger of onset of grave bodily harm or serious deterioration of health,

shall be punished by fine or imprisonment up to two years.

(2) If due to the offence specified in paragraph 1 of this Article, the person to whom medical assistance was not provided sustains grave bodily harm or serious deterioration of health,

the offender shall be punished by imprisonment of three months to four years.

(3) If the offence specified in paragraph 1 of this Article results in death of the person to whom medical assistance was not provided,

the offender shall be punished by imprisonment of one to eight years.

Quackery

Article 254

(1) Whoever without appropriate qualification engages in providing medical treatment or rendering other medical services,

shall be punished by fine or imprisonment up to two years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed to whoever without appropriate qualification engages in preparing or issuing of medicaments.

Malpractice in Preparing and Issuing Medicaments

Article 255

(1) A person competent to issue medicaments for use in medical treatment who issues another medicament instead of the prescribed or requested medicament, if replacement is not allowed, or who fails to prepare the medicament in prescribed proportion or quantity or who obviously proceeds unconscientiously in issuing medicaments and thereby causes deterioration of a person's health,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

Production and Putting in Circulation of Harmful Products

Article 256

(1) Whoever produces for sale, sells or puts in circulation harmful foodstuff, edibles or drink or other harmful products,

shall be punished by imprisonment up to three years.

(2) Whoever releases into circulation products specified in paragraph 1 of this Article without inspection by an authorised official, when such inspection is provided by regulations, or puts them in circulation after expiry of shelf-life,

shall be punished by imprisonment up to three years.

(3) If the offence specified in paragraphs 1 and 2 are committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

(4) Items specified in paragraphs 1 and 2 of this Article shall be seized.

Unconscientious Inspection of Foodstuffs

Article 257

(1) An authorised person who uncoscientously inspects livestock for slaughter, meat intended for food and other foodstuff or contrary to regulations fails to perform inspection and thereby enables release for circulation of meat and other foodstuff harmful to human health,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

Pollution of Drinking Water and Foodstuffs

Article 258

(1) Whoever by harmful substance pollutes drinking water or foodstuff,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

Grave Offences against Health

Article 259

(1) If due to offences specified in Articles 249, 251 paragraphs 1 and 2, 252, 254, 255 paragraph 1, 256 paragraphs 1 and 2, 257 paragraph 1 and 258 paragraph 1 hereof, a person sustains grievous bodily harm or serious health impairment,

the offender shall be punished by imprisonment of one to eight years.

(2) If the offences specified in Articles 249, 251 paragraphs 1 and 2, 252, 254, 255 paragraph 1, 256 paragraphs 1 and 2, 257 paragraph 1 and 258 paragraph 1 hereof result in death of one or more persons,

the offender shall be punished by imprisonment of two to twelve years.

(3) If the offences specified in Articles 251 paragraph 3, 255 paragraph 2, 256 paragraph 3, 257 paragraph 2 and 258 paragraph 2 hereof result in grievous bodily harm or serious health impairment of a person,

the offender shall be punished by imprisonment up to three years.

(4) If the offences specified in Articles 251 paragraph 3, 255 paragraph 2, 256 paragraph 3, 257 paragraph 2 and 258 paragraph 2 hereof result in death of a person,

the offender shall be punished by imprisonment of one to eight years.

CHAPTER TWENTY FOUR
CRIMINAL OFFENCES AGINST THE ENVIRONMENT

Environmental Pollution

Article 260

(1) Whoever by violating the regulations on protection, preservation and improvement of

the environment pollutes air, water or soil to larger extent or over a wider area,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

(3) If the offence specified in paragraph 1 of this Article results in destruction or damage to animal and plant life to large extent or environmental pollution in such extent that clean-up requires longer period of time or great expense,

the offender shall be punished by imprisonment of one to eight years.

(4) If the offence specified in paragraph 2 of this Article results in destruction or damage to animal and plant life to large extent or environmental pollution in such extent that clean-up requires longer period of time or great expense,

the offender shall be punished by imprisonment of six months to five years.

(5) If the court pronounces a suspended sentence for offences specified in paragraphs 1 through 4 of this Article, it may order the offender to undertake within a set period of time particular stipulated measures for environmental protection, preservation and improvement.

Failure to undertake Environmental Protection Measures

Article 261

(1) An official or responsible person who fails to undertake the stipulated environmental protection measures, or fails to proceed according to orders of competent authority in respect of environmental protection,

shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to six months.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in environmental pollution,

the offender shall be punished for the offence specified under Article 260 hereof.

(4) If the court pronounces a suspended sentence for offences specified in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time particular stipulated measures for environmental protection, preservation and improvement.

Illegal Construction and Operation of Facilities and Installations Polluting the Environment

Article 262

(1) An official or responsible person who contrary to regulations on environmental protection, preservation and improvement allows construction, start-up and operation of facilities and installations or use of technologies that to larger extent and over a wider area pollute the environment,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article results in destruction of animal and plant life to high extent or pollution of the environment to such degree that clean-up would require a long period of time or great expense,

the offender shall be punished by imprisonment of one to eight years.

(3) If the court pronounces a suspended sentence for offences specified in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time particular stipulated measures for environmental protection, preservation and improvement.

Damaging Environmental Protection Facilities and Installations

Article 263

(1) Whoever damages, destroys, removes or otherwise makes inoperable facilities or installations for environmental protection,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 is committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

(3) If the offence specified in paragraph 1 resulted in air, water or soil pollution to larger extent or over a wider area,

the offender shall be punished by imprisonment of six months to five years.

(4) If the offence specified in paragraph 2 resulted in air, water or soil pollution to larger extent or over a wider area,

the offender shall be punished by imprisonment up to three years.

(5) If the offence specified in paragraph 1 and 3 of this Article result in destruction or damage of animal and plant life to high extent or pollution of the environment to such degree that clean-up would require a long period of time or great expense,

the offender shall be punished by imprisonment of one to eight years.

(6) If the offence specified in paragraph 2 and 4 of this Article result in destruction or damage of animal and plant life to high extent or pollution of the environment to such degree that clean-up would require a long period of time or great expense,

the offender shall be punished by imprisonment of six months to five years.

(7) If the court pronounces a suspended sentence for offences specified in paragraphs 1 through 6 of this Article, it may order the offender to undertake within a set period of time particular stipulated measures for environmental protection, preservation and improvement.

Damaging the Environment

Article 264

(1) Whoever by violating regulations, through use of natural resources, construction of buildings, executing works or otherwise causes damage to the environment to large extent or over a wider area,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 is committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

(3) If the court pronounces a suspended sentence for offences specified in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time particular measures to correct the detrimental consequences to the environment.

Destroying, Damaging and taking abroad a Protected Natural Asset

Article 265

(1) Whoever destroys or damages a protected natural asset,

shall be punished by imprisonment of three months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to six months.

(3) Whoever contrary to regulations exports or takes abroad a natural rarity or particularly protected plant or animal,

shall be punished by imprisonment of three months to three years.

(4) The attempt of the offence specified in paragraph 3 of this Article shall be punished.

Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances

Article 266

(1) Whoever contrary to regulations brings into Serbia radioactive or other hazardous materials or hazardous waste, or whoever transports, processes, deposits, collects or stockpiles such materials or waste,

shall be punished by imprisonment up to three years.

(2) Whoever by abuse of his position or powers allows or facilitates bringing into Serbia materials or waste specified in paragraph 1 of this Article, or enables transport, processing, depositing or stockpiling of such materials or waste,

shall be punished by imprisonment of six months to five years.

(3) If the offence specified in paragraphs 1 and 2of this Article result in destruction of animal and plant life to high extent or pollution of the environment to such degree that clean-up would require a long period of time or great expense,

the offender shall be punished by imprisonment of one to eight years.

(4) The attempt of the offence specified in paragraph 1 of this Article shall be punished.

(5) If the court pronounces a suspended sentence for offences specified in paragraphs 1 through 4 of this Article, it may order the offender to undertake within a set period of time particular stipulated measures of protection from ionising radiation or other stipulated protection measures.

(6) Whoever organises committing of offences specified in paragraph 1 of this Article,

shall be punished by imprisonment of one to eight years.

(7) The attempt of the offence specified in paragraph 1[*] of this Article shall be punished.

Illegal Construction of Nuclear Plants

Article 267

Whoever contrary to regulations permits or commences to construct nuclear power plant, a nuclear fuel production plant or processing plant for used nuclear fuel,

shall be punished by imprisonment of six months to five years.

Violation of the Right to be Informed on the State of the Environment

Article 268

Whoever contrary to regulations withholds information or gives false information on the state of the environment and events that is required for evaluation of environmental hazard and undertaking measures for protection of human life and health,

shall be punished by fine or imprisonment up to one year.

Killing and Wanton Cruelty to Animals

[*] Transl. remark: Probably a proof-reading omission and should read *paragraph 6.*

Article 269

(1) Whoever in violation of regulations kills, injures or tortures and animal,
shall be punished by fine or imprisonment up to six months.
(2) If the offence specified in paragraph 1 of this Article resulted in killing, torture or injuring a number of animals, or if the offence is committed against an animal belonging to a specially protected species,
the offender shall be punished by fine or imprisonment up to three years.

Transmitting of Contagious Animal and Plant Diseases

Article 270

(1) Whoever during an epidemic of livestock disease that may endanger cattle breeding fails to observe regulations, decisions or orders determining measures for suppression or prevention of the disease,
shall be punished by fine or imprisonment up to two years.
(2) The penalty specified in paragraph 1 of this Article shall be imposed also to whoever fails to, during threat of disease or pests that may endanger plant life, observe regulations, decisions or orders setting out measures for suppression or prevention of disease or pest-control.
(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in death of animals, destruction of plants or other considerable damage,
the offender shall be punished by imprisonment up to three years.
(4) if the offence specified in paragraphs 1 through 3 of this Article is committed from negligence,
the offender shall be punished by fine or imprisonment up to one year.

Malpractice in Veterinary Services

Article 271

(1) A veterinarian or authorised veterinary staff who in rendering veterinary assistance prescribes or applies an obviously inadequate means or obviously inadequate method of treatment or otherwise acts uncoscientiously in treating animals thereby causing death of animals or other considerable damage,
shall be punished by imprisonment up to two years.
(2) If the offence specified in paragraph 1 of this Article is committed from negligence,
the offender shall be punished by fine or imprisonment up to six months.

Producing Harmful Products for Treating Animals

Article 272

(1) Whoever produces for sale or puts into circulation by way of trade products for treatment or prevention of disease of animals that are dangerous to life or health of animals,

shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article results in death of animals or other considerable damage,

the offender shall be punished by fine or imprisonment up to two years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to six months.

Pollution of Livestock Fodder and Water

Article 273

(1) Whoever contaminates livestock fodder or water by a harmful substance and thereby endangers animal life or health,

shall be punished by fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on whoever by harmful substance contaminates water in fish-pond, lake, river or canal, or by stocking with fish from contaminated waters causes danger to survival of fish or other aquatic animals.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in loss of life of animals or other considerable damage,

the offender shall be punished by fine or imprisonment up to two years.

(4) If the offence specified in paragraphs 1 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to six months.

Devastation of Forests

Article 274

(1) Whoever contrary to regulations and orders of competent authorities cuts or clears forest, or who damages trunks or otherwise devastates forests or cuts down one or more trees in a park, avenue of trees or elsewhere where cutting down of trees is prohibited,

shall be punished by fine or imprisonment up to one year.

(2) Whoever commits the offence specified in paragraph 1 of this Article in a protected forest, national park or other forest intended for special purpose,

shall be punished by imprisonment of three months to three years.

Forrest Theft

Article 275

(1) Whoever, by reason of theft, fells one or more trees in a forest, park or avenue of trees and the quantity of timber exceeds one cubic metre,

shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed with intent to sell the felled tree, or if the quantity of felled timber exceeds five cubic metres or if the offence is committed in a national park, protected forest or other forest intended for special purpose,

the offender shall be punished by fine or imprisonment up to three years.

(3) The attempt of the offence specified in paragraphs 1 and 2 of this Article shall be punished.

Poaching game

Article 276

(1) Whoever hunts game during closed season or in territory where hunting is prohibited, shall be punished by fine or imprisonment up to six months.

(2) Whoever poaches on another's hunting preserve or kills or wounds game or catches it alive,

shall be punished by fine or imprisonment up to one year.

(3) If the offence specified in paragraph 2 of this Article is committed against big game, the offender shall be punished by fine or imprisonment up to two years.

(4) Whoever hunts game whose hunting is prohibited or whoever hunts particular game

without a special permit when such permit is required, or whoever hunts in a manner or with means which destroy game in large numbers,

shall be punished by imprisonment up to three years.

(5) The bagged game and hunting implements will seized.

Poaching fish

Article 277

(1) Whoever catches fish or other aquatic animals during closed season or in waters where fishing is forbidden,

shall be punished by fine or imprisonment up to six months.

(2) Whoever fishes or catches other aquatic animals by explosive, electricity, poison, stunning or in manner otherwise damaging to breeding of such fauna or whereby mass destruction of such fauna results,

shall be punished by imprisonment up to three years.

