THE CRIMINAL CODE

OF BOSNIA AND HERZEGOVINA

GENERAL PART

I CHAPTER ONE

MEANING OF TERMS AS USED IN THIS CODE

Article 1

(1) The *criminal legislation of Bosnia and Herzegovina* comprises the criminal justice provisions contained in this Code and in other laws of Bosnia and Herzegovina.
(2) The *territory of Bosnia and Herzegovina* means the land, coastal seas and water surfaces within its borders, as well as the air space over them.
(3) An *official person* means: a person elected or appointed to legislative, executive and judicial office within Bosnia and Herzegovina and other governmental and administrative institutions or services which perform particular administrative, expert and other duties, within the rights and liabilities of the authority who has founded them; a person who continuously or occasionally executes official duty in the mentioned administrative bodies or institutions, an authorised person in a business enterprise or other legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the frame of the said authority; and other persons who are performing official duties stipulated by law or other regulations based on the law.
(4) When an official person has been indicated as the perpetrator of a particular criminal offence, persons referred to in paragraph 3 of this Article may be considered the perpetrators of such offences provided that it does not follow from the characteristics of a particular criminal offence or particular prescript that their perpetrator may only be one of the specified persons.
(5) A *responsible person* means a person in a business enterprise or other legal person who, in the line of duty or on the basis of specific authorisation, has been entrusted with a portfolio related to the implementation of law or regulations based on law or general act of a business enterprise or other legal person in managing and administrating the property, or is related to managing a productive or other economic process or supervision of such process. Official persons as defined in paragraph 3 of this Article are also considered responsible persons when the actions as whose perpetrator the responsible person has been indicated are at issue, and at the same time are not stipulated as criminal offence by provision of the chapter dealing with criminal offences against official and other responsible duty, or as criminal offences of an official person stipulated under some other chapter of this Code or other laws of Bosnia and Herzegovina.
(6) In cases when an official or responsible person has been indicated as the perpetrator of a criminal offence, all persons mentioned in paragraphs 3 and 5 of this Article may be the perpetrators of such offence provided that it does not follow from the characteristics of a particular criminal offence that their perpetrator may only be one of the specified persons.
(7) A *foreign official person* means a member of a legislative, executive, administrative or judicial body of foreign state, a public official person of an international organisation or of its bodies, judge or other official person of an international court, serving in Bosnia and Herzegovina.
(8) A *child*, as referred to in this Code, is a person who has not reached fourteen years of age.
(9) A *juvenile*, as referred to in this Code, is a person who has not reached eighteen years of age.
(10) A *legal person*, as referred to in this Code, stands for Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the Brčko District of Bosnia and Herzegovina, canton, city, municipality, local community, any organisational form of a business enterprise and all forms of co-operating enterprises, institutions, crediting and other banking institutions or insurance of property and

persons institutions, as well as other financial institutions, funds, political organisations and associations of citizens or other associations that may acquire funds and use them in the same way as other institutions or bodies that acquire and use funds and that are legally recognised as legal persons.
(11) A *business enterprise*, for the purpose of this Code, means corporations, companies, firms, partnerships and any other organizational form registered for performing economic activities.
(12) An *association* means any kind of associating three or more people.
(13) *Several persons* mean at least two persons or more.
(14) A *body of people* constitutes at least five persons or more.
(15) A *group of people* is an assemblage of at least three individuals that are associated for the purpose of habitual, recidivist, or occasional perpetration of criminal offences, while each of the individuals gives his contribution or has his part in the perpetration of the criminal offence.
(16) A *Structured group* is a group that is formed, not at random, for the immediate perpetration of an offence and that does not need to have formally defined roles for its members, continuity of its membership, or a developed structure.
(17) *Organised criminal group* is a structured group of at least three or more persons, existing for a period of time and acting in concert with the aim of perpetrating one or more criminal offences for which a punishment of imprisonment of three years or a more severe punishment may be imposed under the laws of Bosnia and Herzegovina.
(18) *Internationally protected person* means a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is outside their State, as well as members of his family who accompany him, and any official person or representative of a State or any official person or other agent of an international organisation of an intergovernmental character who, at the time when and in the place where a criminal offence against him, his official premises, his private accommodation or his means of transport is perpetrated, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household.
(19) *Refugees and displaced persons*, as referred to in this Code, mean several persons who left their property in the territory of Bosnia and Herzegovina, between 30 April 1991 and 4 April 1998 in the territory of the Federation of Bosnia and Herzegovina, and between 30 April and 19 December 1998 in the territory of Republika Srpska, who are presumed to be refugees or displaced person under Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina.
(20) A *state secret* is construed as to include information or documents that have been designated as secret by virtue of a law, some other regulation or general enactment of the competent body made on the basis of the law, and disclosure of which would cause detrimental consequences for national security or national interests of Bosnia and Herzegovina.
(21) A *military secret* is construed as to include information or documents that have been designated as a military secret by virtue of a law of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina or the Republika Srpska, by virtue of a regulation of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina or the Republika Srpska, or by virtue of an enactment of a competent body of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina or the Republika Srpska that is enacted in compliance with the law.
(22) An *official secret* is construed as to include information or documents that have been designated as official secret by virtue of a law of Bosnia and Herzegovina, a regulation of Bosnia and Herzegovina or a general enactment of the competent institution of Bosnia and Herzegovina made on the basis of law.
(23) A *document* denotes any object that is suitable or designed to serve as evidence of some fact relevant to legal relations.
(24) *Money* denotes coins and paper bank notes, which are legal tender in Bosnia and Herzegovina or in a foreign country.
(25) *Instruments of value* also include foreign instruments of value.
(26) A *movable object* also includes any manufactured or accumulated energy used for producing light, heat or movement, and telephone and other impulses.
(27) A *motor vehicle* is construed as to include every engine-run means for land, water and air traffic.
(28) *Force* also includes the use of hypnotic suggestion or the use of intoxicating substances for the purpose of bringing a person against his will into a state of unconsciousness, or incapacity for resistance.

(29) *Narcotic drug* means any medical drug or hazardous substance with addictive and psychotropic characteristics, or any substance that can easily be converted into such substances, provided that it is subject to control under the international convention ratified by Bosnia and Herzegovina, or any substances declared as narcotic drugs by a competent institution of Bosnia and Herzegovina or by a competent institution of the entities.
(30) *International criminal tribunal* means the International Criminal Tribunal for Former Yugoslavia.
(31) Grammatical gender terminology, male or female, is to be understood as including both genders of natural persons.

II C H A P T E R T W O

BASIC PROVISIONS

Basis and Limits of Criminal Justice Compulsion
Article 2

(1) Criminal offences and criminal sanctions shall be prescribed only for acts threatening or violating personal liberties and human rights, as well as other rights and social values guaranteed and protected by the Constitution of Bosnia and Herzegovina and international law in such a manner that their protection could not be realized without criminal justice compulsion.
(2) The prescription of criminal offences, as well as the types and the range of criminal sanctions, shall be based upon the necessity for criminal justice compulsion and its proportionality with the degree and nature of the danger against personal liberties, human rights and other basic values.

Principle of Legality
Article 3

(1) Criminal offences and criminal sanctions shall be prescribed only by law.
(2) No punishment or other criminal sanction may be imposed on any person for an act which, prior to being perpetrated, has not been defined as a criminal offence by law or international law, and for which a punishment has not been prescribed by law.

Time Constraints Regarding Applicability
Article 4

(1) The law that was in effect at the time when the criminal offence was perpetrated shall apply to the perpetrator of the criminal offence.
(2) If the law has been amended on one or more occasions after the criminal offence was perpetrated, the law that is more lenient to the perpetrator shall be applied.

Types of Criminal Sanctions
Article 5

Criminal sanctions are: punishments, suspended sentence, security measures and educational measures.

Purpose of Criminal Sanctions
Article 6

The purpose of criminal sanctions is:
a) A preventive influence on others to honour the legal system and not to perpetrate a criminal offence;
b) Preventing perpetrators from perpetrating criminal offences and encouraging their rehabilitation.

Restrictions on Execution of Criminal Sanctions
Article 7

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

III C H A P T E R T H R E E

APPLICATION OF CRIMINAL JURISDICTION OF BOSNIA AND HERZEGOVINA

Exclusion of Applying Criminal Legislation of Bosnia and Herzegovina to Children
Article 8

Criminal legislation of Bosnia and Herzegovina shall not be applied to a child who, at the time of perpetrating a criminal offence, had not reached fourteen years of age.

Applicability of Criminal Legislation of Bosnia and Herzegovina to Juveniles
Article 9

The criminal legislation of Bosnia and Herzegovina shall be applied to juveniles pursuant to Chapter X (*Rules Relating to Educational Recommendations, Educational Measures and Punishing Juveniles*) of this Code and other laws of Bosnia and Herzegovina.

Applicability of Criminal Legislation of Bosnia and Herzegovina to Legal Persons
Article 10

The criminal legislation of Bosnia and Herzegovina shall be applied to legal persons pursuant to Chapter XIV (*Liability of Legal Persons for Criminal Offences*) of this Code and other laws of Bosnia and Herzegovina.

Applicability of Criminal Legislation of Bosnia and Herzegovina to Those Perpetrating a Criminal offence within the Territory of Bosnia and Herzegovina
Article 11

(1) The criminal legislation of Bosnia and Herzegovina shall apply to anyone who perpetrates criminal offence within its territory.
(2) The criminal legislation of Bosnia and Herzegovina shall apply to anyone who perpetrates a criminal offence aboard a domestic vessel, regardless of its location at the time of perpetration of the offence.
(3) The criminal legislation of Bosnia and Herzegovina shall apply to anyone who perpetrates a criminal offence aboard a domestic civil aircraft while in flight, or aboard a domestic military aircraft, regardless of its location at the time of perpetration of the offence.

Applicability of the Criminal Legislation of Bosnia and Herzegovina to Offences Perpetrated outside the Territory of Bosnia and Herzegovina
Article 12

(1) The criminal legislation of Bosnia and Herzegovina shall apply to anyone who, outside of its territory, perpetrates:

a) Any criminal offence against the integrity of Bosnia and Herzegovina prescribed in Chapter Sixteen (*Criminal Offences against The Integrity of Bosnia and Herzegovina)* of this Code;
b) The criminal offence of counterfeiting of money or of counterfeiting of securities of Bosnia and Herzegovina, the criminal offence of counterfeiting of instruments of value or of forgery of trademarks, measures and weights issued on the basis of regulations made by the institutions of Bosnia and Herzegovina, as defined in Articles 205 through 208 of this Code;
c) A criminal offence which Bosnia and Herzegovina is bound to punish according to the provisions of international law and international treaties or intergovernmental agreements;
d) A criminal offence against an official or responsible person in the institutions of Bosnia and Herzegovina, related to his duty.

(2) The criminal legislation of Bosnia and Herzegovina shall be applied to a citizen of Bosnia and Herzegovina who, outside the territory of Bosnia and Herzegovina, perpetrates a criminal offence other than those specified in paragraph 1 of this Article.
(3) The criminal legislation of Bosnia and Herzegovina shall be applied to a non-citizen of Bosnia and Herzegovina who, outside the territory of Bosnia and Herzegovina, perpetrates a criminal offence against Bosnia and Herzegovina or its citizen which is not specified in paragraph 1 of this Article.
(4) The criminal legislation of Bosnia and Herzegovina shall be applied to a non-citizen of Bosnia and Herzegovina who, outside the territory of Bosnia and Herzegovina, perpetrates against a foreign state or

non-citizen of Bosnia and Herzegovina a criminal offence for which, under the law in force in the place of perpetration of a criminal offence, a punishment of imprisonment for a term of five years or a more severe punishment may be imposed.
(5) In the cases referred to in paragraphs 2 and 3 of this Article, the criminal legislation of Bosnia and Herzegovina shall be applied only if the perpetrator of the criminal offence is found within the territory of Bosnia and Herzegovina, or has been extradited to it, while in the case referred to in paragraph 4 of this Article, only if the perpetrator is found within the territory of Bosnia and Herzegovina and is not extradited to another state.

Applicability of the General Part of This Code
Article 13

(1) The provisions of the General part of this Code shall apply to all criminal offences prescribed by the laws of Bosnia and Herzegovina.
(2) The provisions of the General part of this Code shall apply to juveniles, unless otherwise provided for by law.
(3) The provisions of the General part of this Code shall apply to legal persons, unless otherwise provided for in this Code.

IV C H A P T E R F O U R

STATUTE OF LIMITATIONS

Period Set by Statute of Limitation Regarding the Institution of Criminal Prosecution
Article 14

(1) Unless it is stipulated otherwise in this Code, criminal prosecution shall not be instituted when the following time periods have elapsed since the perpetration of a criminal offence:

a) Thirty-five years in the case of a criminal offence for which a punishment of long-term imprisonment is prescribed;
b) Twenty years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding ten years is prescribed;
c) Fifteen years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding five years is prescribed;
d) Ten years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding three years is prescribed;
e) Five years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding one year is prescribed;
f) Three years in the case of a criminal offence for which the punishment of imprisonment for a term not exceeding one year or a fine is prescribed.

(2) If several punishments are prescribed for a single criminal offence, the period of limitation shall be determined according to the most severe punishment prescribed.

Running and Interruption of the Period Set by Statute of Limitation Regarding the Institution of Criminal Prosecution
Article 15

(1) The running of the period set by statute of limitation to institute criminal prosecution commences on the day on which the criminal offence has been perpetrated.
(2) The running of the period set by statute of limitation is suspended for any time during which the prosecution cannot be instituted or continued by reason of a provision of law.
(3) The running of the period set by statute of limitation is interrupted by every motion that relates to the prosecution of the perpetrator on account of the criminal offence perpetrated.
(4) The running of the period set by statute of limitation is also interrupted if the perpetrator, before the period of limitation has elapsed, has perpetrated a new criminal offence of the same gravity or graver.
(5) After each interruption, the period set by statute of limitation commences anew.
(6) The period set by statute of limitation to institute criminal prosecution expires in any case when twice as much time lapses as is set by the statute of limitation for the initiation of criminal prosecution.

Period Set by Statute of Limitation Regarding the Execution of Punishment
Article 16

Unless it is stipulated otherwise in this Code, the imposed sentence shall not be executed when the following time periods have elapsed from the date of entry into force of the judgement by which a punishment has been imposed:

a) Thirty-five years if a punishment of long-term imprisonment has been imposed;
b) Twenty years if a punishment of imprisonment for a term exceeding ten years has been imposed;
c) Fifteen years if the punishment of imprisonment for a term exceeding five years has been imposed;
d) Ten years if the punishment of imprisonment for a term exceeding three years has been imposed;
e) Five years if the punishment of imprisonment for a term exceeding one year has been imposed;
f) Three years if the punishment of imprisonment for a term not exceeding one year or a fine has been imposed.

Period Set by Statute of Limitation Regarding the Execution of Accessory Punishment and Security Measures
Article 17

(1) The execution of a fine as an accessory punishment shall be barred after the lapse of two years from the date of entry into force of the judgement whereby such punishment has been imposed.
(2) The execution of the security measure of mandatory psychiatric treatment and the security measure of forfeiture shall be barred after the lapse of five years from the date of entry into force of the judgement whereby these measures have been ordered.
(3) The execution of the security measure of ban on carrying out a certain occupation, activity or duty shall be barred after the lapse of the period for which this measure has been ordered.

The Running and Interruption of the Period Set by Statute of Limitation Regarding the Execution of Punishments and Security Measures
Article 18

(1) The running of the period set by statute of limitation to execute the punishment commences on the date of entry into force of the judgement whereby such punishment has been imposed, and in the case of the revocation of a suspended sentence, on the date of entry into force of the decision on the revocation of a suspended sentence.
(2) The period set by statute of limitation shall not run during the time the punishment cannot be executed pursuant to law.
(3) The running set by statute of limitation is interrupted with every action of a competent body taken in regard to execution of the punishment.
(4) After each interruption, the period set by statutes of limitation shall commence anew.
(5) The period set by statute of limitations to execute the punishment shall expire in any case when twice as much time lapses as is set by the statute of limitation for the execution of punishments.
(6) The provisions of paragraphs 2 through 5 of this Article shall be applied accordingly to the bar to the execution of the security measures.

Criminal Offences not subject to the Statute of Limitations
Article 19

Criminal prosecution and execution of a sentence are not subject to the statute of limitations for criminal offences of genocide, crimes against humanity and war crimes, or for other criminal offences that, pursuant to international law, are not subject to the statute of limitations.

V CHAPTER FIVE

CRIMINAL OFFENCE

Criminal Offence
Article 20

A criminal offence is an unlawful act that is prescribed as a criminal offence by law, the characteristics of which are specified by law and for which a criminal sanction is prescribed by law.

Manner of Perpetrating Criminal Offence
Article 21

(1) A criminal offence can be perpetrated by an act or an omission to act.
(2) A criminal offence is perpetrated by omission when the perpetrator, who is legally obliged to avert the consequence of a criminal offence defined by law, fails to do so, and such failure to act is tantamount in its effect and significance to the perpetration of such an offence by an act.

Time of Perpetrating Criminal Offence
Article 22

A criminal offence is perpetrated at the time the perpetrator acts or ought to have acted, irrespective of the time when the consequences of his action or omission to act occurred.

Place of Perpetrating Criminal Offence
Article 23

(1) A criminal offence is perpetrated both at the place perpetrator acts or ought to have acted, and at the place where the consequence of his action or omission to act fully or partially occurs.
(2) A criminal offence in the case of a punishable attempt is perpetrated both at the place perpetrator acts or ought to have acted, and at the place where the consequence of his action or omission to act fully or partially ought to have occurred according to the perpetrator's expectation.
(3) A criminal offence in cases of complicity is perpetrated at the place specified in paragraph 1 of this Article and at the place the accomplice acts or ought to have acted, or at the place where the consequence of his action or omission to act ought to have occurred according to the expectation of the accomplice.

Necessary Defence (Self-Defence)
Article 24

(1) An act committed in necessary defence is not considered a criminal offence.
(2) A defence is considered to be necessary if it is absolutely necessary for the defender to avert a coinciding or direct and imminent illicit attack from himself or from another, and which is proportionate to the attack.
(3) If the perpetrator exceeds the limits of necessary defence, the punishment can be reduced, and if the excess occurs due to strong irritation or fright caused by the attack, the punishment can be remitted.

Extreme Necessity
Article 25

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

Attempt
Article 26

(1) Whoever intentionally commences execution of a criminal offence, but does not complete such offence, shall be punished for the attempted criminal offence when, for the criminal offence in question, the punishment of imprisonment for a term of three years or a more severe punishment may be imposed, and for the attempt of another criminal offences when the law expressly prescribes punishment of the attempt alone.
(2) An attempted criminal offence shall be punished within the limits of the punishment prescribed for the same criminal offence perpetrated, but the punishment may also be reduced.

Inappropriate Attempt
Article 27

If a person tries to perpetrate a criminal offence by inappropriate means or against an inappropriate object may be released from sentencing or punished less severely.

Voluntary Abandonment of the Attempt
Article 28

(1) A perpetrator, who voluntarily abandons the execution of a punishable attempt, may be released from punishment.
(2) In the event of voluntary abandonment of an attempt, the perpetrator shall be punished for those acts that constitute other separate criminal offences.

Accomplices
Article 29

If several persons who, by participating in the perpetration of a criminal offence or by taking some other act by which a decisive contribution has been made to its perpetration, have jointly perpetrated a criminal offence, shall each be punished as prescribed for the criminal offence.

Incitement
Article 30

(1) Whoever intentionally incites another to perpetrate a criminal offence, shall be punished as if he has perpetrated such offence.
(2) Whoever intentionally incites another to perpetrate a criminal offence for which a punishment of imprisonment for a term of three years or a more severe punishment is prescribed by law, and the criminal offence has never been attempted, shall be punished as for the attempt of the criminal offence.

Accessory
Article 31

(1) Whoever intentionally helps another to perpetrate a criminal offence shall be punished as if he himself perpetrated such offence, but the punishment may be reduced.
(2) The following, in particular, shall be considered as helping in the perpetration of a criminal offence: giving advice or instructions as to how to perpetrate a criminal offence, supplying the perpetrator with tools for perpetrating the criminal offence, removing obstacles to the perpetration of criminal offence, and promising, prior to the perpetration of the criminal offence, to conceal the existence of the criminal offence, to hide the perpetrator, the tools used for perpetrating the criminal offence, traces of the criminal offence, or goods acquired by perpetration of the criminal offence.

Limitations in Responsibility and Punishability of Collaborators
Article 32

(1) The accomplice shall be considered criminally responsible within the limits set by his own intent or negligence, and the inciter and the accessory within the limits of their own intent.
(2) The court shall refrain from imposing a punishment on an accomplice, inciter or accessory that has voluntarily prevented perpetration of the criminal offence.
(3) The personal relations, characteristics and circumstances to which the law attaches the exclusion of criminal responsibility, or by reason of which it permits or provides for the remission of punishment or its mitigation may be taken into consideration only if they are inherent to such perpetrators, accomplices, inciters or accessories.

VI C H A P T E R S I X

CRIMINAL RESPONSIBILITY

Elements of Criminal Responsibility
Article 33

(1) A perpetrator who is mentally capable and guilty of perpetrating a criminal offence shall be held criminally responsible.
(2) A perpetrator shall be guilty if he has perpetrated a criminal offence with intent.
(3) A perpetrator shall also be guilty if he has perpetrated a criminal offence out of negligence only if the law explicitly prescribes so.

Mental Capacity
Article 34

(1) A mentally incapable person is one who, at the time of perpetrating the criminal office, was incapable of comprehending the significance of his acts or controlling his conduct due to a lasting or temporary mental disease, temporary mental disorder or retardation (mental incapacity).
(2) If the capacity of the perpetrator to comprehend the significance of his act, and his ability to control his conduct was considerably diminished due to any of the mental conditions referred to in paragraph 1 of this Article, he may be punished less severely (considerably diminished mental capacity).
(3) The perpetrator shall be considered criminally responsible if, by consuming alcohol or narcotic drugs or otherwise, he brought himself into such a state of not being capable to comprehend the significance of his actions or controlling his conduct, and if prior to bringing himself into such a condition, the act was intended by him, or there was negligence on his part in relation to the criminal offence in cases where criminal responsibility is prescribed by law for such an offence even if perpetrated out of negligence (voluntary intoxication).
(4) The state of considerably diminished mental capacity to which the perpetrator has brought himself in the way provided under paragraph 3 of this Article may not constitute grounds for the reduction of punishment.

Intent
Article 35

(1) A criminal offence may be perpetrated with direct or indirect intent.
(2) The perpetrator acts with direct intent when a perpetrator was aware of his deed but still desired its perpetration.
(3) The perpetrator acts with indirect intent when a perpetrator was aware that a prohibited consequence might have resulted from his action or omission to act but nevertheless consented to its occurrence.

Negligence
Article 36

(1) A criminal offence may be perpetrated by advertent or inadvertent negligence.
(2) The perpetrator acts with advertent negligence when he was aware that a prohibited consequence might have occurred as a result of his action or omission to act, but carelessly assumed that it would not occur or that he would be able to avert it.
(3) The perpetrator acts with inadvertent negligence when he was unaware of the possibility that a prohibited consequence might have occurred, although, under the circumstances and according to his personal characteristics, he should and could have been aware of such possibility.

Mistake of Fact
Article 37

(1) A person is not criminally responsible if at the time of the perpetration of a criminal offence he was not aware of one of its elements defined by law, or if he has mistakenly believed that circumstances existed which, if they had actually existed, would render such conduct permissible.
(2) If the person's mistake resulted from his negligence, he shall be criminally responsible for the criminal offence perpetrated by negligence, provided that the criminal offence in question is punished by law when perpetrated by negligence.

Mistake of Law
Article 38

A perpetrator of a criminal offence, who had justifiable reason for not knowing that his conduct was prohibited, may be released from punishment.

VII C H A P T E R S E V E N

PUNISHMENT

The Purpose of Punishment
Article 39

The purpose of punishment is:

a) To express the community's condemnation of a perpetrated criminal offence;
b) To deter the perpetrator from perpetrating criminal offences in the future;
c) To deter others from perpetrating criminal offences; and
d) To increase the consciousness of citizens of the danger of criminal offences and of the fairness of punishing perpetrators.

Types of Punishment
Article 40

The following punishments may be imposed on perpetrators of criminal offences who are criminally responsible:

a) Imprisonment;
b) Fine.

Principal and Accessory Punishment
Article 41

(1) Imprisonment may be imposed only as principal punishment.
(2) A fine may be imposed both as a principal and as an accessory punishment.
(3) If both punishments are prescribed for a criminal offence, only one of them may be imposed as a principal punishment.
(4) For criminal offences motivated by greed, a fine may be imposed as an accessory punishment even when that is not specifically prescribed by the law or in cases where the law prescribes that the perpetrator shall be punished by imprisonment or a fine, and the court decides to impose the punishment of imprisonment as the principal punishment.

Imprisonment
Article 42

(1) Imprisonment may not be shorter than thirty days or longer than twenty years.
(2) For the gravest forms of serious criminal offences perpetrated with intent, imprisonment for a term of twenty to forty-five years may be exceptionally prescribed (long-term imprisonment).
(3) Long-term imprisonment may never be prescribed as the sole principal punishment for a particular criminal offence.
(4) Long-term imprisonment cannot be imposed on a perpetrator who has not reached twenty-one years of age at the time of perpetrating the criminal offence.
(5) Juvenile imprisonment may be imposed under the conditions prescribed by Chapter X (*Rules Relating to Educational Recommendations, Educational Measures and Punishing Juveniles*) of this Code. Juvenile imprisonment is in its purpose, nature, duration and manner of execution a special punishment of deprivation of liberty.
(6) Imprisonment shall be imposed in full years and months; however, the punishment of imprisonment for a term not exceeding six months may also be measured in full days. Long-term imprisonment shall be imposed only in full years.
(7) If long-term imprisonment has been imposed, amnesty or pardon may be granted only after three-fifths of the punishment has been served.