(3) The penalty specified in paragraph 2 of this Article shall be imposed also on whoever catches fish or other aquatic animals of significant biological value or in larger quantity, or while fishing destroys large quantities of fish or other aquatic animals.

(4) The catch and the fishing implements shall be seized.

CHAPTER TWENTY FIVE
CRIMINAL OFFENCES AGAINST GENERAL SAFETY OF PEOPLE AND PROPERTY

Causing of General Danger

Article 278

(1) Whoever by fire, flood, explosive, poison or poisonous gas, radioactive or other ionising radiation, electric power, engine power or other generally dangerous act or generally dangerous means causes danger to life or body of people or to property of larger scale,

shall be punished by imprisonment of six months to five years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to an official or responsible person who fails to install prescribed equipment for protection against fire, flood, explosion, poison or poisonous gas, radioactive or other ionising radiation, electrical power or other harmful substances, or fails to maintain these in proper order, or fails to use the equipment in time of need, or generally fails to observe regulations or technical protection standards and thereby causes danger to life or body or to property of a larger extent.

(3) If the venue of offences specified in paragraphs 1 and 2 of this Article is where a number of people are gathered,

the offender shall be punished by imprisonment of one to six years.

(4) If the offence specified in paragraphs 1 and 3 of this Article is committed from negligence,

the offender shall be punished by imprisonment up to three years.

Destroying and Damaging Public Infrastructure

Article 279

(1) Whoever destroys, damages, alters or makes useless or removes public infrastructure equipment for water, heating, gas, electrical or other power supply or communications system equipment and thereby causes disruption in life of citizens or in functioning of the economy,

shall be punished by imprisonment of three months to five years.

(2) Whoever commits the offence specified in paragraph 1 of this Article from negligence,

shall be punished by fine or imprisonment up to one year.

Endangering of Safety at Workplace by Failing to Ensure Safety Measures

Article 280

(1) Whoever in mines, factories, workshops, construction sites or other work place damages or removes safety equipment and thereby causes danger to life or body or to property of larger scale,

shall be punished by imprisonment of six months to five years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed to a responsible person in a mine, factory, workshop, at a construction site or in some other work place who fails to install safety equipment or does not maintain them in working order, or fails to use it in time of need, or does not observe regulations and technical standards on safety at work and thereby causes danger to life or body or property of a larger extent.

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article from negligence,

shall be punished by fine or imprisonment up to three years.

(4) If the court pronounces a suspended sentence for an offence specified in paragraph 2 of this Article, the court may order the offender to, within a set period of time, ensure installing, maintenance and use of safety equipment.

Construction Work which does not Comply with Regulations and Standards

Article 281

(1) A person responsible for designing, managing or executing construction or construction works, who does not observe regulations and generally-accepted technical standards thereby causing danger to life and body or property of a larger value,

shall be punished by imprisonment of three months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to three years.

Damage to Dams and Water Economy Facilities

Article 282

(1) Whoever damages, destroys or otherwise renders unusable a dam, embankment or other water economy facility or equipment for protection against natural disasters,

shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed against a facility or equipment of greater importance,

the offender shall be punished by imprisonment of six months to five years.

(3) If the offence specified in paragraph 2 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to three years.

Destroying, Damaging or Removing Danger Warning Signs

Article 283

Whoever destroys, damages or removes a sign warning of any kind of danger,
shall be punished by fine or imprisonment up to one year.

Abuse of Telecommunication Signals

Article 284

(1) Whoever abuses or unnecessarily transmits an international signal for help or a signal warning of danger or who by telecommunication signal deceives that no danger exists or who abuses an international communication signal,
shall be punished by imprisonment up to three years.
(2) If the offence specified in paragraph 1 of this Article resulted in danger to life of persons or property of larger scale,
the offender shall be punished by imprisonment of six months to five years.

Failure to Eliminate Danger

Article 285

(1) Whoever fails to report to a competent authority or other competent body the existence of fire, flood, explosion, traffic accident or other danger to life and body or property of larger scale. or fails to undertake measures to eliminate such danger although in position to do so without risk to himself or another,
shall be punished by fine or imprisonment up to one year.
(2) Whoever prevents another in undertaking measures to eliminate a fire, flood, explosion, traffic accident or other danger to life or body or property of larger scale,
shall be punished by imprisonment up to three years.

Unauthorised Handling of Explosive and Flammable Material

Article 286

(1) Whoever contrary to regulations stores, keeps, transports or hands over for transportation by public means of transport, explosives or highly flammable material or transports such material himself using public means of transport,
shall be punished by fine or imprisonment up to one year.
(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever unlawfully brings explosives or highly flammable material into premises or other facility where a large number of persons are gathered or where such a gathering is pending.
(3) Whoever brings or attempts to bring into a methane pit or pit with other flammable gas or hazardous carbon dust, highly flammable material or other items whose bringing to such a pit or facility is prohibited,
shall be punished by imprisonment of three months to three years.
(4) The penalty specified in paragraph 3 of this Article shall be imposed also on whoever in entering a storeroom, warehouse or explosive storage premises fails to observe the statutory

protective measures.

(5) If the offence specified in paragraphs 3 and 4 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

Unlawful Acquiring and Endangerment of Safety with Nuclear Material

Article 287

(1) Whoever by force or threat, commission of criminal offence or otherwise unlawfully acquires, possesses, uses, transports or gives to another nuclear materials or enables another to obtain them,

shall be punished by imprisonment up to three years.

(2) Whoever threatens to use nuclear material with intent to force someone to do or refrain from doing something and thereby endangers the safety of people,

shall be punished by imprisonment of one to ten years.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in grievous bodily harm or property damage of large extent,

the offender shall be punished by imprisonment of two to twelve years.

(4) If the offence specified in paragraphs 1 and 2 of this Article resulted in death of one or more persons,

the offender shall be punished by imprisonment of three to fifteen years.

Grave Offences against General Safety

Article 288

(1) If the offence specified in Articles 278 paragraphs 1 through 3, 279 paragraphs 1 and 2, 280 paragraphs 1 and 2, 281 paragraph 1 and 284 hereof, resulted in grievous bodily harm of a person property damage of large extent,

the offender shall be punished by imprisonment of one to eight years.

(2) If the offence specified in Articles 278 paragraph 1 through 3, 279 paragraphs 1 and 2, 280 paragraphs 1 and 2, 281 paragraph 1 and 284 hereof, resulted in death of one or more persons,

the offender shall be punished by imprisonment of two to twelve years.

(3) If the offence specified in Articles 278 paragraph 4, 279 paragraph 2, 280 paragraph 3 and 281 paragraph 2 hereof, resulted in grievous bodily harm of a person or property damage of large extent,

the offender shall be punished by imprisonment of up to four years.

(4) If the offence specified in Articles 278 paragraph 4, 279 paragraph 2, 280 paragraph 3 and 281 paragraph 2 hereof, resulted in death of one or more persons,

the offender shall be punished by imprisonment of one to eight years.

CHAPTER TWENTY SIX
CRIMINAL OFFENCES AGAINST ROAD TRAFFIC SAFETY

Endangering Road Traffic

Article 289

(1) Whoever in traffic on public roads fails to observe traffic regulations and thereby endangers road traffic to extent to compromise life and body or property of larger extent, and this consequently results in minor bodily injury or property damage exceeding two hundred thousand dinars,

shall be punished by imprisonment up to three years.

(2) Whoever fails to observe traffic regulations and consequently endangers railway, streetcar, trolley bus, bus traffic or cable-car transport so as to imperil life and body or property of larger extent,

shall be punished by imprisonment of six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

Endangering Traffic by Dangerous Acts or Means

Article 290

(1) Whoever by destroying, removing or severe damage of traffic equipment, means or signalling devices or protective railing used for safety of road traffic, or by giving wrong signs or signals, setting barricades on roadways or otherwise in similar manner endangers public traffic and thereby endangers life and body or property of larger extent,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

Endangering Air Traffic Safety

Article 291

(1) Whoever controls flight of an aircraft improperly or contrary to regulations, by failure of duty or control in respect of air traffic safety, by giving incorrect information significant for safe flight of aircraft or otherwise endangers air traffic safety,

shall be punished by imprisonment of one to six years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence or negligent destruction or damage of navigation equipment or other negligent damage to an aircraft,

the offender shall be punished by imprisonment of three months to three years.

Endangering Air Traffic Safety by Violence

Article 292

(1) Whoever by violence against a person in an aircraft, placing or bringing aboard explosive or other dangerous devices or substances or by destroying or damaging navigation equipment or causing other damage to an aircraft endangers air traffic safety,

shall be punished by imprisonment of two to ten years.

(2) If the offence specified in paragraph 1 of this Article resulted in grievous bodily harm or caused extensive damage,

the offender shall be punished by imprisonment of two to twelve years.

(3) If the offence specified in paragraph 1 of this Article resulted in death of one or more

persons,

the offender shall be punished by imprisonment of five to fifteen years.

Hijacking an Aircraft, Ship or Other Means of Transport

Article 293

(1) Whoever by force or threat of force takes over control of an aircraft in flight or over a ship at sea or other means of public transport while in motion,

shall be punished by imprisonment of two to ten years.

(2) If the offence specified in paragraph 1 of this Article resulted in grievous bodily harm or caused extensive damage,

the offender shall be punished by imprisonment of two to twelve years.

(3) If the offence specified in paragraph 1 of this Article resulted in death of one or more persons,

the offender shall be punished by imprisonment of five to fifteen years.

Piracy

Article 294

(1) A crew member or passenger of a ship at open seas or location not under authority of any state commits violence or robbery against persons on another ship, retains, hijacks, damages or destroys the other ship or goods therein or causes damage of great extent,

shall be punished by imprisonment of two to twelve years.

(2) If the offence specified in paragraph 1 of this Article resulted in death of one or more persons,

the offender shall be punished by imprisonment of five to fifteen years.

Dereliction of Duty in Supervising Public Traffic

Article 295

(1) An official or responsible person entrusted with supervision of the state and maintenance of roadways and pertaining facilities, means of transport or public transport or over monitoring compliance with statutory requirements for work of drivers, or who is entrusted with management of driving, who by dereliction in performance of duty endangers life or body or property to large extent,

shall be punished by imprisonment of six months to five years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also to a responsible person who issues a driving order or allows driving although aware that the driver, due to fatigue, effects of alcohol or otherwise, is unfit to safely drive the vehicle or that the vehicle is defective and thereby endangers life and body or property to large extent.

(3) if the offence specified in paragraph 1 of this Article is committed from negligence,

the offender shall be punished by imprisonment up to three years.

Failure to Render Aid to Person Injured in Traffic Accident

Article 296

(1) A driver of a motor vehicle or other means of transport who abandons a person injured by such vehicle or whose injury was caused by such vehicle,

shall be punished by fine or imprisonment up to one year.

(2) If failure to render aid resulted in grievous bodily harm of the injured person,

the offender shall be punished by imprisonment up to three years.

(3) If failure to render aid resulted in death of the injured person,

the offender shall be punished by imprisonment of six months to five years.

Grave Offences Against Traffic Safety

Article 297

(1) If the offences specified in Articles 289 paragraphs 1 and 2, 290 paragraphs 1 and 2, 291 paragraph 1 and 295 paragraphs 1 and 2 hereof result in grievous bodily harm of a person or property damage to large extent,

the offender shall be punished by imprisonment of one to eight years.

(2) If the offences specified in Articles 289 paragraphs 1 and 2, 290 paragraphs 1 and 2, 291 paragraph 1 and 295 paragraphs 1 and 2 hereof result in death of one or more persons,

the offender shall be punished by imprisonment of two to twelve years.

(3) If the offence specified in Articles 289 paragraph 3, 290 paragraph 3, 291 paragraph 2 and 295 paragraph 3 results in grievous bodily harm of a person or property damage to large extent,

the offender shall be punished by imprisonment up to four years.

(4) If the offences specified in Articles 289 paragraph 3, 290 paragraph 3, 291 paragraph 2 and 295 paragraph 3 result in death of one or more persons,

the offender shall be punished by imprisonment of one to eight years.

(5) Pronouncing of the security measure of ban on driving a motor vehicle is mandatory in cases specified in paragraphs 1 through 4 of this Article.

CHAPTER TWENTY SEVEN
CRIMINAL OFFENCE AGAINST SECURITY OF COMPUTER DATA

Damaging Computer Data and Programs

Article 298

(1) Whoever without authorisation deletes, alters, damages, conceals or otherwise makes unusable a computer datum or program,

shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article results in damages exceeding four hundred and fifty thousand dinars,

the offender shall be punished by imprisonment of three months to three years.

(3) If the offence specified in paragraph 1 of this Article results in damages exceeding one million five hundred thousand dinars,

the offender shall be punished by imprisonment of three months to five years.

(4) Equipment and devices used in perpetration of the offence specified in paragraphs 1 and 2 of this Article shall be seized.

Computer Sabotage

Article 299

Whoever enters, destroys, deletes, alters, damages, conceals or otherwise makes unusable computer datum or program or damages or destroys a computer or other equipment for electronic processing and transfer of data, with intent to prevent or considerably disrupt the procedure of electronic processing and transfer of data that are of importance for government authorities, enterprises or other entities,

shall be punished by imprisonment of six months to five years.