Community Service
Article 43

(1) When the court assesses and imposes imprisonment for a term not exceeding six months, at the same time it may decide that such punishment, with the consent of the accused, be replaced with community service.
(2) The decision to replace imprisonment with community service shall be based upon the assessment that, considering all the circumstances determining the type and range of the sentence, the execution of imprisonment would not be necessary to realise the purpose of punishment, but at the same time a suspended sentence would not be sufficient to accomplish the general purpose of criminal sanctions.
(3) Community service shall be determined for a duration proportional to the imposed imprisonment, from a minimum of ten to a maximum of sixty working days. The period for performing community service shall be neither shorter than one month nor longer than one year.
(4) In assessing the duration of community service, as well as the period for its performance, the court shall take into consideration the imposed imprisonment that is being substituted and the perpetrator's possibilities regarding personal circumstances and employment.
(5) When, upon the expiry of the determined period, the convicted person has not completed or has only partly completed the community service, the court shall render a decision on the execution of imprisonment for a period proportional to the unfulfilled community service.
(6) The substitution of imprisonment with community service may also be applied in the case of substituting a fine with imprisonment pursuant to Article 47 (*Substitution of Fine*) of this Code.
(7) Placement in community service as to the type and the place of work shall be made by the Ministry of Justice, taking into consideration the capacities and the skills of the convicted person.

Release on Parole
Article 44

(1) A convicted person who has served one half of his sentence, and as an exception, a convicted person who has served one third of his sentence, may be released from serving the punishment of imprisonment under condition that he does not perpetrate another criminal offence before expiration of the time of the sentence (parole, conditional release).
(2) A convicted person who has served one-half of his sentence, may be released from serving the punishment of imprisonment if in the course of serving his sentence he has improved to the point where he can reasonably be expected to behave himself well after his release from serving the punishment of imprisonment, and particularly not perpetrate criminal offences. In determining whether to release a convicted person on parole, account shall be taken of his conduct during the term of the sentence, as well as other circumstances indicating that the purpose of the punishment has been attained.
(3) A convicted person who has served one third of his sentence may be released on parole, provided that the conditions referred to in paragraph 1 of this Article exist, and provided that special circumstances relating to the personality of the convicted person manifestly indicate that the purpose of the punishment has been attained.
(4) The person punished by long-term imprisonment may be granted conditional release after three-fifths of the punishment have been served.

Revocation of Parole
Article 45

(1) The court shall order revocation of parole if the convicted person, while on parole, perpetrates one or more criminal offences for which a punishment of imprisonment for a term of one year or a more severe punishment has been imposed.
(2) The court may order revocation of parole if the parolee perpetrates one or more criminal offences for which a punishment of imprisonment for a term up to one year has been imposed. In deciding whether to revoke the parole or not, the court shall take into special consideration the similarity in the nature of the acts perpetrated, their significance, the motives from which they were perpetrated, as well as other circumstances indicating the appropriateness of revoking parole.
(3) When the court orders revocation of parole, it shall impose punishment considering the previously imposed sentence as an already fixed punishment. The part of the punishment that the convicted person served under the earlier sentence shall be credited toward service of the subsequent sentence, whereas the period of time spent on parole shall not be credited.

(4) The provisions of paragraphs 1 through 3 of this Article shall also be applied when the parolee is tried for a criminal offence perpetrated prior to his release on parole.
(5) If the parolee is convicted to imprisonment for a term up to one year, and if the court does not order revocation of parole, the term of the release on parole shall be extended for a period of time the convicted person spent serving the punishment of imprisonment.

Fines
Article 46

(1) Fines are imposed in daily amounts and if that is not possible, then in a fixed amount.
(2) If a fine is imposed in daily amounts, it may be a minimum of five and maximum of three hundred sixty daily amounts, whereas for offences motivated by greed, a maximum imposable fine is one thousand five hundred daily amounts, except in the cases foreseen by this Code.
(3) If a fine is imposed in a fixed amount, a minimum amount may not be less than 150 KM and a maximum one may not exceed 50.000 KM whereas for offences motivated by greed, a maximum fixed amount imposable may not exceed 1.000.000 KM, except in the cases foreseen by this Code.
(4) In imposing a fine for offences motivated by greed, the court may determine a fine exceeding the maximum prescribed amount in paragraphs 2 and 3 of this Article if the value of the illegal gain resulted from the perpetration of the offence exceeds the amount of 1.000.000 KM. In such case the offender may be imposed a fine in an amount that may not exceed the double amount of the value of the illegal gain resulted from the perpetration of the offence for which he or she is being punished by a fine.
(5) A number of daily amounts is determined by the court according to the general rules on meting out penalties. A daily amount is determined by the court according to the amount of the offender's daily income calculated on the basis of his net salary during three months and his other income and family responsibilities. In determining the amount, the court relies on the data not older than six months at the moment when the fine is imposed.
(6) If data referred to in the preceding paragraph are unavailable to the court, they will be provided by the accused within the deadline as set by the court but not later than by the closing of the main trial. If the circumstances relevant for the determination of a daily amount of fine are not made available to the court by the end of the main trial or those relevant circumstances are unreliable, a fine is imposed in a fixed amount whereby the general rules for meting out penalties are respected.
(7) A minimum daily amount of fine is 1/60 and a maximum amount is 1/3 of the most recent officially published employee's average net salary in Bosnia and Herzegovina, as published by the Agency of Statistics of Bosnia and Herzegovina.
(8) The court determines in the judgement a deadline for payment of the fine. Such deadline may not be shorter than fifteen days or longer than six months, but the court may allow in justified cases that the convicted pays the fine in instalments, whereby the deadline for payment may not exceed two years.
(9) Fines imposed and collected under this Code shall belong to the Budget of Bosnia and Herzegovina.

Substitution of Fine
Article 47

(1) Fine shall not be collected by force.
(2) If a fine is not paid in full or in part within the period determined in the judgement, the court shall, without delay, bring a decision to substitute the fine by imprisonment.
(3) The fine shall be substituted by imprisonment in such a way that each daily amount started, or if the fine was imposed in a fixed amount each 50 KM started, is substituted by one day of imprisonment, whereby the imprisonment may not exceed one year.
(4) If the convicted person has only paid a portion of the fine, the remaining amount will be proportionally converted into imprisonment and if he then pays the remaining amount, the execution of imprisonment ceases.

General Principles of Meting out Punishments
Article 48

(1) The court shall impose the punishment within the limits provided by law for that particular offence, having in mind the purpose of punishment and taking into account all the circumstances bearing on the magnitude of punishment (extenuating and aggravating circumstances), and, in particular: the degree of criminal liability, the motives for perpetrating the offence, the degree of danger or injury to the protected

object, the circumstances in which the offence was perpetrated, the past conduct of the perpetrator, his personal situation and his conduct after the perpetration of the criminal offence, as well as other circumstances related to the personality of the perpetrator.
(2) In ruling on the punishment for the criminal offence in recidivism, the court shall take into special consideration whether the most recent offence is of the same type as the previous one, whether both acts were perpetrated from the same motive, and it will also consider the period of time which has elapsed since the pronunciation of the previous conviction, or since the punishment has been served or pardoned.
(3) In fixing a fine, the court shall take into consideration the situation of the perpetrator in terms of property, taking into account the amount of his salary, his other income, his assets and his family obligations.

Reduction of Punishment
Article 49

The court may set the punishment below the limit prescribed by the law, or impose a milder type of punishment:
a) When law provides the possibility of reducing the punishment; and
b) When the court determines the existence of highly extenuating circumstances, which indicate that the purpose of punishment can be attained by a lesser punishment.

Limitations in Reduction of Punishments
Article 50

(1) When the conditions for the reduction of punishment referred to in Article 49 (*Reduction of Punishment*) of this Code exist, the punishment shall be reduced within the following limits:
a) If a punishment of imprisonment of ten or more years is prescribed as the lowest punishment for the criminal offence, it may be reduced to five years of imprisonment;
b) If a punishment of imprisonment of three or more years is prescribed as the lowest punishment for the criminal offence, it may be reduced to one year of imprisonment;
c) If a punishment of imprisonment of two years is prescribed as the lowest punishment for the criminal offence, it may be reduced to six months of imprisonment;
d) If a punishment of imprisonment of one year is prescribed as the lowest punishment for the criminal offence, it may be reduced to three months of imprisonment;
e) If a punishment of imprisonment not exceeding one year is prescribed as the lowest punishment for the criminal offence, it may be reduced to thirty days of imprisonment;
f) If a punishment of imprisonment is prescribed for a criminal offence without indication of the lowest limit, the court may impose a fine in lieu of imprisonment;
g) If a fine is prescribed as the lowest limit for the punishment for a criminal offence, it may be reduced to five daily amounts and if it is imposed in the fixed amount, it may be reduced to 150 KM.

(2) When deciding on the extent of reducing punishments in accordance with the rules set forth in paragraph 1 of this Article, the court shall take into special consideration the smallest and the largest punishment prescribed for the particular criminal offence.

Release from Punishment
Article 51

(1) The court may release the perpetrator from punishment when such possibility is explicitly provided by law.
(2) In cases when the court is allowed to release the perpetrator from punishment, the court may decide to reduce the punishment having no regard to limitations prescribed for reduction of punishment in Article 49 (*Reduction of Punishment*) of this Code.

Special Condition for Release from Punishment for Criminal Offences Perpetrated by Negligence
Article 52

The court may release the perpetrator from punishment for a criminal offence perpetrated by negligence when the consequences of the criminal offence perpetrated affect the perpetrator so severely that imposing a punishment would obviously not serve the purpose of punishment.

Concurrence of Criminal Offences
Article 53

(1) If the perpetrator, by a single action or by several actions, has perpetrated several criminal offences, for which he is tried at the same time, the court shall first assess the punishment for each of the offences separately, and then proceed with imposing a compound punishment of imprisonment, long-term imprisonment or a compound fine for all the offences taken together.

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

a) If the court has ruled punishment of long-term imprisonment for one of several criminal offences perpetrated, this will be the only punishment imposed;

b) If the court has determined punishment of imprisonment for the concurrent criminal offences, the compound punishment must be higher than each of the individual punishments, but the compound punishment may not be as high as the sum of all incurred punishments, nor may it exceed a period of twenty years;

c) If for each of the offences perpetrated in concurrence a punishment of imprisonment not exceeding three years is prescribed, the compound punishment may not exceed eight years;

d) If fines only have been meted out by court for the criminal offences in concurrence, the compound punishment must be bigger than any individual determined fine, but it may not exceed the sum of all fines meted out.

(3) If the court has meted out punishments of imprisonment for some of the concurrent criminal offences, and fines for others, it shall impose one punishment of imprisonment and one fine, in accordance with the provisions set forth in items b) through d) of paragraph 2 of this Article.

(4) The court shall impose an accessory punishment if it is determined for any one of the concurrent criminal offences, and if it has meted out several fines, it shall impose a single fine in following the provisions set forth in item d), paragraph 2 of this Article.

(5) If the court has meted out a punishment of imprisonment and juvenile imprisonment for the concurrent criminal offences, it shall impose punishment of imprisonment as the compound sentence, applying the rules set forth in item b) and c) of paragraph 2 of this Article.

Continued Criminal Offence
Article 54

(1) The provisions of this Code regarding concurrence of criminal offences shall not apply to a criminal offence arising out of the same transaction.

(2) A criminal offence arises out of the same transaction when the perpetrator intentionally perpetrates a number of identical criminal offences or offences of the same type in which, according to the manner of perpetration, the temporal connection and other material circumstances connecting them constitute a whole.

(3) When a criminal offence arising of the same transaction comprises offences of the same legal description, the court shall choose the type and the range of the punishment prescribed for such a criminal offence. If criminal offences of the same type are at issue, the court shall choose the type and the range of punishment prescribed for the most serious of these offences.

Meting out Punishment of a Convicted Person
Article 55

(1) If a convicted person is tried for a criminal offence he had perpetrated before commencing to serve the previous sentence, or for a criminal offence he perpetrated while serving a sentence of imprisonment, long-term imprisonment or juvenile imprisonment, the court shall impose a compound punishment for all the criminal offences applying provisions set forth under Article 53 (*Concurrence of Criminal Offences*) of this Code, taking the punishment from the earlier sentence as an already fixed punishment. The sentence or part of the sentence, which the convicted person had already served, shall be credited towards the imposed sentence of imprisonment or long-term imprisonment.

(2) For criminal offences perpetrated during the course of serving the punishment of imprisonment, long-term imprisonment, or juvenile imprisonment, the court shall determine the perpetrator's punishment independently of the punishment for the earlier sentence in cases when the application of the provisions set forth under Article 53 of this Code would lead to failure to achieve the purpose of punishment considering the duration of non-served portion of the previous sentence.

(3) If a convicted person, while serving the punishment of imprisonment, long-term imprisonment or juvenile imprisonment, perpetrates a criminal offence punished by law with a fine or punishment of not exceeding one year of imprisonment, he shall be punished with a disciplinary measure.

Credit for the Period Spent in Custody and Credit for Punishment under an Earlier Sentence
Article 56

(1) The time spent in custody pending trial, as well as any deprivation of freedom related to the criminal offence, shall be counted as part of the sentence of imprisonment, long-term imprisonment, juvenile imprisonment or the fine.
(2) In each counting of the credit, one day spent in custody pending trial, one day of deprivation of freedom, one day of juvenile imprisonment, one day of imprisonment, one day of long-term imprisonment and a fine of 50 KM, shall be deemed equal.

Credit for the Detention and Sentence Served Abroad
Article 57

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

VIII C H A P T E R E I G H T

SUSPENDED SENTENCE

Purpose of Suspended Sentence
Article 58

The purpose of a suspended sentence is to give to a perpetrator of a criminal offence an admonition with a threat of punishment (suspended sentence), which achieves the purpose of criminal sanctions by pronouncing a punishment without executing it, when the execution of punishment is not necessary to ensure legal protection.