Creating and Introducing of Computer Viruses

Article 300

(1) Whoever makes a computer virus with intent to introduce it into another's computer or computer network,

shall be punished by fine or imprisonment up to six months.

(2) Whoever introduces a computer virus into another's computer or computer network thereby causing damage,

shall be punished by fine or imprisonment up to two years.

(3) Equipment and devices used for committing of the offence specified in paragraphs 1 and 2 of this Article shall be seized.

Computer Fraud

Article 301

(1) Whoever enters incorrect data, fails to enter correct data or otherwise conceals or falsely represents data and thereby affects the results of electronic processing and transfer of data with intent to acquire for himself or another unlawful material gain and thus causes material damage to another person,

shall be punished by fine or imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty hundred thousand dinars,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding one million five hundred thousand dinars,

the offender shall be punished by imprisonment of two to ten years.

(4) Whoever commits the offence specified in paragraph 1 of this Article from malicious mischief,

shall be punished by fine or imprisonment up to six months.

Unauthorised Access to Computer, Computer Network or Electronic Data Processing

Article 302

(1) Whoever, by circumventing protection measures, accesses a computer or computer network without authorisation, or accesses electronic data processing without authorisation,

shall be punished by fine or imprisonment up to six months.

(2) Whoever uses data obtained in manner provided under paragraph 1 of this Article,

shall be punished by fine or imprisonment up to two years.

causes damage exceeding one million five hundred thousand dinars to a government authority or

(3) If the offence specified in paragraph 1 of this Article results in hold-up or serious malfunction in electronic processing and transfer of data or of the network, or other grave consequences have resulted,

the offender shall be punished by imprisonment up to three years.

Preventing or Restricting Access to Public Computer Network

Article 303

(1) Whoever without authorisation prevents or hinders access to a public computer network,

shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such official shall be punished by imprisonment up to three years.

Unauthorised Use of Computer of Computer Network

Article 304

(1) Whoever uses computer services or computer network with intent to acquire unlawful material gain for himself or another,

shall be punished by fine or imprisonment up to three months.

(2) Prosecution for the offence specified in paragraph 1 of this Article shall be instigated by private action.

CHAPTER TWENTY EIGHT
CRIMINAL OFFENCES AGAINST THE CONSTITUTIONAL ORDER AND SECURITY OF THE REPUBLIC OF SERBIA AND SaM

Compromising Independence

Article 305

Whoever attempts to unconstitutionally bring Serbia or SaM into a position of subjugation or dependence in respect of another state,

shall be punished by imprisonment of three to fifteen years.

Recognition of Capitulation or Occupation

Article 306

A citizen of Serbia who signs or recognises capitulation or accepts or recognises occupation of Serbia, SaM or part thereof,

shall be punished by imprisonment of minimum ten years.

Compromising Territorial Integrity

causes damage exceeding one million five hundred thousand dinars to a government authority or

Article 307

(1) Whoever by force or other unconstitutional manner attempts to cede a part of the territory of Serbia or SaM or to annex a part of such territory to another state,

shall be punished by imprisonment of three to fifteen years.

(2) Whoever by force or other unconstitutional manner attempts to alter the interstate borders between SaM member states,

shall be punished by imprisonment of two to twelve years.

Attack Against the Constitutional Order

Article 308

Whoever by force or threat of force attempts to change the constitutional order of Serbia or SaM or overthrow the highest state authorities,

shall be punished by imprisonment of three to fifteen years.

Sedition

Article 309

(1) Whoever with intent to compromise the constitutional order or security of Serbia or SaM calls for or incites to change their constitutional order by use of force, overthrow the highest state authorities or representatives thereof,

shall be punished by imprisonment of three months to five years.

(2) Whoever commits the offence specified in paragraph 1 of this Article with foreign assistance,

shall be punished by imprisonment of one to eight years.

(3) Whoever with intent to disseminate, produces or copies material that is by content such that it calls for or instigates committing of offences specified in paragraph 1 of this Article, or whoever sends or transfers to territory of SaM such material or keeps a larger quantity of such material with intent to distribute by himself or another,

shall be punished by imprisonment of three months to three years.

Assassination of the Highest Officials of the State Union and Member States

Article 310

Whoever with intent to compromise the constitutional order or security of Serbia or SaM assassinates the president of SaM, president of a member state, speaker of the SaM Parliament, speaker of the Assembly of a member state, prime minister of a member state, president of the Court of SaM, president of the Constitutional Court of a member state or the highest state prosecutor of a member state,

shall be punished by imprisonment of minimum ten years or imprisonment thirty to forty years.

Insurrection

Article 311

(1) Whoever participates in insurrection directed against constitutional order, security or

causes damage exceeding one million five hundred thousand dinars to a government authority or territorial integrity of Serbia or SaM,

shall be punished by imprisonment of three to fifteen years.

(2) The organiser or ringleader of the insurrection,

shall be punished by imprisonment of five to fifteen years.

Terrorism

Article 312

Whoever with intent to compromise the constitutional order or security of Serbia or SaM causes an explosion or fire or commits another generally dangerous act or commits an abduction of a person or some other act of violence, or by threat of committing such generally dangerous act or use of nuclear, chemical, bacteriological or other dangerous substance and thereby causes fear or insecurity among citizens,

shall be punished by imprisonment of three to fifteen years.

Malicious Destruction

Article 313

Whoever with intent to undermine the constitutional order or security of Serbia or SaM by demolishing, setting fire or otherwise destroying or damaging industrial, agricultural or other economic facility, transportation means, equipment or plant, communications equipment, public utility equipment for water, heating, gas or power supply, a dam, warehouse, building or other structure of importance for security or supply of citizens or to the economy or functioning of public services,

shall be punished by imprisonment of three to fifteen years.

Sabotage

Article 314

Whoever with intent to undermine the constitutional order or security of Serbia or SaM covertly, insidiously or in other similar manner while discharging official duties or work duty causes damage exceeding one millio five hundred thousand dinars to a government authority or organisation where he is employed, or to another government body or other organisation, shall be punished by imprisonment of three to fifteen years.

Espionage

Article 315

(1) Whoever discloses, hands over or makes available military secrets, economic or official information or documents to a foreign state, foreign organisation or person in their service,

shall be punished by imprisonment of three to fifteen years.

(2) Whoever establishes or runs an intelligence network in Serbia for a foreign state,

shall be punished by imprisonment of five to fifteen years.

causes damage exceeding one million five hundred thousand dinars to a government authority or

(3) Whoever joins a foreign intelligence service, collects information for such service or otherwise supports its work,

shall be punished by imprisonment of one to ten years.

(4) Whoever obtains secret information or documents with intent to disclose or hand them over to a foreign state, foreign organisation or person in their service,

shall be punished by imprisonment of one to eight years.

(5) If the offences specified in paragraphs 1 and 2 of this Article resulted in serious consequences for the security, economic or military power of the country,

the offender shall be punished by imprisonment of minimum ten years.

(6) Such military, economic or official information or document are deemed secret that are by law, other regulations or decision of competent authority passed pursuant to law declared secret, as well as information and documents accessible only to a particular circle of persons and whose disclosure would or could cause harm the security, defence or political, military or economic interests of the country.

Disclosing a State Secret

Article 316

(1) Whoever without authorisation discloses, hands over or makes available to another, information or documents that are entrusted to him or that he acquired otherwise and that represent a state secret,

shall be punished by imprisonment of one to ten years.

(2) Whoever discloses to another person information or documents that he knows are a state secret, and which he unlawfully acquired,

shall be punished by imprisonment up to five years.

(3) If the offence specified in paragraph 1 of this Article is committed during a direct threat of war, state of war or state of emergency, or has resulted in compromising security, economic or military power of Serbia or SaM,

the offender shall be punished by imprisonment of three to fifteen years.

(4) If the offence specified in paragraph 1 is committed from negligence,

the offender shall be punished by imprisonment of six months to five years.

(5) Such information or documents shall be considered a state secret that are by law, other regulations or decision of competent authority passed pursuant to law declared a state secret, and whose disclosure would or could cause harm to the security, defence or political, military or economic interests of Serbia or SaM, or documents directed at serious violation of fundamental rights of man, or at compromising the constitutional order and security of Serbia or SaM, as well as information and documents that are aimed at concealing a committed criminal offence punishable by law with imprisonment up to five or more years.

Instigating National, Racial and Religious Hatred and Intolerance

Article 317

(1) Whoever instigates or exacerbates national, racial or religious hatred or intolerance among the peoples and ethnic communities living in Serbia,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed by coercion, maltreatment, compromising security, exposure to derision of national, ethnic or religious symbols, damage to other persons, goods, desecration of monuments, memorials or graves,

the offender shall be punished by imprisonment of one to eight years.

causes damage exceeding one million five hundred thousand dinars to a government authority or

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article by abuse of position or authority, or if these offences result in riots, violence or other grave consequences to co-existence of peoples, national minorities or ethnic groups living in Serbia,

shall be punished for the offence specified in paragraph 1 of this Article by imprisonment of one to eight years, and for the offence specified in paragraph 2 of this Article by imprisonment of two to ten years.

Violation of Territorial Sovereignty

Article 318

Whoever by violating international law invades the territory of Serbia or the territory of SaM,

shall be punished by imprisonment of one to eight years.

Conspiracy for Unconstitutional Activity

Article 319

(1) Whoever forms a group or other association of persons to commit criminal offences specified in Article 305 through 310 and Articles 312 through 314 hereof,

shall be punished by the penalty set forth for the offence for whose commitment the association was organised.

(2) Whoever becomes member of an association specified in paragraph 1 of this Article,

shall be punished by imprisonment of six months to five years.

(3) The offender specified in paragraph 1 of this Article who by disclosing the conspiracy or otherwise prevents commission of criminal offences specified in paragraph 1 of this Article,

shall be punished by imprisonment up to three years, and may be remitted from punishment.

(4) A member of an association specified in paragraph 3 of this Article who discloses the conspiracy prior to becoming part thereof or committing a criminal offence specified in paragraph 1 of this Article,

shall be punished by imprisonment up to one year, and may be remitted from punishment.

Plotting of Offences against the Constitutional Order and Security of Serbia and SaM

Article 320

(1) Whoever plots to commit criminal offences specified in Articles 305 through 314 and Article 314 paragraphs 1 and 2 hereof,

shall be punished by imprisonment of one to five years.

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(2) Plotting specified in paragraph 1 of this Article comprises procurement and making usable means for committing of offence, removing obstacles for committing of offence, making arrangements, planning or organising with others commitment of the offence or other activities related to establishing prerequisites for direct commission of the offence.

(3) Whoever dispatches or transports to the territory of Serbia or the territory of SaM persons or weapons, explosives, poisons, equipment, ammunition or other material for commission of one or more criminal offences specified in this Chapter,

shall be punished by imprisonment of two to ten years.

Grave Offences against the Constitutional Order and Security of Serbia and SaM

Article 321

(1) If the offence specified in Articles 307 through 309 and 312 through 315 hereof that resulted in death of one or more persons, or endangered lives of people, or was accompanied by severe violence or massive devastation or has resulted in compromising the security, economic or military power of the country,

the offender shall be punished by imprisonment of minimum ten years.

(2) If in committing the offence specified in paragraph 1 of this Article the offender deprived of life one or more persons with intent,

the offender shall be punished by imprisonment of minimum ten years or imprisonment of thirty to forty years.

(3) The penalty specified in paragraph 2 of this Article shall be imposed to whoever commits a criminal offence specified in Articles 307, 309 through 312, 314 through 319, and 320 paragraph 2 hereof during direct threat of war, state of war, armed conflict or state of emergency.

CHAPTER TWENTY NINE
CRIMINAL OFFENCES AGAINST GOVERNMENT AUTHORITIES

Preventing an Official in Discharge of Duty

Article 322

(1) Whoever by force or threat of force prevents an official in discharge of duty undertaken within his competencies or forces such person to undertake an official action,

shall be punished by imprisonment up to three years.

(2) If during commission of the offence specified in paragraph 1 of this Article the offender insults or maltreats the official or inflicts light bodily injury or threatens to use a weapon,

the offender shall be punished by imprisonment of three months to three years.

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article against a judge or public prosecutor in discharge of their judicial or prosecutorial duty, or an official discharging duties of public or state security or keeping of public peace and order, preventing or detecting a criminal offence, apprehending perpetrators of criminal offences or detaining persons deprived of liberty,

shall be punished by imprisonment of six months to five years.

(4) The attempt of the offence specified in paragraphs 1 and 2 of this Article shall be punished.

(5) If the perpetrator of offences specified in paragraphs 1 through 3 of this Article was provoked by unlawful or rough behaviour of an official, punishment may be remitted.

Attack on an Official in Performance of Duty

Article 323

(1) Whoever attacks or threatens to attack an official performing his duty,

shall be punished by imprisonment up to three years.

(2) If in the commission of the offence specified in paragraph 1 of this Article light bodily injury is inflicted to an official or if the offence is aggravated by threat of use of weapon,

the offender shall be punished by imprisonment of three months to three years.

(3) If the offence specified in paragraphs 1 and 2 of this Article are committed against a judge or public prosecutor in relation to performance of their judicial or prosecutorial duties, or to an official performing public or state security duties,

the offender shall be published by imprisonment of six months to five years.