Suspended Sentence

Article 59

(1) When it imposes a suspended sentence, the court imposes a punishment on the perpetrator of criminal offence, but at the same time it orders that the sentence shall not be carried out if the convicted person does not perpetrate another criminal offence over a period of time established by the court, and which may not be shorter than one or longer than five years (probation period).
(2) In deciding whether to impose a suspended sentence, the court shall, taking into account the purpose of the suspended sentence, pay special attention to the personality of the perpetrator, his conduct in the past, his behaviour after the perpetration of the criminal offence, the degree of criminal responsibility and other circumstances under which the criminal offence has been perpetrated.
(3) A suspended sentence may be imposed when a perpetrator has been sentenced to imprisonment for a term not exceeding two years or to a fine.
(4) The court may impose a suspended sentence for criminal offences for which the punishment of imprisonment for a term of ten years or a more severe punishment may be imposed only when the sentence referred to in paragraph 3 of this Article has been imposed by the reduction of punishment prescribed by the law.
(5) The suspended sentence cannot be imposed for criminal offences for which even after a reduction of the punishment, a punishment of imprisonment for a term not exceeding one year cannot be imposed.
(6) If the perpetrator has been sentenced to both imprisonment and a fine, the suspended sentence may be imposed either for both sentences or only for the sentence of imprisonment.
(7) Security measures, ordered alongside a suspended sentence, shall be executed.

Obligations of the Person under Suspended Sentence
Article 60

(1) Together with imposing a suspended sentence, the court may order the following obligations: that the convicted person shall restitute the gain acquired by the perpetration of the criminal offence, that the convicted person shall compensate for the damage caused by the perpetration of the criminal offence, or that the convicted person shall fulfil other obligations provided for in criminal legislation of Bosnia and Herzegovina.
(2) For the fulfilment of an obligation referred to in paragraph 1 of this Article, the court shall determine the period, which period shall be within the assessed period of probation.

Revocation of Suspended Sentence because of a New Criminal Offence
Article 61

(1) The court shall revoke the suspended sentence if the convicted person perpetrates one or more criminal offences for which a punishment of imprisonment for a term of two years or a more severe punishment had been imposed before the probation period expired.
(2) If the convicted person perpetrates one or more criminal offences during the probation period for which the punishment of imprisonment for a term not exceeding two years or a fine has been imposed, the court shall decide, upon consideration of all circumstances related to the criminal offences perpetrated as well as to the perpetrator, particularly the possible similarity of the perpetrated offences, their significance and motives from which the offences have been perpetrated, whether to revoke the suspended sentence. In taking such decision, the court is bound by the prohibition on imposing a suspended sentence if a punishment of imprisonment for a term exceeding two years (Article 59, *Suspended Sentence*, paragraph 3 of this Code) needs to be imposed on the perpetrator for the criminal offence for which the suspended sentence was imposed and for new criminal offences.
(3) In the event of revocation of the suspended sentence, the court shall impose one compound punishment both for the previously perpetrated and the new criminal offence, pursuant to the provisions of Article 53 (*Concurrence of Criminal Offences*) of this Code, taking the revoked suspended sentence as an already fixed punishment.
(4) In the event that the court does not revoke a suspended sentence, it may impose a suspended sentence or a punishment of imprisonment for a newly perpetrated criminal offence. If the court decides that a suspended sentence should be imposed for the newly perpetrated criminal offence as well, the court shall apply provisions set forth under Article 53 of this Code to impose one compound sentence both for the previously perpetrated and the new criminal offence and it shall also determine one compound probation period which can not be shorter than one or longer than five years, commencing on the day the new sentence became effective. If the court imposes a punishment of imprisonment for the new criminal offence, the period of time spent serving that punishment of imprisonment shall not be deducted from the probation period established by the suspended sentence for the previously perpetrated criminal offence.

Revocation of Suspended Sentence because of Previously Perpetrated Criminal Offence
Article 62

(1) The court shall revoke a suspended sentence in case that, after it was imposed, it learned that the perpetrator had perpetrated a criminal offence prior to the imposition of the suspended sentence, and it is felt by the court that there would have not been enough grounds for the imposition of a suspended sentence had the existence of that offence been known. In such a case, the provision set forth under Article 61 (*Revocation of Suspended Sentence Because of a New Criminal Offence*) paragraph 3 of this Code shall be applied.
(2) If the court does not revoke a suspended sentence, it shall apply the provision set forth under Article 61, paragraph 4 of this Code.

Revocation of Suspended Sentence caused by Failure to Fulfil Particular Obligations
Article 63

(1) The court shall revoke the suspended sentence and order the execution of the imposed punishment if the convicted person, within the course of the determined probation period, does not fulfil the obligations imposed on him in cases where he could have fulfilled them.

(2) In the case of the impossibility of fulfilling the obligations, the court may extend the deadline for the performance of the obligations, or may replace such obligations with other obligations provided for in criminal legislation of Bosnia and Herzegovina, or relieve the convicted person of the obligations.

Deadlines for Revocation of Suspended Sentence
Article 64

(1) A suspended sentence may be revoked during the probation period.
(2) If a convicted person perpetrates a criminal offence entailing revocation of the suspended sentence during this period, but it is established by judgement only after the expiration of the probation period, the suspended sentence may be revoked at the latest one year after the probation period has expired.
(3) If a convicted person fails to fulfil a certain obligation referred to in Article 60 (*Obligations of the Person under Suspended Sentence*) paragraph 1 of this Code within the determined deadline, the court may revoke the suspended sentence no later than one year after the expiration of the probation period, and order execution of the punishment imposed as the suspended sentence.

Suspended Sentence with Protective Guardianship
Article 65

(1) The court may order that a perpetrator who has been subject to a suspended sentence is placed under protective guardianship if, upon having considered the circumstances of the criminal offence, personality of the perpetrator, his earlier conduct and his behaviour after perpetrating the criminal offence, it has arrived at the conclusion that it would contribute to achieving more efficiently the purpose of suspended sentencing and social rehabilitation.
(2) Protective guardianship encompasses measures of assistance, care, supervision and protection outlined under this Code, provided that this protective guardianship may not last less than six months nor it may exceed two years.

Contents of Protective Guardianship
Article 66

Protective guardianship may include the following obligations:
a) Treatment in an appropriate health institution;
b) Refraining from intake of alcoholic drinks or opiates (intoxicating drugs);
c) Attending particular psychiatric, psychological or other counselling centres and acting in accordance with their instructions;
d) Training for a profession;
e) Accepting employment which is appropriate to the skills and abilities of the perpetrator;
f) Disposing with the salary or other income and property in an appropriate way and in accordance with marital or family obligations.

Ordering Protective Guardianship
Article 67

(1) The court may impose one or several obligations set forth under Article 66 (*Contents of Protective Guardianship*) of this Code, closely defining what exactly they cover.
(2) When selecting the obligations from Article 66 of this Code, the court shall take into special consideration the age of the perpetrator, his general physical and mental condition, his life inclinations and habits, especially at home, in school or at work, the motives from which the criminal offence has been perpetrated and his conduct after perpetrating the criminal offence, his earlier life, personal and family circumstances, as well as other circumstances related to the personality of the perpetrator which are important for deciding on the measure of protective guardianship and its duration.
(3) If during protective guardianship the court establishes that the purpose of the sentence has been attained, it may terminate the protective guardianship even before its expiration.
(4) If a convicted person who has been subject to a protective guardianship fails to fulfil obligations imposed on him by the court, the court may warn him or may replace earlier obligations with others or extend the protective guardianship within the probation period, or may revoke the suspended sentence.

IX CHAPTER NINE

SECURITY MEASURES

Purpose of Security Measures
Article 68

The purpose of security measures is to remove situations or conditions that might influence a perpetrator to perpetrate criminal offences in the future.

Types of Security Measures
Article 69

The following security measures may be imposed on perpetrators of criminal offences:

a) Mandatory psychiatric treatment,
b) Mandatory medical treatment of addiction,
c) Prohibition to carry out a certain occupation, activity or duty,
d) Forfeiture.

Imposing Security Measures
Article 70

The court may impose one or several security measures on a perpetrator of a criminal offence, when grounds for imposing them exist under this Code.

Mandatory Psychiatric Treatment
Article 71

(1) The security measure of mandatory psychiatric treatment may be imposed to a perpetrator who perpetrates a criminal offence in a state of considerably diminished mental capacity or diminished mental capacity, if there is a danger that the causes of such a state may in the future also induce the perpetrator to perpetrate another criminal offence.
(2) The security measure of mandatory psychiatric treatment may, under the conditions provided for in paragraph 1 of this Article, be carried out during imprisonment or along with community service, or a suspended sentence.
(3) The security measure of mandatory psychiatric treatment shall last until the termination of the reason for which it has been imposed, but in any event no longer than the punishment of imprisonment or the completion of community service or the expiry of the probation period accompanying a suspended sentence.
(4) As in the case referred to in Article 43 (*Community Service*) paragraph 5 of this Code, the execution of imprisonment may be ordered against the perpetrator of a criminal offence who, while performing community service as a substitute to imprisonment, fails to submit himself to mandatory psychiatric treatment.
(5) Under the conditions provided for in paragraph 2 of this Article, after a convicted person has been conditionally released, his mandatory psychiatric treatment may continue outside an institution. If he does not continue the treatment, his conditional release shall be revoked.
(6) The perpetrator of a criminal offence, who does not submit himself to psychiatric treatment during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 63 (*Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations*) of this Code.

Mandatory Medical Treatment of Addiction
Article 72

(1) The security measure of mandatory medical treatment of addiction may be imposed on a perpetrator who perpetrates a criminal offence under the decisive influence of addiction to alcohol or to narcotic drugs, if there is a danger that due to such an addiction he will repeat the offence.
(2) Under the conditions provided for in paragraph 1 of this Article, the security measure of mandatory medical treatment of addiction may be imposed along with the same criminal sanctions, for the same duration, and in the same manner as prescribed for the security measure of mandatory psychiatric treatment by this Code.

(3) As in the case referred to in Article 43 (*Community Service*) paragraph 5 of this Code, the execution of imprisonment may be ordered against the perpetrator of a criminal offence who, while performing community service as a substitute to imprisonment, fails to submit himself to mandatory treatment of addiction.
(4) Under the conditions provided for in Article 71 (*Mandatory Psychiatric Treatment*) paragraph 2 of this Code, after a convicted person has been conditionally released, his mandatory treatment of addiction may continue outside an institution. If he does not continue the treatment, his conditional release shall be revoked.
(5) The perpetrator of a criminal offence, who does not submit himself to the treatment of addiction during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 63 (*Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations*) of this Code.

Ban on Carrying out a Certain Occupation, Activity or Duty
Article 73

(1) The security measure of ban on carrying out a certain occupation, activity or duty may be imposed to a perpetrator who perpetrates a criminal offence with regard to property entrusted or accessible to him by virtue of his occupation, activity or duty, if there is a danger that such role could induce the perpetrator to perpetrate another criminal offence through the abuse of the occupation, activity or duty with regard to the property entrusted or accessible to him.
(2) The security measure of ban on carrying out a certain occupation, activity or duty may be imposed for a term which exceeds one but does not exceed ten years, counting from the date the decision becomes final, with the provision that the time spent serving the punishment of imprisonment shall not be credited towards the term of this security measure.
(3) As in the case referred to in Article 43 (*Community Service*) paragraph 5 of this Code, the execution of imprisonment may be ordered against the perpetrator of a criminal offence who, while performing community service as a substitute to imprisonment, fails to act in accordance with the ban on carrying out a certain occupation, activity or duty.
(4) The perpetrator of a criminal offence who does not act in accordance with the ban on carrying out a certain occupation, activity or duty during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 63 (*Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations*) of this Code.

Forfeiture
Article 74

(1) Forfeiture shall be ordered with regard to objects used or destined for use in the perpetration of a criminal offence, or to those that resulted from the perpetration of a criminal offence, when there is a danger that those objects will be used again for the perpetration of a criminal offence or when the purpose of protecting the public safety or moral reasons make the forfeiture seem absolutely necessary, if those objects are owned by the perpetrator.
(2) Objects referred to in paragraph 1 of this Article may be forfeited even if not owned by the perpetrator when consideration of public safety or moral reasons so require, but such forfeiture does not affect the rights of third parties to obtain damage compensation from the perpetrator.
(3) The law may provide for mandatory forfeiture in the case of paragraph 2 of this Article.

X CHAPTER TEN

RULES RELATING TO EDUCATIONAL RECOMMENDATIONS, EDUCATIONAL MEASURES AND PUNISHING JUVENILES

Special Provisions of Criminal Code Applicable to Juveniles
Article 75

(1) The provisions of this Chapter are applicable to juveniles who have perpetrated criminal offences, while other criminal provisions, set forth in the other laws shall be applied to juveniles only insofar as they do not exceed the boundaries defined by special provisions for juvenile perpetrators of criminal offences.

(2) Special provisions for juvenile perpetrators of criminal offences are also applied under conditions set forth in the provisions of this Chapter to adult persons who are being tried for criminal offences that they have perpetrated as juveniles, and exceptionally to persons who have perpetrated a criminal offence as young adults.

Conditions for Applying Educational Recommendations
Article 76

(1) Educational recommendations may be applied to a juvenile for criminal offences for which a fine or a punishment of imprisonment for a term not exceeding three years is prescribed.
(2) The educational recommendations may be applied to a juvenile by a competent prosecutor or judge for juvenile perpetrators.
(3) The conditions for application of educational recommendations are: the juvenile's admission that he has perpetrated the criminal offence, and his expressed willingness to make amends with the injured party.

Purpose of Educational Recommendations
Article 77

The purpose of educational recommendations is:
a) To avoid initiation of criminal procedures against juvenile perpetrators; and
b) To use the educational recommendations as a means of influencing juveniles not to perpetrate criminal offences.

Types of Educational Recommendations
Article 78

(1) Educational recommendations are:
   a) Personal apology to the injured party;
   b) Compensation of damage to the injured party;
   c) Regular school attendance;
   d) Working for a humanitarian organisation or local community;
   e) Accepting an appropriate job;
   f) Being placed in another family, home or institution;
   g) Treatment in an adequate health institution;
   h) Attending instructive, educational, psychological and other forms of counselling;

(2) Educational recommendations given under items a) through c) and h) of paragraph 1 of this Article shall be applied by the competent prosecutor, while the recommendations given under items d) through g) shall be applied by the juvenile judge.

Selection of Educational Recommendations
Article 79

(1) When deciding which particular educational recommendation to apply, the competent prosecutor or judge for juveniles shall take into consideration the overall interests of the juvenile and the injured party. In doing so, he shall pay special attention not to jeopardise the juvenile's regular schooling or work by applying educational recommendations.
(2) The educational recommendations may not last longer than one year.
(3) Upon becoming effective, one educational recommendation may be replaced with another, or it may be cancelled.
(4) The selection and application of educational recommendations is done in collaboration with the juvenile's parents or guardians and institutions of social care.

Criminal Sanctions for Juveniles
Article 80

(1) Educational measures and certain security measures may be imposed to a juvenile perpetrator of a criminal offence, while in extreme cases, the punishment of juvenile imprisonment may be imposed on an older juvenile.
(2) To a juvenile who at the time of perpetration of a criminal offence had attained fourteen years of age but had not reached sixteen years of age (a junior juvenile) only educational measures may be imposed.

(3) To a juvenile who at the time of perpetration of a criminal offence had attained sixteen years of age but had not yet reached eighteen years of age (a senior juvenile) educational measures may be imposed under conditions laid down by this Code, and exceptionally a punishment of juvenile imprisonment may be imposed.
(4) Security measures may be imposed on juveniles under the conditions laid down under this Code.
(5) A suspended sentence may not be imposed on a juvenile.

Purpose of Educational Measures and Juvenile Imprisonment
Article 81

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

Types of Educational Measures
Article 82

(1) Educational measures are:
   a) Disciplinary measures;
   b) Measures of intensified supervision;
   c) Institutional measures.
(2) Disciplinary measures shall be imposed on a juvenile perpetrator of a criminal offence who does not need to be submitted to extended educational or reformatory measures, in particular if he has perpetrated a criminal offence out of thoughtlessness or frivolity.
(3) Measures of intensified supervision shall be imposed on a juvenile perpetrator of a criminal offence if it appears necessary to submit the juvenile to extended measures of education, rehabilitation or treatment under adequate supervision, but where it is not necessary to completely isolate him from the old environment.
(4) Institutional measures shall be imposed on a juvenile perpetrator of a criminal offence when it appears necessary to submit him to extended measures of education, rehabilitation or treatment, as well as to detach him completely from his old environment. Institutional measures may not last more than five years.

Educational Measures

Article 83

On a juvenile perpetrator of a criminal offence, the following educational measures may be imposed:
a) Disciplinary measure of committal to a disciplinary centre for juveniles;
b) Measures of intensified supervision: on the part of the parents, adoptive parents or guardians, in a foster home, or on the part of a competent social care body;
c) Institutional measures: committal to an educational institution, to an educational-reformatory home or some other training establishment.

Selection of Educational Measures
Article 84

When deciding on the appropriate educational measure, the court shall take into account the age of the juvenile, the degree of his mental development, psychological traits, his propensities, the motives from which he perpetrated the deed, the education and upbringing he was as yet provided with, his environment and living conditions, the gravity of his deed, whether he has a previous record of punishment or whether an educational measure has previously been ordered to him, and all other circumstances relevant to the selection of such a measure.

Committal to Disciplinary Centre for Juveniles
Article 85

(1) The court shall impose the educational measure of committal to a disciplinary centre for juveniles when it appears necessary to exert an influence on the personality and conduct of a juvenile perpetrator of criminal offence by means of appropriate short-term measures.

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

a) For a specified number of hours on holidays, but for not more than four consecutive days of a holiday;
b) For a specified number of hours during a day, but for not more than one month;
c) For a continuous stay over a specified number of days, totalling to not more than twenty days.

(3) In ordering a measure set forth under paragraph 1 of this Article, the court shall make sure that the juvenile does not fall behind in his regular studies or work due to the enforcement of the measure.
(4) The juvenile may be employed in the disciplinary centre with useful labour appropriate to his age, if he or his legal guardian consents to the labour.
(5) In imposing the educational measure of committal to the disciplinary centre for juveniles, the court may impose the educational measure of intensified supervision on the part of the competent social care body, which will be executed after the execution of the educational measure of committal to the disciplinary centre for juveniles.

Intensified Supervision on the Part of Parents, Adoptive Parents or Guardian
Article 86

(1) The educational measure of intensified supervision on the part of parents, adoptive parents or guardians, shall be ordered by the court if the parents, adoptive parents or guardians have failed in supervising the juvenile, although they are capable of exercising such supervision.
(2) When imposing the educational measure referred to in paragraph 1 of this Article, the court may give necessary instructions to the parents, adoptive parents or guardians, and order them to carry out particular duties with respect to measures that need to be undertaken towards the education of the juvenile, towards his medical treatment and averting harmful influences upon him.
(3) In imposing the educational measure referred to in paragraph 1 of this Article, the court may make an order upon the competent social care body to check its enforcement and render assistance to the parents, adoptive parents or guardians. The court shall subsequently decide on the termination of this control, with the provision that it may not be shorter than one or longer than three years.

Intensified Supervision in a Foster Home
Article 87

(1) If the parents, adoptive parents or guardians of a juvenile are not in a position to supervise him, or if they cannot be reasonably expected to do so, the court shall impose on the juvenile the educational measure of intensified supervision in a foster home placing him with another family that is willing to accommodate him and that has the ability to exercise an intensified supervision over him.
(2) The enforcement of the educational measure referred to in paragraph 1 of this Article shall be discontinued when it becomes possible for the parents, adoptive parents or guardians of the juvenile to exercise intensified supervision over him, or when as a result of the education process the intensified supervision becomes no longer required.
(3) In imposing the educational measure referred to in paragraph 1 of this Article, the court shall make an order upon the competent social care body to check, throughout the duration of the measure, its enforcement, as well as to render necessary assistance to the family with which the juvenile has been accommodated.

Intensified Supervision on the Part of the Competent Social Care Body
Article 88

(1) If the parents, adoptive parents or guardians are in no position to intensively supervise the juvenile, and if the conditions for imposing the educational measure of intensified supervision in a foster home do not exist, the court shall impose on to juvenile the educational measure of intensified supervision on the part of the competent social care body.
(2) The court shall subsequently decide on the date of discontinuation of the educational measure referred to in paragraph 1 of this Article, providing that its duration may not be shorter than one year or longer than three years. During the enforcement of the measure, the juvenile shall stay with his parents, adoptive parents or guardians, while the intensified supervision over him shall be exercised by an authorised person of the competent social care body.

(3) The authorised person of the competent social care body shall take care of the juvenile's studies, his employment, his detachment from the environment affecting him in a harmful way, his necessary medical treatment and the improvement of his living conditions.

Special Obligations in Conjunction with Measures of Intensified Supervision
Article 89

(1) In imposing an educational measure of intensified supervision referred to under Articles 86 (*Intensified Supervision on the Part of Parents, Adoptive Parents or Guardian*), 87 (*Intensified Supervision in a Foster Home*) and 88 (*Intensified Supervision on the Part of the Competent Social Care Body*) of this Code, the court may order to a juvenile one or more special obligations, if necessary for the successful enforcement of the measure, provided that the obligations cannot last longer than the educational measure itself.
(2) The court may order to the juvenile the following obligations in particular: that he should apologise to the injured party, pay for the damage within his abilities, go to school regularly, undergo training for a job suitable for his capabilities and propensities, restrain from using liquor and intoxicating drugs, visit an appropriate health institution or counselling office, and not to associate with persons who have bad influence on him.
(3) The court may subsequently cancel or modify obligations it has ordered.
(4) In the event that the obligations referred to in paragraph 2 of this Article are not fulfilled, the court may substitute the imposed measure of intensified supervision with some other educational measure.
(5) In ordering the obligations referred to in paragraph 2 of this Article, the court shall alert a juvenile to the consequences referred to in paragraph 4 of this Article.

Committal to Educational Institution
Article 90

(1) The court shall impose the educational measure of committal to an educational institution on a juvenile who has to be submitted to lasting supervision on the part of trained educators in the institution for the education of juveniles.
(2) The juvenile shall remain in the educational institution for a term not shorter than six months and not longer than three years. When imposing the measure, the court shall not determine its duration, but shall subsequently decide thereupon (Article 93, *Discontinuance and Modification of Decision on Educational Measures*, paragraph 2 of this Code).

Committal to an Educational-Reformatory Home
Article 91

(1) The court shall impose the educational measure of committal to an educational-reformatory home for juvenile perpetrators to a juvenile to whom intensified reformatory measures have to be applied.
(2) In deciding whether to impose the educational measure referred to in paragraph 1 of this Article, the court shall take into particular consideration the gravity and nature of the offence perpetrated, as well as the circumstance whether educational measures or juvenile imprisonment have already been imposed on the juvenile.
(3) The juvenile shall remain in the educational-reformatory home for a term not shorter than one year or longer than five years. When imposing the educational measure referred to under paragraph 1, the court shall not determine its duration, but shall subsequently decide thereupon (Article 93, *Discontinuance and Modification of Decision on Educational Measures*, paragraph 2 of this Code).

Committal to Another Training Institution
Article 92

(1) To a juvenile whose mental or physical development is impeded the court may impose the educational measure of committal to another training institution in lieu of the educational measure of committal to an educational institution or the educational measure of committal to an educational-reformatory home.
(2) The juvenile shall remain in the training institution as long as it appears necessary for his medical treatment or rehabilitation, but when the juvenile comes of age the need for his further stay in the institution shall be reassessed.

Discontinuance and Modification of Decisions on Educational Measures
Article 93

(1) If after the decision on imposing an educational measure of intensified supervision or an institutional educational measure, circumstances appear which had not existed at the time of the decision or had then been unknown, but might have affected the making of the decision, the enforcement of the measure imposed may be discontinued, or the measure imposed may be substituted with another educational measure of intensified supervision or an institutional educational measure.
(2) In addition to the cases referred to in paragraph 1 of this Article, unless otherwise provided with respect to certain measures, the enforcement of educational measures of intensified supervision or institutional educational measures may be discontinued due to the success achieved in the educational process, or these measures may be substituted by other such measures better suited to attainment of the purpose of educational measures.
(3) The discontinuance or substitution of an institutional educational measure by another type of institutional educational measure shall be subject to the following restrictions:

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

(4) Exceptionally, enforcement of the educational measure of committal to educational institution or the educational measure of committal to an educational-reformatory home may be discontinued or be substituted by some other measure even before the expiration of the time-limits referred to in items a) and b) of paragraph 3 of this Article if special circumstances that relate to the personality of the juvenile manifestly show that the purpose of these measures has been attained.

Reconsideration of Educational Measures
Article 94

(1) The court shall reconsider the need of enforcing the educational measure imposed if more than one year has elapsed since the day when the decision imposing an educational measure of intensified supervision or an institutional educational measure took effect, and if until such time the enforcement of the measure has not commenced. Reconsidering it, the court may decide that the previously imposed measure be enforced, not enforced or substituted with another measure.
(2) The educational measure of committal to a disciplinary centre for juveniles shall not be executed if more than six months have elapsed since the day when the decision imposing the measure took effect, and if the enforcement of the measure has not yet commenced.

Punishment of Senior Juveniles
Article 95

Only a senior juvenile criminally liable may be punished if he has perpetrated a criminal offence for which a punishment of imprisonment for a term exceeding five years has been prescribed, if it would not be justifiable to apply an educational measure because of the grave consequences of the offence perpetrated and the high degree of criminal responsibility.

Juvenile Imprisonment
Article 96

(1) The duration of the sentence of juvenile imprisonment may not be shorter than one or longer than ten years, and shall be measured in full years or half-years.
(2) In meting out punishment for a senior juvenile for a criminal offence, the court may not impose juvenile imprisonment for a term exceeding that of imprisonment prescribed for that particular criminal offence, but the court shall not be bound by the minimal punishment prescribed for the particular criminal offence.

Meting Out Juvenile Imprisonment
Article 97

In meting out juvenile imprisonment for a senior juvenile, the court shall take into consideration all circumstances that may influence the sentence being longer or shorter (Article 48, *General Principles of Meting out Punishments*), paying special attention to level of mental development of the juvenile and time needed for his correction and occupational training.