(4) The attempt of the offence specified in paragraphs 1 and 2 of this Article shall be punished.

(5)) If the perpetrator of offences specified in paragraphs 1 through 3 of this Article was provoked by unlawful or rough behaviour of an official, punishment may be remitted.

Participating in a Group Preventing an Official in Performance of Duty

Article 324

(1) Whoever as part of a group preventing by joint action an official in performing an official act or likewise forces an official to undertake an official act,

shall be punished for participation by imprisonment up to two years.

(2) The attempt shall be punished.

(3) The ringleader of the group committing the offence specified in paragraph 1 of this Article,

shall be punished by imprisonment of six months to five years.

Urging to Resist

Article 325

(1) Whoever urges others to resistance or disobedience to lawful decisions and measures of government authorities or against an official in discharge of duty,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article resulted in failure or considerable hindering in enforcement of a lawful decision or measure of government authorities,

the offender shall be punished by imprisonment of six months to five years.

Failure to Take Part in Eliminating a General Hazard

Article 326

Whoever contrary to orders of a competent authority or other competent body refuses without justification to participate in eliminating a general hazard resulting from fire, flood, earthquake or other calamity,

shall be punished by fine or imprisonment up to three months.

Removal and Damaging of Official Seal and Sign

Article 327

(1) Whoever removes or damages an official seal or sign placed by an official to secure an object or premises or whoever, without removing or damaging the seal or sign, enters such premises or opens an object with an official seal or sign,

shall be punished by fine or imprisonment up to one year

(2) The attempt shall be punished.

Seizure and Destruction of Official Seal and Document

Article 328

(1) Whoever unlawfully seizes, conceals, destroys, damages or otherwise makes useless an official seal, book, file or document belonging to a government authority, enterprise, institution or other entity exercising administrative authority or in their keeping,

shall be punished by imprisonment up to three years.

(2) The attempt shall be punished

Impersonation

Article 329

(1) Whoever with intent to acquire for himself or another any benefit or cause damage to a third person, impersonates an official or member of the military or wears insignia of an official or member of the military without authorisation,

shall be punished by fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on whoever performs an act that is under exclusive authority of an official or member of the military.

Vigilantism

Article 330

(1) Whoever arbitrarily assumes a right for himself or a right he considers that he is entitled to,

shall be punished by fine or imprisonment up to six months to five years.

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(2) Whoever commits the offence specified in paragraph 1 of this Article for another,

shall be punished by the penalty stipulated for such offence.

(3) If the offence specified in paragraphs 1 and 2 is committed to detriment of citizens, prosecution is instigated by private action.

CHAPTER THIRTY
CRIMINAL OFFENCES AGAINST THE JUDICIARY

Failure to Report Preparation of a Criminal Offence

Article 331

(1) Whoever knows that a criminal offence is being prepared that is punishable under law by imprisonment of five or more years, but fails to report this during the time when its commission could have still been prevented, and the offence is committed or attempted,

shall be punished by fine or imprisonment up to one year.

(2) For failure to report preparation of a criminal offence punishable by forty years imprisonment,

the offender shall be punished by imprisonment of three months to three years.

(3) A spouse, common-law spouse, lineal blood relative, sibling, adoptive parent or adoptee of the offender as well as a spouse of any of the former or person cohabiting with any of the former shall not be punished for the offence specified in paragraph 1 of this Article.

Failure to Report a Criminal Offence or Offender

Article 332

(1) Whoever knows that another person has committed a criminal offence punishable under law by thirty to forty years imprisonment or only knows of such offence and fails to report it before the offence or perpetrator thereof are detected,

shall be punished by imprisonment up to two years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on an official or authorised person who knowingly fails to report a criminal offence he became aware of in performance of duty, if such offence is punishable under law by imprisonment of five or more years.

(3) An official or responsible person who knowingly fails to report a criminal offence of his subordinate who committed the offence in discharge of his official, military or work duty, if such an offence is punishable by imprisonment of thirty to forty years,

shall be punished by imprisonment of six months to five years.

(4) A spouse, common-law spouse, lineal blood relative, sibling, adoptive parent or adoptee of the offender as well as a spouse of any of the former or person cohabiting with any of the former, as well as the offender's defence attorney, doctor or confessor shall not be punished for the offence specified in paragraphs 1 and 2 of this Article.

Accessory After the Fact

Article 333

(1) Whoever hides an offender or by concealing the means of commission of the offence, or traces or otherwise aids the offender in order not to be detected, or who harbours a convicted person or undertakes other acts directed at preventing enforcement of penalty, security measure or rehabilitation measure of remand to a rehabilitation or correctional facility,

shall be punished by fine or imprisonment up to two years.

(2) Whoever aids a perpetrator of a criminal offence punishable under law by imprisonment of more than five years,

shall be punished by imprisonment of three months to five years.

(3) Whoever aids a perpetrator of a criminal offence punishable under law by imprisonment of thirty to forty years,

shall be punished by imprisonment of one to eight years.

(4) The penalty for the offence specified in paragraph 1 of this Article may not be more severe in terms of kind and duration that the penalty set forth for the offence committed by the aided and abetted person.

(5) A spouse, common-law spouse, lineal blood relative, sibling, adoptive parent or adoptee of the offender as well as a spouse of any of the former or person cohabiting with any of the former, shall not be punished for the offence specified in paragraphs 1 through 3 of this Article.

False Reporting

Article 334

(1) Whoever reports a person of committing an offence prosecuted *ex officio,* while aware that such person is not the offender,

shall be punished by imprisonment of three months to three years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on whoever plants traces of the criminal offence or otherwise causes instigation of criminal proceedings for an offence prosecuted *ex officio* against a person whom he knows is not the perpetrator of that offence.

(3) Whoever reports himself as perpetrator of an offence prosecuted *ex officio* although aware that he is not the offender,

shall be punished by fine or imprisonment up to one year.

(4) The penalty specified in paragraph 3 of this Article shall also be imposed on whoever reports commission of an offence prosecuted *ex officio* although aware that such an offence has

not been committed.

Perjury

Article 335

(1) A witness, expert witness, translator or interpreter who gives false testimony before a court, in disciplinary, misdemeanour or administrative proceeding or other procedure established by law,

shall be punished by imprisonment up to three years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on the party who, during presentation of evidence by testimony of parties in judicial or administrative proceedings, gives a false statement and such statement serves as grounds for disposition in such proceedings.

(3) If perjury is committed in criminal proceedings or under oath,

the offender shall be punished by imprisonment of three months to five years.

(4) If the offences specified in paragraph 3 resulted in particularly grave consequences for the accused,

the offender shall be punished by imprisonment of one to eight years.

(5) The offender who voluntarily revokes false testimony prior to final disposition may be remitted from punishment.

Subornation of Perjury

Article 336

(1) Whoever gives or promises a gift or other benefit to a witness or an expert witness or another party to the proceedings before a court or other government authority, or by force or threat of force against such person with intent to induce such person to give false testimony and thereby affect the outcome of the proceeding,

shall be punished by imprisonment of six months to five years.

(2) Whoever with intent to prevent or hinder proving, conceals, destroys, damages or makes partially or completely unusable another person's document or other items serving as proof,

shall be punished by fine or imprisonment up to one year.

(3) The penalty specified in paragraph 2 of this Article shall be also imposed on whoever removes, destroys, damages, moves or relocates a boundary stone, a soil survey sign or any other mark indicating ownership of real property or easement for use of water, or who with same intent falsely places such mark.

(4) If the offence specified in paragraph 2 is committed in criminal proceedings,

the offender shall be punished by imprisonment up to three years.

Violation of Confidentiality of Proceeding

Article 337

(1) Whoever without authorisation discloses what he has learned in court, misdemeanour, administrative or other procedure established under law, when the law stipulates that such information may not be publicised or if declared secret by decision of the court or other relevant body,

shall be punished by fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on whoever without

permission of the court publishes the course of proceedings against a juvenile or the disposition reached in such proceedings or who publishes the name of the juvenile against whom proceedings were conducted or information that may reveal the identity of the juvenile.

(3) Whoever without authorisation discloses information on the identity or personal data of a person protected in criminal proceedings or under a special protection program,

shall be punished by imprisonment up to three years.

(4) If the offence specified in paragraph 3 of this Article results in serious consequences for the protected person or the criminal proceedings are prevented or hindered to considerable extent,

shall be punished by imprisonment from six months to five years.

Prison Riot

Article 338

(1) Persons lawfully deprived of freedom who gather with intent to set themselves free by use of force, or to jointly attack persons guarding them, or by use of force or immediate threat thereof force such persons to do or refrain from doing something in contravention of their duty,

shall be punished by imprisonment up to three years.

(2) The offender specified in paragraph 1 of this Article who uses force or threat,

shall be punished by imprisonment of six months to five years.

Escape and Facilitating Escape of Person in Custody

Article 339

(1) A person who escapes from lawful custody by use of force against a person or direct threat of attack against life and body,

shall be punished by imprisonment of three months to five years.

(2) The penalty specified in paragraph 1 of this Article shall be pronounced to whomever by force, threat, deception or otherwise facilitates escape of a person lawfully deprived of freedom.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by several persons in conspiracy or an escape of a number of persons is facilitated,

the perpetrator shall be punished by imprisonment of one to eight years.

Failure to Enforce a Decision

Article 340

(1) An official or responsible person who declines to enforce a final court decision or fails to enforce it within the deadline specified by law or decision,

shall be punished by fine or imprisonment up to two years.

(2) If the person specified in paragraph 1 of this Article enforces the final court decision, prosecution shall not be instigated, and if instigated, it shall be discontinued.

Unlawful Facilitating to Engage in Particular Profession, Function, Duty, Tasks and Activities

Article 341

Whoever enables another to engage in a profession, function, duty, tasks or activities, although aware that such engagement is prohibited to such person by final decision ordering the relevant security measure or protective measure or that such a ban took effect as a legal consequence of the judgement,

shall be punished by fine or imprisonment up to two years.

Unlicensed Practise of Law

Article 342

Whoever without required qualification provides legal services for compensation,

shall be punished by fine or imprisonment up to two years.

CHAPTER THIRTY ONE
OFFENCES AGAINST PUBLIC PEACE AND ORDER

Causing Panic and Disorder

Article 343

(1) Whoever by disclosing or disseminating untrue information or allegations causes panic, or serious disruption of public peace and order or frustrates or significantly impedes enforcing of decisions of government authorities or organisations exercising administrative authority,

shall be punished by fine or imprisonment up to one year

(2) If the offence specified in paragraph 1 of this Article is committed through media or similar means or at public gathering,

the offender shall be punished by imprisonment up to three years.

Violent Behaviour

Article 344

(1) Whoever by rude insults or maltreatment of another, violence directed against another, instigating a brawl or insolent or ruthless behaviour causes significant distress of citizens or seriously violates public peace and order,

shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 of this Article is committed by a group or if during commission of the offence a person sustains light bodily injury or if grave degradation of citizens results,

the offender shall be punished by imprisonment of six months to five years.

Conspiracy to Commit a Crime

Article 345

Whoever conspires with another to commit a particular offence punishable by imprisonment of five or more years,

shall be punished by fine or imprisonment up to one year.

Criminal Alliance

Article 346

(1) Whoever organises a group or other alliance whose purpose is committing criminal offences punishable by imprisonment of three or more years,

shall be punished by imprisonment of three months to five years.

(5) A member of the group or other alliance specified in paragraph 1 of this Article,

shall be punished by imprisonment up to one year.

(3) If the offence specified in paragraph 1 of this Article refers to a group or other alliance whose objective is committing of offences punishable by imprisonment of twenty years or imprisonment of thirty to forty years,

the organiser of the group or other alliance shall be punished by minimum ten years imprisonment or thirty to forty years' imprisonment, and a member of the confederacy by imprisonment of six months to five years.

(4) The organiser of the group or other alliance specified in paragraphs 1 and 3 of this Article who by exposing the alliance or otherwise prevents commission of the offences for which the group was organised,

shall be punished by imprisonment up to three years and may be remitted from punishment.

(5) A member of the group or other alliance specified in paragraphs 2 and 3 of this Article who exposes the group before committing as a member or on behalf of such group an offence specified in paragraphs 2 and 3 of this Article for whose commission the alliance was organised,

shall be punished by fine or imprisonment up to one year, and may be remitted from punishment.

Making and Obtaining Weapons and Tools intended for Commission of an Offence

Article 347

(1) Whoever procures or enables another to acquire weapons, explosives, equipment for their manufacture or poison that he knows are intended for commission of an offence,

shall be punished by imprisonment of six months to five years.

(2) Whoever makes or provides another with tools for breaking and entering although knowing they are intended for commission of an offence,

shall be punished by fine or imprisonment up to one year.

Illegal Possession of Firearms and Explosives

Article 348

(1) Whoever without authorisation manufactures, sells, procures, exchanges, carries or possesses firearms, ammunition or explosives,

shall be punished by imprisonment up to three years.

(2) If the subject of the offence specified in paragraph 1 of this Article are firearms, ammunition, explosives or substances based thereon, a dispersion or gas weapon whose manufacture, sale, procurement, exchange, carrying or possession is forbidden to citizens,

the offender shall be punished by imprisonment of six months to five years.

(3) If the subject of the offence specified in paragraphs 1 and 2 of this Article is a larger quantity of weapons, ammunition or devices or weapons and other devices of large destructive power implements,

the offender shall be punished by imprisonment of one to eight years.

Participation in a Group Committing an Offence

Article 349

(1) Whoever participates in a group that by joint action kills a person or inflicts grave bodily harm, damages property to large extent or commits other criminal offence punishable by imprisonment of five or more years or attempts to commit one of these offences,

shall be punished for participation by imprisonment of three months to five years.

(2) The ringleader of the group committing the offence specified in paragraph 1 of this Article,

shall be punished by imprisonment of one to eight years.

Illegal Crossing of State Border and Human Trafficking

Article 350

(1) Whoever without a required permission crosses or attempts to cross the border of SaM, under arms or by use of force,

shall be punished by imprisonment up to one year.

(2) Whoever enables another illegal crossing of the SaM border or illegal sojourn or transit through SaM to a person who is not a citizen of SaM with intent to acquire a benefit for himself or another

shall be punished by imprisonment of three months to six years.

(3) If the offence specified in paragraph 2 of this Article is committed by an organised group, by abuse of authority or in a manner endangering the lives and health of persons whose illicit crossing of the SaM border, sojourn or transit is being facilitated or if a larger number of persons is being smuggled

the perpetrator shall be punished by imprisonment from one to ten years.

(4) The means intended or used for commission of the offence specified in paragraphs 1 through 3 of this Article shall be impounded.

Wasting Time of Emergency Services

Article 351

Whoever makes false representation of a signal for help or a signal for emergency or makes an unwarranted call for help and thereby causes unnecessary diversion of services of government authorities, fire brigade or other competent authority or causes disruption of traffic,

shall be punished by fine or imprisonment up to six months.

Illegal Organisation of Gaming

Article 352

(1) Whoever without a license issued by competent authority organises games of chance,

shall be punished by fine or imprisonment up to two years.

(2) An organiser of games of chance or participant in a game specified in paragraph 1 of this Article who uses deceit,

shall be punished by imprisonment of three months to five years.

(3) The means intended or used in committing the offence specified in paragraphs 1 and 2

of this Article, as well as monies and other items used in the game of chance, shall be seized.

Unlicensed Practise of a Profession

Article 353

Whoever without license and for reward practises a particular profession that requires by law or other regulation enacted pursuant to law a license issued by competent authority or body,

shall be punished by fine or imprisonment up to one year.

Desecration of a Grave

Article 354

(1) Whoever without authorisation digs out, demolishes, damages or defiles a grave or other place where a deceased person is buried,

shall be punished by fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to whoever without authorisation demolishes, damages or removes or defiles a gravestone or other monument to the deceased.

(3) If the offence specified in paragraphs 1 and 2 of this Article establishes elements of a more serious offence, the offender shall be punished for that offence.

CHAPTER THIRTY TWO
OFFENCES AGAINST LEGAL INSTRUMENTS

Forging a Document

Article 355

(1) Whoever makes a forged document or alters a real document with intent to use such document as real or uses a forged or false document as real or obtains such document to use,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed in respect of a public document, testament, bill of exchange, cheque, public or official record or other record that is kept under law,

the offender shall be punished by imprisonment of three months to five years.

(3) The attempt of the offence specified in paragraph 1 of this Article shall be punished.

Special Cases of Forging Documents

Article 356

The following shall be deemed to be forging documents and shall be punished pursuant to Article 355 hereof:

1) whoever without authorisation fills in a statement having affect as legal instrument in legal relations by using a blank form, paper or other document signed by another;

2) Whoever deceives another in respect of content of a document and such party affixes their signature on such document believing that he/she is signing another document or another

content;

3) whoever issues a document on behalf of another without authorisation of that person or on behalf of a person who does not exist;

4) whoever as an issuer of a document affixes with his signature a position, rank or title although he holds no such position, rank or title, thereby granting crucial force of evidence to such document;

5) whoever produces a document by using a genuine seal or sign without authorisation.

Forging an Official Document

Article 357

(1) An official who enters false data or fails to enter important data in an official document, record or file, or who certifies by his signature or official seal an official document, record or file with false content, or who with his signature or official seal enables another to produce an official document, record or file with false content,

shall be punished by imprisonment of three months to five years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to an official who in service uses a forged document, record or file as true, or who destroys, conceals or considerably damages an official document, record or file or makes it otherwise unusable.

(3) The responsible officer in an enterprise, institution or other entity who commits the offence specified in paragraphs 1 and 2 of this Article shall be punished by the penalty prescribed for that offence.

Inducing to Certify False Content

Article 358

(1) Whoever by deceiving competent authority induces such authority to certify in a public document, minutes or record false data that may serve as proof in legal transaction,

shall be punished by imprisonment of three months to five years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to whoever uses such a document, minutes or record knowing that it is a forgery.

CHAPTER THIRTY THREE
OFFENCES AGAINST OFFICIAL DUTY

Abuse of Office

Article 359

(1) An official who by abuse of office or authority, by exceeding the limits of his official authority or by dereliction of duty acquires for himself or another any benefit, or causes damages to a third party or seriously violates the rights of another,

shall be punished by imprisonment of six months to five years.

(2) If the commission of the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars,

the offender shall be punished by imprisonment of one to eight years.

(3) If the value of acquired material gain exceeds one million five hundred thousand

dinars,

the offender shall be punished by imprisonment of two to twelve years.

(4) The responsible officer in an enterprise, institution or other entity who commits the offence specified in paragraphs 1 through 3 of this Article shall be punished by the penalty prescribed for such offence.

Violation of Law by a Judge, Public Prosecutor or his Deputy

Article 360

A judge or lay judge, public prosecutor or his deputy who in court proceedings with intent to acquire a benefit or to cause damages to another issues an unlawful act or otherwise violates the law,

Shall be punished by imprisonment of six months to five years.

Dereliction of Duty

Article 361

(1) An official who by violation of law or other regulations or general acts, by failure of duty to supervise or by otherwise deliberately and consciously neglecting his duty, although aware or was required to be aware and had to be aware that such acts may result in serious violation of another's rights or material damage, and such violation and/or damages occur in excess of four hundred and fifty thousand dinars,

shall be punished by fine or imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article resulted in serious violation of rights of another person or material damage exceeding one million five hundred thousand dinars,

the offender shall be punished by imprisonment of six months to five years.

(3) A responsible officer in an institution or another entity, with the exception of those engaging in commercial activity, who commits the offence specified in paragraphs 1 and 2 of this Article, shall be punished by the penalty prescribed for that offence.

Unlawful Collection and Payment

Article 362

An official who collects money from another who is not obliged to pay or charges another more than such person is obliged to pay, or who when paying or handing over items to another fails to pay, pays less or fails to hand over or hands over less,

shall be punished by fine or imprisonment up to three years.

Fraud in Service

Article 363

(1) An official who in discharge of duty, with intent to acquire unlawful material gain for himself or another by submitting false accounts or otherwise misleads an authorised official to effect unlawful payment,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding one million five hundred thousand dinars,

the offender shall be punished by imprisonment of two to ten years.

(4) A responsible person in an enterprise, institution or other entity who commits the offence specified in paragraphs 1 through 3 of this Article shall be punished by the penalty prescribed for such offence.

Embezzlement

Article 364

(1) Whoever with intent to acquire for himself or another unlawful material gain appropriates money, securities or other movables entrusted to him by virtue of office or position in a government authority, enterprise, institution or other entity or store,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding one million five hundred thousand dinars,

the offender shall be punished by imprisonment of two to twelve years.

Unauthorised Use

Article 365

Whoever without authorisation uses money, securities or other movables entrusted to him by virtue of his office or under terms of his position in a government authority, enterprise, institution, or other organisation or store or without authorisation gives such items to another for use,

shall be punished by imprisonment of three months to five years.

Unlawful Mediation

Article 366

(1) Whoever accepts a reward or other advantage to use his official or social position or influence to intercede for performance or failure to perform an official act,

shall be punished by imprisonment of three months to three years.

(2) Whoever promises, offers or gives a reward or other benefit to another to intercede through use of his official or social position or influence for performance or failure to perform of an official act,

Shall be punished by imprisonment of six months to five years.

(3) Whoever by abusing his official or social position or influence intercedes for performance of an official act that should not be performed or not to perform an official act that should have been performed,

shall be punished by imprisonment of six months to five years.

(4) Whoever promises, offers or gives a reward or other benefit to another to intercede through use of his official or social position or influence for performance or an official act that should not be performed or to not to perform an official act that should be performed,

Shall be punished by imprisonment of three months to five years.

(5) If any reward or advantage has been received for exerting influence specified in paragraph 3 of this Article,

the offender shall be punished by imprisonment of one to eight years.

(6) A foreign official whom commits the offence specified in paragraphs 1 through 4 of this Article shall be punished by the penalty prescribed for that offence.

(7) The reward and material gain shall be seized.

Soliciting and Accepting Bribes

Article 367

(1) An official who solicits or accepts a gift or other benefit, or promise of a gift or other benefit for himself or another to perform an official act within his competence that should not be performed or not to perform an official act that should be performed,

shall be punished by imprisonment of two to twelve years.

(2) An official who solicits or accepts a gift or other benefit or a promise of a gift or benefit for himself or another to perform an official act within his competence that he is obliged to perform or not to perform an official act that should not be performed,

shall be punished by imprisonment of two to eight years.

(3) An official who commits the offence specified in paragraphs 1 and 2 of this Article in respect of uncovering of a criminal offence, instigating or conducting criminal proceedings, pronouncement or enforcement of criminal sanction,

shall be punished by imprisonment of three to fifteen years.

(4) An official who after performing or failure to perform an official act specified in paragraphs 1, 2 and 3 of this Article solicits or accepts a gift or other benefit in relation thereto,

shall be punished by imprisonment of three months to three years.

(5) A foreign official who commits the offence specified in paragraphs 1 through 4 of this Article shall be punished by the penalty prescribed for that offence.

(6) A responsible officer in an enterprise, institution or other entity who commits the offence specified in paragraphs 1, 2 and 4 of this Article shall be punished with penalty prescribed for that offence.

(7) The received gift or material gain shall be seized.

Bribery

Article 368

(1) Whoever makes or offers a gift or other benefit to an official, to within his official competence perform an official act that should not be performed or not to perform an official act that should be performed, or who acts as intermediary in such bribing of an official,

shall be punished by imprisonment of six months to five years.

(2) Whoever makes or offers a gift or other benefit to an official to, within his official competence, perform an official act that he is obliged to perform or not to perform an official act that he may not perform or who acts as intermediary in such bribing of an official,

shall be punished by imprisonment up to three years.

(3) Provisions of paragraphs 1 and 2 of this Article shall apply also when a bribe is made or offered to a foreign official.

(4) The offender specified in paragraphs 1, through 3 of this Article who reports the offence before becoming aware that it has been detected, may be remitted from punishment.

(5) Provisions of paragraphs 1, 2 and 4 of this Article shall apply also when a bribe is given or promised to a responsible officer in an enterprise, institution or other entity.

(6) A gift or other benefit seized from the person accepting the bribe may, in case specified under paragraph 4 of this Article, be returned to the persons giving the bribe.

Revealing of Official Secret

Article 369

(1) An official who without authorisation communicates, conveys or otherwise makes available information representing an official secret or whoever obtains such information with intent to convey it to an unauthorised person,

shall be punished by imprisonment of three months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed for gain or in respect of particularly confidential information or for publishing or use abroad,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article is committed from negligence,

the offender shall be punished by imprisonment up to three years.

(4) An official secret is information and documents declared by law, other regulation or decision of the competent authority issued pursuant to law as an official secret and whose disclosure would cause or could cause damage to the service.

(5) Data and documents directed at serious violation of fundamental rights of man, or at endangering the constitutional order and security of Serbia and SaM, as well as data and documents that have as objective concealing of a committed criminal offence punishable under law by imprisonment of five or more years shall not be deemed an official secret in terms of paragraph 4 of this Article.

(6) Provisions specified in paragraphs 1 through 4 of this Article shall also be applied to a person who has disclosed an official secret after his position of an official has ceased.

CHAPTER THITY FOUR
CRIMINAL OFFENCES AGAINST HUMAITY AND OTHER RIGHT GUARANTEED BY INTERNATIONAL LAW

Genocide

Article 370

Whoever with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such, orders killing or causing serious bodily or mental harm to members of the group, or deliberately inflicts on the group conditions of life calculated to bring about its physical

destruction in whole or in part, or imposes measures intended to prevent births within the group or forcibly transfers children of the group to another group or who with same intent commits one of the aforementioned acts,

shall be punished by minimum five years imprisonment or thirty to forty years' imprisonment.