Imposing Educational Measures and Juvenile Imprisonment for Concurrent Criminal Offences
Article 98

(1) The court shall impose only one educational measure on a juvenile for concurrent criminal offences, or only a sentence of juvenile imprisonment when legal conditions exist for that sentence to be imposed and when the court finds that it should be imposed.
(2) The court shall proceed in the same manner as set forth in paragraph 1 of this Article in case it establishes that a juvenile had perpetrated a criminal offence prior or after an educational measure or juvenile imprisonment has been imposed.

Statute of Limitation on Execution of the Punishment of Juvenile Imprisonment
Article 99

The execution of the sentence to juvenile imprisonment is barred when the following time periods have elapsed from the date of entering into force of the judgement by which a punishment of juvenile imprisonment has been imposed:

a) Ten years if the punishment of juvenile imprisonment for a term exceeding five years has been imposed;
b) Five years if the punishment of juvenile imprisonment for a term exceeding three years has been imposed;
c) Three years if the punishment of juvenile imprisonment for a term not exceeding three years has been imposed.

Imposing Criminal Sanctions on Adults for Offences They Have Perpetrated as Juveniles
Article 100

(1) An adult who has reached twenty-one years of age may not be tried for a criminal offence he perpetrated as a junior juvenile.
(2) If an adult has not reached twenty-one years of age at the time of the trial, he may be tried only for criminal offences for which a punishment of imprisonment for a term exceeding five years has been prescribed. The court may impose on such a person only the appropriate institutional educational measure, taking into account, when considering whether to impose such a measure or not, all the relevant circumstances of the case, in particular the gravity of the criminal offence perpetrated, the time that has elapsed since the perpetration, the conduct of the perpetrator and the purpose of the educational measure.
(3) An appropriate institutional educational measure may be imposed on an adult for a criminal offence he perpetrated as a senior juvenile, and under conditions referred to in Article 96 (*Juvenile Imprisonment*) of this Code, a punishment of juvenile imprisonment may also be imposed. In deciding whether to impose a sanction and which of the sanctions to impose, the court shall take into account all the relevant circumstances of the case, in particular the gravity of the criminal offence perpetrated, the time that has elapsed since its perpetration, the conduct of the perpetrator, as well as the purpose of these sanctions.
(4) As an exception to the provision set forth in paragraph 3 of this Article, in lieu of juvenile imprisonment the court may sentence to imprisonment or impose a suspended sentence on an adult who has reached twenty-one years of age at the time of the trial. Regarding rehabilitation, deleting the sentence and legal consequences of the sentence, the sentence of imprisonment in this case shall have the same legal effect as a sentence to juvenile imprisonment.

Imposing Educational Measures on Young Adults
Article 101

(1) The court may impose an appropriate institutional measure on a perpetrator who has perpetrated a criminal offence as an adult, but who has not reached twenty-one years of age at the time of trial, if, given

his personality and circumstances in which he perpetrated the criminal offence, it may reasonably be expected that the educational measure would have the same result as an imprisonment sentence.
(2) Under the conditions defined in this Code, the court may impose on a young adult on whom it had imposed an educational measure any security measure prescribed in this Code, other than the security measure of prohibition to carry out a certain occupation, activity or duty.
(3) The educational measure imposed may last only until the perpetrator reaches twenty-three years of age.

Imposing Security Measures to a Juvenile
Article 102

(1) Security measures referred to in Article 69 (*Types of Security Measures*), items a), b) and d) of this Code may, under conditions determined in law, be imposed on a juvenile perpetrator on whom an educational measure or a sentence to juvenile imprisonment has been imposed.
(2) A security measure of mandatory treatment of addiction may not be imposed together with disciplinary measures.
(3) Instead of a security measure of mandatory psychiatric treatment, an educational measure of committal to another training establishment may be imposed if the treatment and the supervision may be enforced in that institution and thus the purpose of the security measure attained. In addition, the security measure of forfeiture may also be imposed.

Impact of Punishment on Educational Measures
Article 103

(1) If the court imposes a punishment of juvenile imprisonment on a senior juvenile during the course of an educational measure, such educational measure shall terminate with commencement of the service of the punishment.
(2) If the court imposes on an adult a punishment of juvenile imprisonment or imprisonment for a term of at least one year during the course of an educational measure, such educational measure shall terminate with commencement of the service of the punishment.
(3) If the court imposes on an adult a punishment of imprisonment for a term shorter than one year during the course of an educational measure, the court shall decide in the judgement whether upon the completion of the imprisonment term the educational measure would be continued or cancelled.

Effect of Educational Measures and Sentencing to Juvenile Imprisonment
Article 104

(1) Educational measures and juvenile imprisonment do not entail the legal consequences consisting of the bar to acquire certain rights as set under Article 114 (*Types of Legal Consequences Incident to Conviction*), paragraph 2 of this Code.
(2) The provisions of Article 108 (*Labour by Convicted Persons*) of this Code also apply to the persons serving the educational measure of committal to an educational-reformatory home or sentence of juvenile imprisonment.

Records on Educational Measures Imposed
Article 105

(1) Records on educational measures imposed are to be kept with competent social care bodies pursuant to regulations adopted by the body in charge of social care in the Federation of Bosnia and Herzegovina, in the Republika Srpska and in the Brčko District of Bosnia and Herzegovina.
(2) Data on educational measures imposed may be revealed only to the court, public prosecutor's office, internal affairs organs and social care bodies in relation to criminal proceedings against persons on whom the educational measures were imposed.

XI CHAPTER ELEVEN

GENERAL PROVISIONS ON EXECUTION OF CRIMINAL SANCTIONS

Execution of Sentence of Imprisonment or Long-term imprisonment
Article 106

(1) The sentence of imprisonment or juvenile imprisonment shall be carried out in closed, semi-open or open institutions for the execution of punishments.
(2) The sentence of long-term imprisonment shall be carried out in the closed-type institution for execution of punishments.

Limits as to the Execution of Punishments
Article 107

A person upon whom a punishment is to be executed shall be deprived of his rights or have his rights restricted pursuant to the law only insofar as it may be necessary to achieve the purpose of the particular sentence.

Labour by Convicted Persons
Article 108

(1) A person sentenced to imprisonment, long-term imprisonment or juvenile imprisonment, if able to work, may work if he consents to it.
(2) If a convicted person requests or consents to work, carrying out of such work shall be enabled.
(3) The work of convicted persons should be useful and should correspond as much as possible to the contemporary way of performing the same kind of work at liberty, and to the professional and other abilities of the convicted persons.

Execution of Sentence of Juvenile Imprisonment
Article 109

(1) The sentence of juvenile imprisonment is served by senior juveniles in special institutions for juvenile offenders, where they are allowed to stay until they reach eighteen years of age. Those who have reached eighteen but who have not reached twenty-three years of age (younger juveniles) shall serve the sentence of juvenile imprisonment in special institutions for younger juveniles or in a special department of the institution where adults are serving sentence, where measures are to be taken in order to ensure that contact of juveniles and older convicted persons is prevented. If a person has not completed serving the punishment until the time he reached twenty-three years of age, he shall be sent to prison for adults.
(2) A younger juvenile may stay in the institution for juvenile offenders as long as it is necessary in order to complete his schooling or training. A younger juvenile may not stay, under any circumstances, in the institution for juvenile offenders if this would be detrimental, in any way, for juveniles serving the sentence there.
(3) The choice of occupation for convicted juveniles shall be made in accordance with their abilities and inclinations towards some occupation, aiming to occupational training and in accordance with the possibilities available at the institution for juvenile offenders. Younger juveniles shall also have the possibility for education and training regardless of whether they are serving the sentence in special institutions or in special departments of prisons for adults.
(4) Working hours of the convicted juveniles are set so to enable schooling and training, and to leave enough time for physical exercise and entertainment.
(5) The convict can be released on parole if he has served one third of his sentence, but not before one year of the time to be spent in the institution for juvenile offenders has elapsed. During the parole, the court may order the measure of intensified supervision by a competent social care body. Revocation of parole shall be done in accordance with the provisions of Article 45 (*Revocation of Parole*) of this Code.
(6) The convicted juveniles, except in special circumstances, shall be entitled to maintain contacts with their family through letters and visits.

XII C H A P T E R T W E L V E

CONFISCATION OF MATERIAL GAIN ACQUIRED THROUGH PERPETRATION OF A CRIMINAL OFFENCE AND LEGAL CONSEQUENCES INCIDENT TO CONVICTION

The Basis of the Confiscation of Material Gain
Article 110

(1) Nobody is allowed to retain material gain acquired by the perpetration of a criminal offence.
(2) The gain referred to in paragraph 1 of this Article shall be confiscated by the court decision, which established the perpetration of a criminal offence, under the terms set forth under this Code.
(3) The court may also confiscate the gain referred to in paragraph 1 of this Article in a separate proceeding if there is a probable cause to believe that the gain derives from a criminal offence and the owner or possessor is not able to give evidence that the gain was acquired legally.

Ways of Confiscating Material Gain
Article 111

(1) All the money, valuable objects and every other material gain acquired by the perpetration of a criminal offence shall be confiscated from the perpetrator, and in case the confiscation is not feasible - the perpetrator shall be obliged to pay an amount of money which corresponds to the acquired material gain. Material gain acquired by perpetration of a criminal offence may be confiscated from persons to whom it has been transferred without compensation or with a compensation which does not correspond to the real value, if the persons knew or should have known that the material gain had been acquired by the perpetration of a criminal offence.
(2) If proceeds of a criminal offence have been intermingled with property acquired from legitimate sources, such property shall be liable to confiscation not exceeding the assessed value of the intermingled proceeds.
(3) Income or other benefits derived from the proceeds of a criminal offence, from property into which proceeds of criminal offence have been converted, or from property with which proceeds of criminal offence have been intermingled shall also be liable to the measures referred to in this Article, in the same manner and extent as the proceeds of the criminal offence.

Protection of Injured Party
Article 112

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

Taking Effect of the Legal Consequences Incident to Conviction
Article 113

(1) Sentences for particular criminal offences may entail as legal consequences the termination or loss of certain rights, or bar on the acquisition of certain rights.
(2) Legal consequences incident to conviction may not occur when the perpetrator of a criminal offence has been imposed a fine or a suspended sentence, or when the court has released him from punishment.

(3) Legal consequences incident to conviction may be prescribed only by law and they take effect by the force of the law in which they were set forth.

Types of Legal Consequences Incident to Conviction
Article 114

(1) Legal consequences incident to conviction relating to the termination or loss of certain rights are the following:

a) Cessation of the performance of particular jobs or functions in government agencies, business enterprises or other legal persons;
b) Termination of employment or cessation of the performance of a particular profession, occupation or activity;
c) Deprivation of decorations.

(2) Legal consequences incident to conviction which consist of a bar on the acquisition of particular rights are as follows:

a) Bar on the performance of certain jobs or functions in government agencies, business enterprises or other legal persons;
b) Bar on the acquisition of a particular office, title, position or promotion in service;
c) Bar on the acquisition of particular permits or licenses that are issued by a decision of government agencies.

Beginning and Duration of Legal Consequences Incident to Conviction
Article 115

(1) The legal consequences incident to conviction take effect on the day of effectiveness of the sentence.
(2) The legal consequences incident to conviction which consist of a bar on the acquisition of particular right may not exceed ten years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitation, except for certain legal consequences for which law provides a shorter period of duration.
(3) The legal consequences incident to conviction cease by the deletion of the sentence.

Termination of Security Measures and Legal Consequences Incident to Conviction on the Basis of the Court Decision
Article 116

(1) The court may decide to discontinue the application of the security measure of a prohibition to carry out a certain occupation, activity or duty, if three years have elapsed from the day on which the security measure took effect.
(2) The court may decide to terminate the legal consequence of a sentence consisting in the bar on the acquisition of a certain right after the lapse of three years from the day on which the punishment has been served, pardoned or amnestied, or barred by the statute of limitation.
(3) In deciding whether to order the termination of a security measure or a legal consequence of a sentence, the court shall take into account the conduct of the convicted person after the conviction, his readiness to compensate damage caused by the perpetration of a criminal offence and to return material gain acquired by the perpetration of a criminal offence, as well as other circumstances which indicate the justifiability of the termination of a security measure or a legal consequence of a sentence.
(4) The termination of legal consequences incident to conviction in no way affects the rights of third parties originating from the judgement.

XIII C H A P T E R T H I R T E E N

REHABILITATION, AMNESTY, PARDON AND DELETION OF CONVICTION

Rehabilitation
Article 117

(1) Following release from the institution where they had served sentences of imprisonment, long-term imprisonment or juvenile imprisonment or after being pardoned or amnestied, or after the punishment was barred by the statute of limitation, convicted persons shall freely enjoy all rights provided by the

constitution, law and other regulations, and may acquire all rights other than those whose exercise is limited as a result of a security measure imposed on them or a legal consequence of the conviction.
(2) The provision of paragraph 1 of this Article also applies to persons on parole, unless their rights are limited by special provisions on release on parole.

Amnesty
Article 118

(1) By an amnesty, to the persons covered by it, a release from criminal prosecution, complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one, deletion of the conviction, or cancellation of legal consequences incident to conviction is given.
(2) An amnesty for the criminal offences prescribed under this Code, may be granted by the Parliamentary Assembly of Bosnia and Herzegovina by virtue of a law.

Pardon
Article 119

(1) By means of pardon, to the specifically designated persons, a release from criminal prosecution, complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one, deletion of the conviction, or annulment or shortening the duration of the security measure of prohibition to carry out a certain occupation, activity or duty, or a certain legal consequence incident to conviction is given.
(2) A pardon for the criminal offences prescribed under this Code, may be granted by the decision of the Presidency of Bosnia and Herzegovina in accordance with law.

Impact of Amnesty and Pardon on Third Parties
Article 120

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

Deleting Conviction
Article 121

(1) A sentence by which a person who has perpetrated a criminal offence has been released from punishment shall be deleted from the criminal record, provided he does not perpetrate a new criminal offence within the period of one year from the date of entry into force of the decision.
(2) A suspended sentence shall be deleted from the criminal record after the period of one year from the expiration of the probation period has elapsed, unless the person convicted has perpetrated another criminal offence within that period.
(3) A sentence of a fine shall be deleted from the criminal record after the lapse of the period of three years from the day on which the punishment has been executed, pardoned or amnestied, or barred by the statute of limitation, provided the convicted person does not perpetrate a new criminal offence within that period.
(4) The sentences to imprisonment for a term not exceeding one year or to juvenile imprisonment for a term not exceeding one year, shall be deleted from the criminal record after the lapse of the period of five years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitation, provided that the convicted person does not perpetrate a new criminal offence within that period.
(5) Upon appeal by a convicted person, the court may decide to delete a sentence of imprisonment for a term between one year and three years from the criminal record, if a period of five years has expired from the day on which the punishment has been served, pardoned or amnestied, or barred by lapse of time, provided that the convicted person has not perpetrated a new criminal offence within that period. In deciding on deleting the sentence, the court shall take into account the conduct of the convicted person after serving his sentence, the nature of the criminal offence, and other circumstances that might be relevant for the evaluation of the justifiability of the deletion.
(6) Sentences may not be deleted from criminal records for as long as security measures are in force.
(7) If, during the period set for deletion of sentence, the convicted person is punished by imprisonment for a term exceeding three years, neither previous nor subsequent sentences shall be deleted from criminal record.
(8) Several sentences which have been imposed on the same person may be deleted from the criminal record only simultaneously, and only if conditions exist for each of the sentences to be deleted.

XIV C H A P T E R F O U R T E E N

LIABILITY OF LEGAL PERSONS FOR CRIMINAL OFFENCES

Liability of Legal Persons
Article 122

(1) This Chapter regulates criminal liability of a legal person, with the exclusion of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the Brčko District of Bosnia and Herzegovina, canton, city, municipality and local community, for a criminal offence perpetrated by the perpetrator in the name of, for account of or in favour of the legal person.
(2) This Chapter regulates punishments and other criminal sanctions that may be imposed on a legal person, as well as legal consequences of the sentence for a criminal offence imposed on the legal person.
(3) The application of some punishments or other criminal sanctions that may be imposed on legal persons may be excluded or limited under the conditions stipulated by a law and for certain legal persons.
(4) The criminal procedure against legal persons shall be conducted according to the Criminal Procedure Code of Bosnia and Herzegovina.

Territorial Applicability of this Code regarding Criminal Liability of Legal Person
Article 123

(1) Domestic and foreign legal persons shall, pursuant to this Code, be liable for criminal offences perpetrated within the territory of Bosnia and Herzegovina.
(2) Domestic and foreign legal persons shall, pursuant to this Code, also be liable for a criminal offence perpetrated outside the territory of Bosnia and Herzegovina if the legal person has its seat in the territory of Bosnia and Herzegovina or if it carries out its activities in the territory of Bosnia and Herzegovina, if the offence was perpetrated against the State of Bosnia and Herzegovina, its citizens or domestic legal persons.
(3) Pursuant to this Code a domestic legal person shall also be liable for a criminal offence perpetrated outside the territory of Bosnia and Herzegovina against a foreign state, foreign citizens or foreign legal persons, subject to the conditions referred to in Article 12 (*Applicability of Criminal Legislation of Bosnia and Herzegovina for Offences Perpetrated Outside the Territory of Bosnia and Herzegovina*) of this Code.

Basis of Liability of a Legal Person
Article 124

For a criminal offence perpetrated in the name of, for account of or for the benefit of the legal person, the legal person shall be liable:
a) When the purpose of the criminal offence is arising from the conclusion, order or permission of its managerial or supervisory bodies; or
b) When its managerial or supervisory bodies have influenced the perpetrator or enabled him to perpetrate the criminal offence; or
c) When a legal person disposes of illegally obtained property gain or uses objects acquired in the criminal offence; or
d) When its managerial or supervisory bodies failed to carry out due supervision over the legality of work of the employees.

Limits of Liability of a Legal Person
Article 125

(1) With the conditions referred to in Article 124 (*Basis of Liability of a Legal Person*) of this Code, a legal person shall also be liable for a criminal offence when the perpetrator is not criminally liable for the perpetrated criminal offence.
(2) Liability of the legal person shall not exclude criminal liability of physical or responsible persons for the perpetrated criminal offence.
(3) For criminal offences perpetrated out of negligence, a legal person may be liable under the conditions referred to in Article 124, item d) of this Code, and in that case the legal person may be punished less severely.
(4) When in the legal person except from the perpetrator there is no other person or body that could direct or supervise the perpetrator, the legal person shall be liable for the criminal offence within the limits of the perpetrator's liability.

Liability Incident to the Change of Status of a Legal Person
Article 126

(1) A legal person under bankruptcy may be criminally liable for a criminal offence regardless of whether the criminal offence was perpetrated before the beginning of the bankruptcy proceedings or in the meantime, but no punishment may be imposed on a legal person under bankruptcy, but only the security measure of forfeiture or the confiscation of property gain.
(2) In the event that the legal person has ceased to exist before the criminal proceedings are completed with a final judgement, and in the criminal proceedings that legal person was found liable, punishments and other criminal sanctions shall be imposed on the legal person which is its legal successor, if its managerial or supervisory bodies had knowledge of the perpetrated criminal offence before the cessation of existence of the legal person.
(3) The security measure of forfeiture or the confiscation of material gain shall be imposed upon the legal person, which is the legal successor of the convicted legal person, if its management or supervision bodies had knowledge of the perpetrated criminal offence.
(4) In the event the legal person has ceased to exist upon the final completion of the criminal proceedings, the criminal sanction shall be executed pursuant to the provisions of paragraphs 2 and 3 of this Article.

Liability of a Legal Person for an Attempt
Article 127

(1) If the perpetrator commences the execution of a planned criminal offence, but does not complete such offence, under the terms of Article 124 (*Basis of Liability of a Legal Person*) of this Code, the legal person shall be liable where the law prescribes that the attempt is punishable.
(2) The legal person shall be punished equally as if it were for the completed criminal offence but may nevertheless be punished less severely.
(3) If the managerial or supervisory authorities of the legal person have prevented the perpetrator from completing the commenced criminal offence, the legal person may be released from punishment.

Continued Criminal Offence and Criminal Liability of Legal Person
Article 128

Where the same grounds for liability of the legal person exist in regard to several same-type and time-related criminal offences perpetrated by several perpetrators, such legal person shall be liable as if a single criminal offence has been perpetrated.

Complicity of Legal Persons
Article 129

(1) In the event that two or more legal persons are found to have partaken in the perpetration of a criminal offence, each shall be subject to liability pursuant to Article 124 (*Basis of Liability of a Legal Person*) of this Code.
(2) Where there is complicity of legal persons referred to in paragraph 1 of this Article, each legal person shall be held accountable as if it were the only legal person criminally responsible for the criminal offence.

General Reasoning for Less Severe Punishment of Legal Person or Release from Punishment
Article 130

(1) A legal person, whose managerial or supervisory authority has willingly reported on the perpetrator upon a criminal offence perpetrated, may be punished less severely.
(2) A legal person whose managerial or supervisory authority, following the perpetration of a criminal offence, decides to return the illegally obtained material gain or to remove the caused harmful effects or to communicate the information concerning the grounds for holding the other legal persons responsible, may be released from punishment.

Punishment for Legal Persons
Article 131

The following types of punishment may be imposed upon the legal persons:
a) Fines;
b) Seizure of property;

c) Dissolution of the legal person.

Fines for Legal Persons
Article 132

(1) Fines imposable on a legal person shall be no less than 5.000 KM and shall not exceed 5.000.000 KM.
(2) In the event that, by perpetrating the criminal offence, the legal person has caused material damage to another party or the legal person has come into possession of an unlawful material gain, the scope of the imposed fine may be twice as much as the amount of this damage or benefit.

Seizure of Property
Article 133

(1) The seizure of property may be imposed for criminal offences for which a punishment of imprisonment for a term of five years or more severe punishment is prescribed.
(2) From a legal person at least half of the property or the major part of the property or the entire property may be seized.
(3) In the event of bankruptcy proceedings being brought about as a consequence of the imposed seizure punishment, the creditors shall be permitted to settle their claims out of the mass of the seized bankruptcy assets.

Dissolution of the Legal Person
Article 134

(1) Dissolution of a legal person may be imposed in the case that its activities were entirely or partly being used for the purpose of perpetrating criminal offences.
(2) Besides the dissolution of a legal person, the property seizure punishment may be imposed.
(3) In addition to the dissolution of a legal person, the court shall propose the opening of a liquidation procedure.
(4) Creditors may be paid out from the property of the legal person upon which the punishment of dissolution has been imposed.

Meting out Punishment for Legal Persons
Article 135

(1) When meting out punishment for a legal person, in addition to the general rules of meting out punishments referred to in Article 48 (*General Principles of Meting out Punishments*) of this Code, the economic power of the legal person shall also be taken into account.
(2) When meting out the fine for criminal offences for which, in addition to a fine also a property seizure punishment is imposed, the punishment may not exceed a half of the amount of the legal person's property.

Imposing a Suspended Sentence to a Legal Person
Article 136

(1) The court may impose a suspended sentence on the legal person instead of a fine.
(2) When imposing a suspended sentence the court may impose on the legal person a fine not exceeding 1.500.000 KM, but at the same time decide that the same shall not be executed unless the legal person becomes liable for other criminal offences within the period of time not shorter than one year or longer than five years.

Security Measures for Legal Persons
Article 137

In addition to the security measure of forfeiture referred to in Article 74 (*Forfeiture*) of this Code, the following security measures may be imposed for criminal offences perpetrated by legal persons:
a) A publication of judgement;
b) A ban on performing a certain economic activity.

Publication of Judgement
Article 138

(1) The security measure of a judgement publication shall be ordered in case it would be useful for the public to learn about the judgement, especially if the announcement would be useful in order to remove a threat to life or health of people or to provide for safety of traffic or to obtain certain benefits for economy.

(2) Concerning the significance of a criminal offence the court shall also assess the need for the public to learn about the judgement, the need as to whether the judgement shall be published in the printed media, by way of radio or television or in several aforesaid media altogether and at the same time as to whether its grounds shall be published entirely or as an abstract. The court shall make sure that the applied method of publication allows that all those concerned by the need for publication of the judgement should be informed.

Ban on Certain Economic Activities
Article 139

(1) By ordering the security measure of a ban on certain economic activities, the court may prohibit a legal person from manufacturing certain products or performing certain businesses, or prohibit a legal person from performing certain activities of trade in commodities or from performing other economic activity.
(2) The security measure referred to in paragraph 1 of this Article may be imposed on a legal person if its further performing of a certain economic activity would present a threat to life and limb of people or be prejudicial to the economic and financial operation of other legal persons or detrimental to the economy, or if the legal person has already been sentenced for the same or a similar criminal offence over the past two years preceding the perpetration of the criminal offence.
(3) The security measure referred to in paragraph 1 of this Article may be imposed for a period of six months to five years, commencing on the day of the entering into force of the judgement.

Confiscating Material Gain from a Legal Person
Article 140

If a legal person acquires material gain by the perpetration of a criminal offence, the material gain acquired by the perpetration of a criminal offence shall be confiscated from the legal person.

Legal Consequences Incident to Conviction for a Legal Person
Article 141

(1) Legal consequences incident to conviction for a legal person are:
   a) Bar on work based on a permit, authorisation or concession issued by the authorities of foreign countries;
   b) Bar on work based on a permit, authorisation or concession issued by the institutions of Bosnia and Herzegovina.

(2) Legal consequences incident to conviction for a legal person may take effect even when a fine has been imposed on a legal person for the perpetration of a criminal offence.

Period Set by Statute of Limitation Regarding the Institution of Criminal Prosecution and Execution of Criminal Sanctions Imposed on Legal Persons
Article 142

(1) On the bar to criminal prosecution of a legal person by the lapse of time, Article 14 (*Period Set by Statute of Limitation Regarding the Institution of Criminal Prosecution*) of this Code is applied.
(2) The execution of a sentence imposed on the legal person shall become time-barred when the following periods from the date of the entry into force of the judgement whereby such punishment has been imposed have elapsed:
   a) Three years for execution of a fine;
   b) Five years for execution of the property seizure punishment and of the punishment of dissolution of legal person.

(3) The execution of a security measure shall become time-barred after the lapse of:
   a) Six months from the date of entry into force of the judgement whereby the publication of the judgement was imposed;
   b) The period that equals the time for which the measure of ban on performing certain economic activity of the legal person was imposed.