Crimes against Humanity

Article 371

Whoever in violation of the rules of international law, as part of a wider and systematic attack against civilian population orders: murder; inflicts on the group conditions of life calculated to bring about its complete or partial extermination, enslavement, deportation, torture, rape; forcing to prostitution; forcing pregnancy or sterilisation aimed at changing the ethnic balance of the population; persecution on political, racial, national, ethical, sexual or other grounds, detention or abduction of persons without disclosing information on such acts in order to deny such person legal protection; oppression of a racial group or establishing domination or one group over another; or other similar inhumane acts that intentionally cause serious suffering or serious endangering of health, or whoever commits any of the above-mentioned offences,

shall be punished by imprisonment of minimum five years or imprisonment of thirty to forty years.

War Crimes against Civilian Population

Article 372

(1) Whoever in violation of international law at time of war armed conflict or occupation orders an attack on civilian population, settlement, particular civilians, persons incapacitated for combat or members or facilities of humanitarian organisations or peace mission; wanton attack without target selection harming civilian population or civilian buildings under special protection of international law; attack against military targets knowing that such attack would cause collateral damage among civilians or damage to civilian buildings that is obviously disproportionate with the military effect; ordering against civilian population inflicting of bodily injury, torture, inhumane treatment, biological, medical or other research experiments, or taking of tissue or organs for transplantation or performing other acts causing harm to health or inflicting great suffering or who orders deportation or relocation or forced change of nationality or religion; forcing to prostitution or rape; applying intimidation and terror measures, taking of hostages, collective punishment, unlawful depriving of freedom and detention; depriving of the rights to a fair and impartial trial; proclaiming the rights and acts of enemy nationals prohibited, suspended or non-allowed in court proceedings; compelling into service of a hostile power or its intelligence or administration services; compelling to military service persons under seventeen years of age; forced labour; starving of population; unlawful seizure, appropriation or destruction of property not justified by military necessity; taking unlawful and disproportionate contributions and requisitions; devaluing of local currency or unlawful issuing of currency, or whoever commits any of the above offences,

shall be punished by imprisonment of minimum five years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed to whoever, in violation of international law at time of war, armed conflict or occupation, orders: attack on facilities particularly protected under international law and installations and facilities with dangerous power such as dams, embankments and nuclear power plants; strikes against civilian facilities under special protection of international law, undefended places and demilitarised zones; long-term and extensive damage to environment that may be detrimental to health of persons or survival of population or whoever commits any of these offences.

(3) Whoever at time of war, armed conflict or occupation orders murder of civilian

population or whoever commits such offence,

shall be punished by imprisonment of minimum ten years or imprisonment of thirty to forty years.

(4) Whoever, in violation of the rules of international law at time of war, armed conflict or occupation, as an occupying power orders or undertakes relocation of part of its civilian population to occupied territories,

shall be punished by imprisonment of minimum five years.

(5) Whoever threatens to commit any of the offences specified in paragraphs 1 and 2 of this Article,

shall be punished by imprisonment of six months to five years.

War Crimes against the Wounded and Sick

Article 373

(1) Whoever in violation of international law at time of war, armed conflict or occupation orders inflicting bodily injuries, torture, inhuman treatment, biological, medical or other research experiment, taking of tissue or body organs for transplantation or other acts causing harm to health or serious suffering against the wounded, sick, shipwrecked or medical staff or religious staff, or orders destroying or appropriation of large extent of materials, medical transportation means and stocks of medical institutions or units that is not justified by military necessity or whoever commits any of the above offences,

shall be punished by imprisonment of minimum five years.

(2) Whoever at time of war, armed conflict or occupation orders murder of civilian population or whoever commits such offence,

shall be punished by imprisonment of minimum ten years or imprisonment of thirty to forty years.

War Crimes against Prisoners of War

Article 374

(1) Whoever in violation of international law orders injury, torture, inhuman treatment, biological, medical or other research experiments, taking of tissues or body organs for transplantation or commission of other acts harmful to health and causing serious suffering against prisoners of war, or compels prisoners of war to service in forces of a hostile power or deprives them of the rights to fair and regular trial; or whoever commits any of such offences,

shall be punished by imprisonment of minimum five years.

(2) Whoever orders murder of prisoners of war or whoever commits such an offence,

shall be punished by imprisonment of minimum ten years or imprisonment of thirty to forty years.

Organising and Incitement to Genocide and War Crimes

Article 375

(1) Whoever conspires with another to commit any of the crimes specified in Articles 370 through 374 hereof,

shall be punished by imprisonment of three months to three years.

(2) Whoever organises a group to commit the criminal offences specified in Article 1 of this Article,

shall be punished by imprisonment of five to fifteen years.

(3) Whoever becomes member of a group specified in paragraph 1 of this Article,

shall be punished by imprisonment of one to eight years.

(4) The offender specified in paragraphs 1 and 3 of this Article who discloses the conspiracy prior to committing an offence as part of the group or for the group, or an offender specified in paragraph 2 of this Article who prevents commission of the offence specified in paragraph 1 of this Article may receive mitigation of punishment.

(5) Whoever calls for or incites to commission of offences specified in Articles 370 through 374 hereof,

shall be punished by imprisonment of one to ten years.

Employment of Prohibited Means of Warfare

Article 376

(1) Whoever during time of war or armed conflict orders employment of means or methods of warfare that are banned under rules of international law or who uses such means or methods,

shall be punished by imprisonment of two to ten years.

(2) If the offence specified in paragraph 1 of this Article results in killing of a number of persons,

the offender shall be punished by minimum five years imprisonment or thirty to forty years' imprisonment.

(3) Whoever calls for employment or prepares the use of weapons specified in paragraph 1 of this Article,

shall be punished by imprisonment of six months to five years.

Unlawful Production of Forbidden Weapons

Article 377

(1) Whoever contrary to law, other regulations or rules of international law manufactures, buys, sells, imports, exports or otherwise procures or gives to another, stocks or transports weapons whose production or use is forbidden, or means for production thereof,

shall be punished by imprisonment of one to five years.

(2) An official or responsible person who orders or enables a legal entity to engage in activities provided under paragraph 1 of this Article,

shall be punished by imprisonment of one to eight years.

Unlawful Killing and Wounding of Enemy

Article 378

(1) Whoever in violation of international law at time of war or armed conflict kills or wounds an enemy who has laid down his weapons or has surrendered unconditionally or has no means of defence,

shall be punished by imprisonment of one to fifteen years.

(2) If the murder specified in paragraph 1 of this Article is committed in a perfidious manner or from base motives,

the offender shall be punished by imprisonment of minimum ten years.

(3) If the murder specified in paragraph 1 of this Article is committed in a cruel manner or for gain or if several persons have been killed,

the offender shall be punished by imprisonment of minimum ten years or imprisonment

of thirty to forty years.

(4) The penalty specified in paragraph 3 of this Article shall be imposed also on whoever by violation of rules of international law in times of war or armed conflict orders that no enemy may be taken alive or conducts operations with such aim.

Unlawful Appropriation of Objects from Bodies

Article 379

(1) Whoever orders unlawful appropriation of objects from the dead or wounded on the battlefield or who commits such an offence,

shall be punished by imprisonment of one to five years.

(2) If the offence specified in paragraph 1 of this Article is committed in a cruel manner or if the value of appropriated objects exceeds four hundred and fifty thousand dinars,

the offender shall be punished by imprisonment of one to eight years.

(3) If the value of appropriated objects specified in paragraph 1 of this Article exceeds one million,

the offender shall be punished by imprisonment of two to ten years.

Violation of Protection Granted to Bearer of Flag of Truce/Emissary

Article 380

Whoever in violation of international law at time of war or armed conflict abuses, mistreats or detains a bearer of a flag of truce/emissary or his escort or prevents their return or otherwise infringes their inviolability or orders such acts committed,

shall be punished by imprisonment of six months to five years.

Cruel Treatment of the Wounded, Sick and Prisoners of War

Article 381

Whoever in violation of international law cruelly treats the wounded, sick or prisoners of war or prevents or obstructs exercising of their rights guaranteed by such rules, or whoever orders such acts committed,

shall be punished by imprisonment of six months to five years.

Unjustified Delay of Repatriation of Prisoners of War

Article 382

Whoever in violation of international law delays without justification repatriation of prisoners of war or civilians after the end of war or armed conflict, or orders such delay,

shall be punished by imprisonment of six months to five years.

Destroying Cultural Heritage

Article 383

(1) Whoever in violation of international law in time of war or armed conflict, destroys cultural or historic monuments or other objects of culture or religious facilities or institutions or facilities intended for the arts, sciences, education or humanitarian causes, or orders such acts committed,

shall be punished by imprisonment of three to fifteen years.

(2) If the offence specified in paragraph 1 of this Article results in destruction of a cultural facility or institution enjoying special protection under international law,

the offender shall be punished by imprisonment of five to fifteen years.

Failure to Prevent Crimes against Humanity and other Values Protected under International Law

Article 384

(1) A military commander or person who in practise is discharging such function, knowing that forces under his command or control are preparing or have commenced committing offences specified in Article 370 through 374, Article 376. Articles 378 through 381 and Article 383 hereof fails to undertake measures that he could have taken or was obliged to take to prevent commission of such crimes, and this results in actual commission of that crime,

shall be punished by the penalty prescribed for such offence.

(2) Any other superior who knowing that forces under his command or control are preparing or have commenced committing of offences specified in Article 370 through 374, Article 376, Articles 378 through 381 and Article 383 hereof fails to undertake measures that he could have taken or was obliged to take to prevent commission of such crimes, and this results in actual commission of that crime,

shall be punished by the penalty prescribed for such offence.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,

the offender shall be punished by imprisonment of six months to five years.

Abuse of International Signs

Article 385

(1) Whoever abuses or carries without authorisation the flag or sign of the United Nations Organisation or the flag or symbol of the Red Cross Organisation or symbols corresponding thereto or other internationally recognised signs for designating particular facilities for their protection during military operations, or who orders such acts committed,

shall be punished by imprisonment up to three years.

(2) Whoever commits the offence specified in paragraph 1 of this Article within the zone of war operations,

shall be punished by imprisonment of six months to five years.

War of Aggression

Article 386

(1) Whoever calls for or instigates a war of aggression,

shall be punished by imprisonment of two to twelve years.

(2) Whoever orders waging a war of aggression,

shall be punished by imprisonment of minimum ten years or imprisonment of

thirty to forty years.

Racial and Other Discrimination

Article 387

(1) Whoever on grounds of race, colour, nationality, ethnic origin or other personal characteristic violates fundamental human rights and freedoms guaranteed by universally accepted rules of international law and international treaties ratified by SaM,

shall be punished by imprisonment of six months to five years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever persecutes organisations or individuals due to their commitment for equality of people.

(3) Whoever propagates ideas of superiority of one race over another or propagates racial intolerance or instigates racial discrimination,

shall be punished by imprisonment of three months to three years.

Human trafficking

Article 388

(1) Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts,

shall be punished by imprisonment of two to twelve years.

(2) When the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.

(3) If the offence specified in paragraph 1 of this Article is committed against a minor,

the offender shall be punished by imprisonment of minimum three years.

(4) If the offence specified in paragraphs 1 and 3 of this Article resulted in grave bodily injury of a person,

the offender shall be punished by imprisonment of three to fifteen years.

(5) If the offence specified in paragraphs 1 and 3 of this Article resulted in death of one or more persons,

the offender shall be punished by imprisonment of minimum ten years.

(6) Whoever habitually engages in offences specified in paragraphs 1 and 3 of this Article or if the offence is committed by an organised group,

shall be punished by imprisonment of minimum five years.

Trafficking in Children for Adoption

Article 389

(1) Whoever abducts a child under fourteen years of age for the purpose of adoption contrary to laws in force or whoever adopts such a child or mediates in such adoption or whoever for that purpose buys, sells or hands over another person under fourteen years of age or transports such a person, provides accommodation or conceals such a person,

shall be punished by imprisonment of one to five years.

(2) Whoever habitually engages in activities specified in paragraph 1 of this Article or if

the offence is committed by an organised group,

shall be punished by imprisonment of minimum three years.

Holding in Slavery and Transportation of Enslaved Persons

Article 390

(1) Whoever in violation of international law enslaves another person or places a person in similar position, or holds a person in slavery or similar position, or buys, sells, hands over to another or mediates in buying, selling and handing over of such person or induces another to sell his freedom or freedom of persons under his support or care,

shall be punished by imprisonment of one to ten years.

(2) Whoever transports persons in slavery or other similar position from one country to another,

shall be punished by imprisonment of six months to five years.

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article against a minor,

shall be punished by imprisonment of five to fifteen years.

International Terrorism

Article 391

(1) Whoever with intent to cause harm to a foreign state or international organisation commits abduction of a person or other violent act, causes explosion or fire or commits other generally dangerous acts or threatens use of nuclear, chemical, bacteriological or other similar means,

shall be punished by imprisonment of three to fifteen years.

(2) If the offence specified in paragraph 1 of this Article resulted in death of one or more persons,

the offender shall be punished by imprisonment of five to fifteen years.

(3) If in commission of the offence specified in paragraph 1 of this Article the offender kills another person with intent,

the offender shall be punished by imprisonment of minimum ten years or imprisonment of thirty to forty years.

Taking Hostages

Article 392

(1) Whoever abducts another person and threatens to kill, injure or keep hostage with intent to force another country or international organisation to do or not to do something,

shall be punished by imprisonment of two to ten years.

(2) The offender specified in paragraph 1 of this Article who voluntarily releases the abducted person although not achieving the objective of the abduction, may be remitted from punishment.

(3) If the offence specified in paragraph 1 of this Article results in death of the abducted person,

the offender shall be punished by imprisonment of three to fifteen years.

(4) If in commission of the offence specified in paragraph 1 of this Article the offender intentionally kills the abducted person,

the offender shall be punished by imprisonment of minimum ten years or imprisonment of thirty to forty years.

Financing Terrorism

Article 393

(1) Whoever provides or collects funds intended for financing commission of criminal offences specified in Articles 312, 391 and 392 hereof,

shall be punished by imprisonment of one to ten years.

(2) The funds specified in paragraph 1 of this Article shall be seized.

CHAPTER THIRTY FIVE
CRIMINAL OFFENCES AGAINST THE ARMY OF SERBIA AND MONTENEGRO

Evasion of Military Service

Article 394

(1) Whoever, without justifiable cause, fails to comply with summons for military conscription, for compulsory military service or reserve military staff training, or avoids to receive call-up papers for such service,

shall be punished by fine or imprisonment up to one year.

(2) Whoever hides in order to avoid the duty specified in paragraph 1 of this Article,

shall be punished by imprisonment of three months to three years.

(3) Whoever leaves the country or remains abroad in order to avoid military duty specified in paragraph 1 of this Article,

shall be punished by imprisonment of one to eight years.

(4) Whoever calls upon or instigates several persons to commit the offence specified in paragraphs 1 through 3 of this Article,

shall be punished for the offence specified in paragraph 1 by imprisonment up to three years, and for the offence specified in paragraphs 2 and 3 by imprisonment of two to twelve years.

(5) The offender specified in paragraphs 1 through 3 of this Article who voluntarily reports himself to competent government authority may be remitted from punishment.

Evasion of Registration and Inspection

Article 395

(1) Whoever contrary to statutory duty, without justifiable grounds, fails to comply with the summons of the competent government authority for registration or inspection or opposes inspection or registration of manpower or material resources necessary for defence of the country, or whoever provides false information during such registration or inspection,

shall be punished by fine or imprisonment up to one year.

Failure to Provide Material Resources

Article 396

(1) Whoever contrary to statutory duty, without justifiable grounds, fails to deliver at a designated location and specified time, and in state required for their intended purpose, material resources or livestock,

shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed during imminent threat of war, state of war, armed conflict or state of emergency,

the offender shall be punished by imprisonment of six months to five years.

Evasion of Military Service by Self-disablement or Deceit

Article 397

(1) Whoever with intent to evade military service or to be assigned to easier duty injures himself or otherwise temporarily incapacitates himself for military service, or allows another to temporarily incapacitate him, as well as whoever temporarily incapacitates another with or without that person's permission with same intent,

shall be punished by imprisonment of three months to five years.

(2) If the offence specified in paragraph 1 of this Article results in permanent disability for military service,

the offender shall be punished by imprisonment of one to eight years.

(3) Whoever with intent specified in paragraph 1 of this Article simulates an illness or uses false documents for himself or another or otherwise acts fraudulently,

shall be punished by imprisonment of three months to five years.

Unlawful Exemption from Military Service

Article 398

Whoever by abuse of his position or authority makes possible for a serviceman subject to military duty to be exempted from service or to be assigned to easier duty,

shall be punished by imprisonment of six months to five years.

Absence Without Leave and Desertion from the Army of Serbia and Montenegro

Article 399

(1) A serviceman who is absent without leave from his unit or service for minimum five days or less if such absence occurs several time in one year, or who deserts his unit or service during execution of an important assignment or during increased combat readiness of the unit,

shall be punished by fine or imprisonment up to one year.

(2) A serviceman who hides in order to evade service in the army or who is absent without leave from his unit or service for more than thirty days,

shall be punished by imprisonment of three months to three years.

(3) A serviceman who leaves the country or remains abroad in order to evade military service,

shall be punished by imprisonment of one to eight years.

(4) A serviceman who prepares to desert abroad in order to evade military service,

shall be punished by imprisonment of three months to three years.

(5) Whoever calls upon or instigates several persons to commit the offence specified in paragraph 1 of this Article,

shall be punished by imprisonment of one to eight years.

(6) Whoever calls upon or instigates several persons to commit the offence specified in paragraphs 2 and 3 of this Article,

shall be punished by imprisonment of two to twelve years.

(7) The offender specified in paragraphs 2 and 3 who voluntarily reports to competent government authority to discharge his military service may receive mitigation of punishment.

Failure and Refusal to Obey an Order

Article 400

(1) A serviceman who fails or refuses to obey an order of a superior in relation to service, and thereby serious detrimental consequences result for the service or the service is seriously compromised,

shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 of this Article results in serious consequences for the military service or the order relates to accepting and use of arms,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraphs 1 and 2 is committed from negligence,

the offender shall be punished for the offence specified in paragraph 1 by fine or imprisonment up to one year, and for the offence specified in paragraph 2 by imprisonment of three months to three years.

Opposing a Superior

Article 401

(1) A serviceman who together with other servicemen opposes an order of a superior related to service and refuses to obey such order or refuses to do his duty,

shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 is committed in organised manner,

the offender shall be punished be imprisonment of one to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by use of weapons,

the offender shall be punished be imprisonment of one to eight years.

(4) A serviceman who in perpetrating the offence specified in paragraphs 1 through 3 of this Article commits manslaughter,

shall be punished by imprisonment of two to twelve years.

(5) The organiser and ringleader of the offence specified in paragraph 2 of this Article,

shall be punished by imprisonment of two to ten years.

(6) Whoever makes preparations for committing of the offence specified in paragraph 2 of this Article,

shall be punished by imprisonment of three months to three years.

(7) A military officer who, within his powers, and in cases of offences specified in paragraphs 1 through 4 of this Article, fails to undertake necessary, ordered or obviously required measures to restore order,

shall be punished by imprisonment of one to five years.

Resistance to Serviceman on Special Military Duty

Article 402

Whoever resists a serviceman on sentry, patrol, on watch, guard or similar assignment or fails to obey his challenge or fails or refuses to obey his order and thereby serious detrimental consequences result for the service or the service is seriously compromised,

shall be punished by imprisonment of three months to three years.

Compulsion against a Serviceman on Duty

Article 403

(1) Whoever by force or threat of use of force prevents a serviceman in performance of duty or compels him in the same manner to act contrary to official duty,

shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 of this Article results in serious consequences for the service,

the offender shall be punished by imprisonment of one to eight years.

(3) The attempt of the offence specified in paragraph 1 of this Article shall be punished.

Assault against a Serviceman on Duty

Article 404

(1) Whoever assaults or threatens to assault a serviceman on duty,

shall be punished by imprisonment of three months to three years.

(2) If in commission of the offence specified in paragraph 1 of this Article the offender inflicts light bodily harm to a serviceman or threatens use of weapons,

the offender shall be punished by imprisonment of three months to five years.

(3) If in commission of the offence specified in paragraph 1 of this Article the offender inflicts grave bodily harm to a serviceman or has caused serious consequences to the service from negligence,

the offender shall be punished by imprisonment of one to eight years.

(4) If the commission of the offence specified in paragraph 1 of this Article resulted in manslaughter of a serviceman,

the offender shall be punished by imprisonment of two to ten years.

Remittance of Punishment for Offences under Articles 400 through 404

Article 405

An offender specified in Articles 400, 401 paragraph 1, 402, 403 paragraph 1 and 404 paragraphs 1 and 2 hereof who was provoked by unlawful and rude treatment of a serviceman may be remitted from punishment.

Maltreating of Subordinate or Junior

Article 406

(1) A superior officer who in service or in relation to service maltreats a subordinate or serviceman of junior rank or treats them in a way that offends dignity,

shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 of this Article results in grave bodily harm or serious impairment of health of the subordinate or junior or if the offence is committed against several persons,

the offender shall be punished by imprisonment of one to five years.

Violation of Special Military Duty

Article 407

(1) A serviceman who acts contrary to regulations governing sentry, patrol, duty, guard or similar assignment and thereby serious consequences to the service occur or the service is seriously compromised,

shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 of this Article is committed at weapons, ammunition or explosives depot or other important facility,

the offender shall be punished by imprisonment of three months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in grave bodily harm or extensive property damage or other serious consequences,

the offender shall be punished by imprisonment of one to eight years.

(4) If the offence specified in paragraphs 1 and 2 results in death of one or more persons,

the offender shall be punished by imprisonment of two to twelve years.

(5) If the offences specified in paragraphs 1 through 4 have been committed from negligence,

the offender shall be punished for the offence specified in paragraph 1 by fine or imprisonment of up to one year, for the offence specified in paragraph 2 by fine or imprisonment up to two years, for the offence specified in paragraph 3 by imprisonment of three months to three years and for the offence specified in paragraph 4 by imprisonment of one to eight years.

Violation of Border Guard Duty

Article 408

(1) A serviceman or official who in discharge of duty at the state border acts in contravention of regulations governing guarding of state border, and thereby serious detrimental consequences occur or the service is seriously compromised,

shall be punished by imprisonment of three months to five years.

(2) If the offence specified in paragraph 1 of this Article was committed during discharge of duty under special circumstances or if due to the offence grave bodily harm or extensive property damage or other serious consequences resulted,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article resulted in death of one or more persons,

the offender shall be punished by imprisonment of two to twelve years.

(4) If the offence specified in paragraph 1 of this Article was committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

(5) If the offence specified in paragraph 4 of this Article results in consequences specified in paragraph 2 of this Article,

the offender shall be punished by imprisonment of three months to three years, and if the offence results in consequences specified in paragraph 3 of this Article, the offender shall be punished by imprisonment of one to eight years.

Submission of False Reports

Article 409

(1) A serviceman who officially reports to a superior, whether orally or in writing, false information of importance to the service or omits an important fact or forwards such report although aware that information contained therein is false, and thereby causes serious detrimental consequences to the service or the service is seriously compromised,

shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 of this Article is committed by submitting of a report of particular significance or if serious consequences result,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraphs 1 and 2 of this Article was committed from negligence,

the offender shall be punished for the offence in paragraph 1 by fine or imprisonment up to one year, and for the offence specified in paragraph 2 by imprisonment of three months to three years.

Failure to Undertake Measures for Security of a Military Unit

Article 410

(1) A military commander who within his purview fails to undertake measures that are prescribed, ordered or other measures obviously necessary to ensure the security of the unit, protection of life and health of persons entrusted to him, security and maintenance in proper condition of facilities, objects and resources for combat readiness, regular provision of food or military equipment or keeping and caring of livestock, or timely and proper repair work or security of facilities entrusted to him, and thereby endangers the life or health of people or property of large value,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article results in a grave bodily harm or extensive damage to property, or other grave consequences,

the offender shall be punished by imprisonment of six months to five years.

(3) If the offence specified in paragraph 1 of this Article results in death of one or more persons,

the offender shall be punished by imprisonment of one to ten years.

(4) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

(5) If the offence specified in paragraph 4 of this Article results in consequences specified in paragraph 2 of this Article,

the offender shall be punished by imprisonment up to three years, and if it results in consequences specified in paragraph 3 of this Article, the offender shall be punished by imprisonment up to five years.

Unconscientious Manufacture and Acceptance of Weapons and other Military Equipment

Article 411

(1) A serviceman or other official entrusted in an enterprise of other legal person in defence industry with management of the production or technological process or supervision thereof, who by uncoscientious discharge of service or duty entrusted to him causes that weapons, ammunition or other military equipment are not manufactured in due time or of required quality,

shall be punished by imprisonment of three months to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on a serviceman or other person who by unconscientious discharge of duty accepts weapons or other military equipment that does not meet requirements or contracted terms.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in serious consequences,

the offender shall be punished by imprisonment of one to eight years.

(4) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

(5) If the offence specified in paragraph 4 of this Article results in consequences specified in paragraph 3 of this Article,

the offender shall be punished by imprisonment of three months to three years.

Improper Care of Weapons

Article 412

(1) Whoever improperly keeps, stores or handles weapons, ammunition or explosives belonging to a military unit or military institution and thereby causes damage thereof of considerable extent, destruction or disappearance,

shall be punished by imprisonment up to one year.

(2) The supervisor of the weapons, ammunition, explosives, and other combat means depot who fails to undertake measures for their security and maintenance, and thereby extensive damage, destruction or disappearance of such combat means results,

shall be punished by imprisonment of three months to five years.

(3) If the offence specified in paragraph 2 of this Article results in extensive material damages,

the offender shall be punished by imprisonment of one to ten years.

(4) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to two years.

(5) If the offence specified in paragraph 4 of this Article results in consequences specified in paragraph 3 of this Article,

the offender shall be punished by imprisonment of three months to five years.

Unlawful Disposal with Entrusted Weapons

Article 413

Whoever appropriates, disposes of, pawns, hands over to another to use, damages or destroys weapons, ammunition or explosives entrusted to him to use and that serve for defence purposes,

shall be punished by imprisonment of three months to five years.

Theft of Weapons or Parts of Combat Equipment

Article 414

(1) Whoever steals weapons, ammunition, explosives, combat means or part thereof serving for defence,

shall be punished by imprisonment of six months to five years.

(2) If the value of items specified in paragraph 1 of this Article exceeds four hundred and fifty thousand dinars or if the theft was committed by breaking and entering of locked buildings, rooms, safes, cabinets or other closed premises or by a group of persons conspiring to commit the theft or in a particularly dangerous or insolent manner or by a person carrying a weapon or dangerous implement for attack or defence, or during fire, flood, earthquake or other calamity,

the offender shall be punished by imprisonment of two to ten years.

(3) If the value of items specified in paragraph 1 of this Article exceeds one million five hundred thousand dinars,

the offender shall be punished by imprisonment of two to twelve years.

Disclosing a Military Secret

Article 415

(1) Whoever without authorisation communicates, hands over or otherwise makes available information representing a military secret or whoever obtains such information with intent to hand it over to an unauthorised person,

shall be punished by imprisonment of three months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed for gain or in respect of particularly confidential information or for publishing or use of

such information abroad,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by imprisonment up to three years.

(4) A military secret is information declared by law, other regulations or decision of a competent authority passed pursuant to law as a military secret and whose disclosure would or could cause damage to the Army of Serbia and Montenegro or to the defence and security of the country.

(5) Information or documents directed at serious violation of fundamental rights of man or at compromising the constitutional order and security of Serbia and SaM, as well as information and documents aimed at concealing a committed criminal offence punishable under law by imprisonment of five years or more severe punishment shall not be deemed a military secret in terms of paragraph 4 of this Article.

Unauthorised Access to Military Facilities

Article 416

Whoever without authorisation enters a military facility or makes sketches or drawings of the military facility or combat means or takes photographs thereof or otherwise makes photographic record, although knowing that this is prohibited,

shall be punished by imprisonment up to three years.

Penalties for Criminal Offences Committed During Imminent Threat of War, State of War, Armed Conflict and State of Emergency

Article 417

(1) For criminal offences specified in Articles 394 paragraph 1, 399 paragraph 1 and 4,
400 paragraph 1 and 3, 401 paragraph 1, 6 and 7, 402, 403, 404 paragraph 1 and 2, 406, 407 paragraph 1, 2 and 5, 408 paragraph 1, 4 and 5, 409, 410 paragraph 1 and 4, 411 paragraph 1, 2,
4 and 5, 412 paragraph 1, 2, 4 and 5, 413, 414 paragraph 1, 415 paragraph 1 and 3 and 416 hereof, if committed during imminent threat of war, state of war, armed conflict or state of emergency,

the offender shall be punished by imprisonment of two to ten years.

(2) For the criminal offences specified in Articles 394 paragraph 2 through 4, 397, 398,
399 paragraph 2, 3, 5 and 6, 400 paragraph 2, 401 paragraph 2 through 5, 404 paragraph 3 and 4,
407 paragraph 3, 408 paragraph 2, 410 paragraph 2 and 5, 411 paragraph 3, 412 paragraph 3, 414 paragraph 2 and 3 and 415 paragraph 2 hereof, if committed during imminent threat of war, state of war, armed conflict or state of emergency,

the offender shall be punished by imprisonment of three to fifteen years.

(3) For the criminal offences specified in Articles 407 paragraph 4, 408

paragraph
3 and 410 paragraph 3 hereof, if committed during imminent threat of war, state of war, armed conflict or state of emergency,

the offender shall be punished by imprisonment of minimum ten years.

Failure of Duty to Conduct Mobilisation

Article 418

(1) A serviceman or official who during mobilisation in time of imminent threat of war, state of war, armed conflict or state of emergency, contrary to their duty fail do provide receiving,
assignment and billeting of recruits, transportation and other means and livestock or fail to ensure provisions for mobilised personnel or livestock, resulting or that could have resulted in detrimental consequences,

shall be punished by imprisonment of one to five years.

(2) If the offence specified in paragraph 1 of this Article resulted in serious consequences, the offender shall be punished by imprisonment of minimum ten years.

(3) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by imprisonment up to three years.

(4) If the offence specified in paragraph 3 of this Article resulted in consequences specified in paragraph 2 of this Article,

the offender shall be punished by imprisonment of three months to five years.

Undermining Military and Defence Power

Article 419

(1) Whoever destroys, disables or enables handing over to the enemy of defence installations, defence facilities, position, armament and other military and defence means, ship or aircraft or surrenders a unit to the enemy without a fight or before exhausting all means of defence or otherwise hinders or endangers military or defence measures,

shall be punished by imprisonment of three to fifteen years.

(2) Whoever commits the offence specified in paragraph 1 of this Article with intent to aid the enemy,

shall be punished by imprisonment of five to fifteen years.

(3) Whoever prepares commission of the offence specified in paragraphs 1 and 2 of this
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shall be punished by imprisonment of one to six years.

(4) If the offences specified in paragraph 1 of this Article are committed from negligence, the offender shall be punished by imprisonment of one to eight years.

(5) If the offence specified in paragraph 1 and 2 of this Article resulted in death of one

or more persons or has endangered lives or has been accompanied by serious acts of violence or extensive devastation or has resulted in compromising the security, economic or military power of the country,

the offender shall be punished by imprisonment of minimum ten years.

Preventing Opposition to the Enemy

Article 420

(1) Whoever at time of war or armed conflict prevents citizens of SaM or citizens of allied countries from fighting the enemy,

shall be punished by imprisonment of five to fifteen years.

(2) Whoever at time of war or armed conflict deters citizens of SaM and its allies from fighting the enemy through propaganda or otherwise,

shall be punished by imprisonment of one to eight years.

Defection and Surrender to the Enemy

Article 421

(1) A serviceman who during war or armed conflict defects to the enemy

forces, shall be punished by imprisonment of minimum ten years.

(2) A serviceman who during war or armed conflict surrenders to the enemy before exhausting all means of defence,

shall be punished by imprisonment of two to ten years.

Service in the Forces of a Hostile Power

Article 422

(1) A citizen of SaM who in times of war or armed conflict serves in hostile forces or participates in war or armed conflict as combatant against SaM and its allies,

shall be punished by imprisonment of three to fifteen years.

(2) Whoever recruits SaM citizens for service in hostile forces or for participation in the war or armed conflict against SaM or its allies,

shall be punished by imprisonment of five to fifteen years.

Aiding the Enemy

Article 423

(1) A citizen of SaM who during war or armed conflict assists the enemy in requisition, sequestering of food or other resources or in implementing any coercive measures against the population,

shall be punished by imprisonment of two to ten years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to a citizen of SaM who at time of war politically or economically collaborates with the enemy.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in death of one or more persons or has endangered lives or was accompanied with serious acts of violence or extensive devastation or has compromised the security, economic or military power of the country,

the offender shall be punished by imprisonment of minimum ten years.

Failure to Discharge Duty and Abandoning of post During Combat

Article 424

(1) A serviceman who during combat operation or imminently before combat fails to do his duty and thereby detrimental consequences result to the military unit or combat situation,

shall be punished by imprisonment of two to ten years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to a serviceman who during combat or imminently before combat arbitrarily or fraudulently abandons his post.

(3) If the offences specified in paragraphs 1 and 2 of this Article result in serious consequences,

the offender shall be punished by imprisonment of minimum ten years.

Abandoning of Post Contrary to Orders

Article 425

(1) A military commander who contrary to orders abandons a position with the unit under his command before exhausting all possibilities of defence,

shall be punished by imprisonment of two to twelve years.

(2) If the offences specified in paragraph 1 of this Article result in serious consequences, the offender shall be punished by imprisonment of minimum ten years.

Early Abandoning of a Damaged Vessel and Aircraft

Article 426

(1) A commander of a navy ship who at time of war or armed conflict abandons a damaged ship before fulfilling his duty pursuant to regulations on naval service,

shall be punished by imprisonment of two to ten years.

(2) A crew member of a navy ship who at time of war or armed conflict abandons a damaged ship before the captain has issued orders to abandon ship or a member of the crew

of a military aircraft who at time of war or armed conflict abandons a damaged military aircraft before fulfilling his duty pursuant to regulations on flight and use of aircraft,

shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in serious consequences,

the offender shall be punished for the offence specified in paragraph 1 of this Article by imprisonment of minimum ten years, and for the offence specified in paragraph 2 of this Article by imprisonment of two to ten years.

Weakening of Combat Morale

Article 427

(1) Whoever directly before or during combat by provoking dissatisfaction among troops, spreading disturbing news, escape, throwing down weapons or ammunition, provoking or spreading fear or otherwise, weakens combat morale in the unit or compromises a combat situation,

shall be punished by imprisonment of two to twelve years.

(2) A commanding officer who fails to undertake necessary measures against a subordinate or junior officer who during combat or directly before combat spreads fear among troops or otherwise weakens combat morale or compromises a combat situation,

shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in serious consequences,

the offender shall be punished by imprisonment of minimum ten years.

Failure to Report to Military Bodies

Article 428

(1) Whoever during imminent threat of war, state of war, armed conflict or state of emergency does not report to a superior, senior officer or military command of an event that obviously requires undertaking of urgent military measures,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article resulted in serious consequences, the offender shall be punished by imprisonment of two to ten years.

Requirements for Pronouncing Disciplinary Punishment and/or Measure

Article 429

A disciplinary punishment and/or measure set forth under law may be pronounced instead of criminal sanction to a serviceman for a criminal offence against the Army of Serbia and Montenegro carrying statutory punishment up to three years imprisonment, if such an act

has acquired a particularly inconsequential aspect and if so required by exigencies of service.

Offences Committed at Orders of a Superior

Article 430

A subordinate shall not be punished for an offence committed at orders of a superior relating to official duty, unless the order relates to commission of a criminal offence punishable by imprisonment of five or more years and the subordinate was aware that complying with the order constitutes a criminal offence.

CHAPTER THRITY SIX
TRANSITIONAL AND FINAL PROVISIONS

Article 431

(1) On the day of coming into force of this Code the following shall be set aside: the basic
Criminal Law ("Official Gazette of the SFRY". no. 44/76, 46/77, 34/84, 37/84, 74/87,
57/89, 3/90, 38/90, 45/90 and 54/90, "Official Gazette of the FRY" no. 35/92, 16/93,
31/93, 37/93, 24/94 and 61/01, "Official Gazette of the RS", no. 39/03) and the
Criminal Code of the Republic of Serbia ("Official Gazette of the SRS", no. 26/77,
28/77, 43/77, 20/79, 24/84, 39/86, 51/87, 6/89 and 42/89, "Official Gazette of the RS", no. 21/90, 16/90, 26/91, 75/91, 9/92, 49/92, 51/92, 23/93, 67/93, 47/94, 17/95, 44/98,
10/02, 11/02, 80/02, 39/03 and 67/03);

(2) On the day of coming into force of this Code criminal law provisions contained in the following shall be set aside:

- article 105 and 107 of the Law on Election of Deputies to the National Assembly
("Official Gazette of the RS", no. 35/00, 57/03 and 18/04);

- article 45 of the Law on Protection from Ionising Radiation ("Official Gazette of the FRY", no. 46/96);
- article 3 of the Law prohibiting Construction of Nuclear Power Plants in the FRY ("Official Gazette of the FRY", no. 12/95);
- article 92 of the Mining Act ("Official Gazette of the RS", no. 44/95);
- article 12 of the Antimonopoly Act ("Official Gazette of the FRY", 29/96);
- articles 172 and 174 of the Tax Procedure and Tax Administration Act ("Official Gazette of the RS", nos. 80/02, 84/02, 23/03, 70/03, 55/04 and 61/05);

- article 27 of the Prevention of Money Laundering Act ("Official Gazette of the FRY", no. 53/01);
- article 87 of the Law on the National Bank of Serbia ("Official Gazette of the RS", no. 72/03 and 55/04);
- article 330 of the Customs Act ("Official Gazette of the RS", no. 73/03 and 61/05);
- articles 179, 181 and 182 of the Bankruptcy Act ("Official Gazette of the RS", no. 84/04);
- article 141 of the Drugs and Medications Act ("Official Gazette of the RS", no. 84/04);
- article 24 of the Public Peace and Order Act ("Official Gazette of the RS", no. 5/92, 53/93, 67/93 and 48/94);
- article 33 of the Weapons and Ammunitions Act ("Official Gazette of the RS", no. 9/92, 53/93, 67/93, 48/94, 44/98 and 39/03);
- article 97 of the Gaming Act ("Official Gazette of the RS", no. 84/04);
- article 1052 of the Maritime and Inland Waters Navigation Act ("Official Gazette of the FRY", no. 12/98, 44/99, 74/99 and 73/00);
- article 46a of the Trading Act ("Official Gazette of the FRY", no. 32/93, 41/93, 50/93, 41/94, 29/96 and 37/02);
- article 244 of the Securities and other Financial Instruments Act ("Official Gazette of the FRY", no. 65/02 and the ("Official Gazette of the RS", no. 57/03, 55/04 and 45/05);
- article 31 of the Law on Manufacture and Trade of Weapons and Military Equipment Act ("Official Gazette of the FRY", no. 41/96);
- article 221 of the Insurance Act ("Official Gazette of the RS", no. 55/04, 70/04 and 61/05);

Article 432

This Code shall come into force on 1 January 2006.