Laws Prescribing the Criminal Offences of Legal Persons
Article 143

Legal persons may be held accountable for criminal offences defined in this Code and other criminal offences defined by a law of Bosnia and Herzegovina.

Punishments for Criminal Offences
Article 144

(1) For criminal offences for which a fine or imprisonment for a term not exceeding three years is prescribed, a legal person shall be punished by a fine of not exceeding 850.000 KM or not exceeding ten times the amount of the damage caused or material gain acquired through the perpetration of a criminal offence.
(2) For criminal offences for which imprisonment for a term not less than three years is prescribed, a legal person shall be punished by a fine of not exceeding 2.500.000 KM or not exceeding twenty times the amount of the damage caused or material gain acquired through the perpetration of a criminal offence.
(3) For criminal offences for which imprisonment for a term of five years or more is prescribed, to a legal person a property seizure punishment may be imposed instead of a fine.
(4) For criminal offences referred to in paragraph 1 of this Article, to a legal person a punishment of dissolution of the legal person may be imposed instead of the fine, under the requirements referred to in Article 134 (*Dissolution of a Legal Person*) of this Code.

SPECIAL PART

XV CHAPTER FIFTEEN

CRIMINAL OFFENCES AGAINST FREEDOM AND RIGHTS OF INDIVIDUALS AND CITIZENS

Infringement of the Equality of Individuals and Citizens
Article 145

(1) An official or responsible person in the institutions of Bosnia and Herzegovina, who on the ground of differences in race, skin colour, national or ethnic background, religion, political or other belief, sex, sexual orientation, language, education or social status or social origins, denies or restricts the civil rights as provided by the Constitution of Bosnia and Herzegovina, ratified international agreement, law of Bosnia and Herzegovina, some other regulation of Bosnia and Herzegovina or general act of Bosnia and Herzegovina or, whoever on the ground of these differences or background or other status grants unjustified privileges or does unjustified favours to individuals,
shall be punished by imprisonment for a term between six months and five years.
(2) An official or responsible person in the institutions of Bosnia and Herzegovina, who in contravention of the regulations of Bosnia and Herzegovina on the equal use of languages and alphabets of the constituent peoples and others living on the territory of Bosnia and Herzegovina, restricts or denies to a citizen the use of his language or alphabet while addressing bodies or institutions of Bosnia and Herzegovina, business enterprises or other legal persons in order to exercise his rights,
shall be punished by a fine or imprisonment for a term not exceeding one year.
(3) An official or responsible person in the institutions of Bosnia and Herzegovina, who denies or limits the right of citizens to be freely employed within the entire territory of Bosnia and Herzegovina and under the same prescribed terms,
shall be punished by imprisonment for a term between six months and five years.

Prevention of Return of Refugees and Displaced Persons
Article 146

(1) Whoever by use of force, serious threat or in some other illegal way, on a larger scale or with a larger impact, prevents refugees and displaced persons to return to their homes of origin, or to use their property of which they were deprived in the course of hostilities since 1991,
shall be punished by imprisonment for a term between one and ten years.

(2) Whoever participates in a group of people, which perpetrates the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term not less than three years.
(3) Whoever organises or directs at any level the group of people, which perpetrates the criminal offence referred to in paragraph 1 of this Article,
shall be punished by imprisonment for a term not less than five years.

Unlawful Deprivation of Freedom
Article 147

(1) An official or responsible person in the institutions of Bosnia and Herzegovina who unlawfully imprisons another person, keeps him imprisoned or otherwise restricts his freedom of movement,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) If the unlawful deprivation of freedom lasted for more than thirty days, or if the manner of the execution was cruel, or if such a treatment of the person who was illegally deprived of freedom caused grave impairment of his health, or if some other serious consequences occurred, the perpetrator
shall be punished by imprisonment for a term between two and eight years.
(3) If the person who has been illegally deprived of freedom lost his life as a result of the deprivation, the perpetrator

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

Violation of the Right to Submit Complaints and Petitions
Article 148

An official or responsible person in institutions of Bosnia and Herzegovina who abuses his position or authority and prevents another person from exercising his right to submit an appeal, objection, request, petition or complaint,
shall be punished by a fine or imprisonment for a term not exceeding one year.

Unauthorized Use of Personal Data
Article 149

An official or responsible person in institutions of Bosnia and Herzegovina who, without the consent of an individual and contrary to the conditions stipulated by the law, collects, processes or uses his personal data, or uses such data contrary to the statutory purpose of their collection,
shall be punished by a fine or by imprisonment not exceeding six months.

Violation of Electoral Rights
Article 150

Whoever in the discharge of duty entrusted to him regarding elections for the institutions of Bosnia and Herzegovina, with an aim of preventing someone from exercising suffrage, unlawfully fails to enter a name in a voting list, or strikes a name out of an electoral roll, or prevents a person from voting in any other way, shall be punished by a fine or imprisonment for a term not exceeding three years.

Violating the Free Decision-making of Voters
Article 151

(1) Whoever, during elections for the institutions of Bosnia and Herzegovina or a recall vote or at a referendum, coerces a voter in Bosnia and Herzegovina by use of force, serious threat, bribery or by taking advantage of his poor material position, or in any other illegal way, to vote for or against a particular candidate or for or against a list of candidates, or for or against the recall, or for or against a proposal to be decided upon at the referendum, or not to vote at all,
shall be punished by a fine or imprisonment for a term not exceeding one year.
(2) A member of election commission or some other person who perpetrates the criminal offence referred to in paragraph 1 of this Article in the discharge of duty entrusted to him regarding the elections, vote or referendum,
shall be punished by imprisonment for a term between six months and five years.

Voting Fraud
Article 152

Whoever at an election for the institutions for Bosnia and Herzegovina or for the recalling of the representatives in the institutions of Bosnia and Herzegovina or at a referendum held within Bosnia and Herzegovina, votes under the name and in lieu of another person, or votes or tries to vote again after having voted once,
shall be punished by a fine or imprisonment for a term not exceeding three years.

Violation of Secrecy of Voting
Article 153

(1) Whoever breaches the secrecy of the vote at an election for the institutions of Bosnia and Herzegovina, recall vote of representatives in the institutions of Bosnia and Herzegovina or a referendum held within Bosnia and Herzegovina,
shall be punished by a fine or imprisonment for a term not exceeding six months.
(2) Whoever by force, serious threat or in some other illegal way demands from a citizen to state for whom and how he voted, or whether he voted for or against a recall,
shall be punished by a fine or imprisonment for a term not exceeding one year.
(3) A member of election commission or some other person who perpetrates the criminal offence referred to in paragraph 1 of this Article in discharge of duty related to the elections, vote or referendum,
shall be punished by a fine or imprisonment for a term not exceeding three years.

Election Forgery
Article 154

Whoever falsifies results of an election or voting for the institutions of Bosnia and Herzegovina by adding, subtracting or taking out votes or signatures, by an inaccurate counting of votes, by making false records of the result in election documents or in any other way, or who discloses election or vote results which do not correspond to the voting which has been carried out,
shall be punished by imprisonment for a term between six months and five years.

Destroying Election Documents
Article 155

Whoever at an election for the institutions of Bosnia and Herzegovina, a recall vote of representatives in the institutions of Bosnia and Herzegovina or a referendum held within Bosnia and Herzegovina destroys, conceals, damages or takes away any document concerning the election or the recall vote, or any other object that is used for the election or the recall vote,
shall be punished by imprisonment for a term between six months and five years.

XVI C H A P T E R S I X T E E N

CRIMINAL OFFENCES AGAINST THE INTEGRITY OF BOSNIA AND HERZEGOVINA

Attack on the Constitutional Order
Article 156

Whoever, by physical force or threat of physical force, attempts to change the constitutional order of Bosnia and Herzegovina, or to overthrow its highest institutions,
shall be punished by imprisonment for a term not less than five years.

Endangering Territorial Integrity
Article 157

Whoever attempts to detach a part of the territory of Bosnia and Herzegovina by use of force or threat of force, or to conjoin a part of the territory thereof with another country,
shall be punished by imprisonment for a term not less than five years.

Preventing Fight against Enemy
Article 158

A citizen of Bosnia and Herzegovina who, in a time of war or armed conflict, prevents the citizens of Bosnia and Herzegovina or citizens of its allies from fighting against the enemy,
shall be punished by imprisonment for a term between one and ten years.

Service in the Army of the Enemy
Article 159

(1) A citizen of Bosnia and Herzegovina who serves in the enemy's army or other enemy's armed formations in time of war or armed conflict, or participates in a war or armed conflict as a combatant against Bosnia and Herzegovina or its allies,
shall be punished by imprisonment for a term not less than three years.
(2) Whoever levies citizens of Bosnia and Herzegovina for service in the enemy's army or other enemy's armed formations, or for participation in a war or armed conflict against Bosnia and Herzegovina or its allies,
shall be punished by imprisonment for a term not less than five years.

Aiding the Enemy
Article 160

(1) A citizen of Bosnia and Herzegovina who aids the enemy in performing coercive measures against the people at time of war,
shall be punished by imprisonment for a term between one and ten years.

(2) A citizen of Bosnia and Herzegovina, who with an aim of aiding the enemy politically or economically collaborates with the enemy at time of war,
shall be punished by imprisonment for a term not less than three years.

Undermining the Military and Defensive Power
Article 161

(1) Whoever, with an aim of diminishing the defensive power of Bosnia and Herzegovina, destroys, renders useless or enables to pass into the hands of the enemy the defence installations, defence objects, positions, arms or other military or defensive means, or surrenders troops to the enemy, or with the same aim hinders or endangers the military or defence measures,
shall be punished by imprisonment for a term not less than three years.
(2) Whoever procures means for perpetrating the criminal offence referred to in paragraph 1 of this Article,
shall be punished by imprisonment for a term between one and ten years.

Armed Rebellion
Article 162

(1) Whoever takes part in an armed rebellion which is aimed against the constitutional order of Bosnia and Herzegovina or against its highest institutions,
shall be punished by imprisonment for a term not less than three years.
(2) Whoever organises or directs at any level the perpetration of the criminal offence referred to in paragraph 1 of this Article,
shall be punished by imprisonment for a term not less than five years.
(3) Whoever procures means for perpetrating the criminal offence referred to in paragraph 1 of this Article,
shall be punished by imprisonment for a term between one and ten years.

Espionage
Article 163

(1) Whoever discloses, delivers or renders available state, military or official secret to a foreign country, foreign organisation or a person in the service thereof,
shall be punished by imprisonment for a term between one and ten years.
(2) Whoever within Bosnia and Herzegovina creates an intelligence service detrimental to Bosnia and Herzegovina on account of a foreign country or organisation, or whoever runs such service,
shall be punished by imprisonment for a term not less than five years.
(3) Whoever becomes a member of a foreign intelligence service, collects information for such a service or in any other way assists activities of such a service,
shall be punished by imprisonment for a term between one and ten years.
(4) Whoever obtains state, military or official secret with an aim of disclosing or delivering it to a foreign country, foreign organisation or a person in the service thereof,
shall be punished by imprisonment for a term between one and ten years.

(5) Whoever procures means for perpetrating the criminal offence referred to in paragraph 1 of this Article,

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

Disclosing a State Secret
Article 164

(1) An authorised person who in contravention of law or regulation of the institutions of Bosnia and Herzegovina passed on the basis of law, passes on or renders accessible a state secret entrusted to him, to another person,

shall be punished by imprisonment for a term between one and ten years.
(2) Whoever discloses or passes on to another person or mediates in disclosing information or a document which he knows to constitute a state secret, and which he obtained the possession of in an illegal manner,
shall be punished by imprisonment for a term between six months and five years.

(3) If the criminal offence referred to in paragraph 1 and 2 of this Article has been perpetrated during a state of war or imminent war danger, or if it has led to the endangerment of the security, economic or military power of Bosnia and Herzegovina, the perpetrator
shall be punished by imprisonment for a term not less than three years.
(4) An authorised person who perpetrates the criminal offence referred to in paragraph 1 of this Article by negligence,
shall be punished by imprisonment for a term between six months and five years.
(5) There shall be no criminal offence referred to in paragraph 2 of this Article, if somebody makes public or mediates in making public a state secret the contents of which are in contravention with the constitutional order of Bosnia and Herzegovina, with an aim of disclosing to the public facts which constitute a violation of the constitutional order or of an international agreement, provided that the making public does not undermine the national security of Bosnia and Herzegovina.

Dispatching and Transferring Armed Groups, Arms and Ammunition into the Territory of Bosnia and Herzegovina
Article 165

Whoever dispatches or transfers to the territory of Bosnia and Herzegovina armed groups, terrorists, spies, raiders, weapons, explosive, poisons, equipment, ammunition or other material for the purpose of perpetrating criminal offences defined in this Chapter,
shall be punished by imprisonment for a term between one and ten years.

Importing Hazardous Material into Bosnia and Herzegovina
Article 166

(1) Whoever, contrary to regulations of Bosnia and Herzegovina, imports into Bosnia and Herzegovina radioactive material or other material or waste harmful to the life or health of people,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) Whoever by abuse of his position or authority, contrary to regulations, enables import of radioactive or other material or waste harmful to the life or health of people into Bosnia and Herzegovina,
shall be punished by imprisonment for a term between six months and five years.

Assassination of a Representative of the Highest Institutions of Bosnia and Herzegovina
Article 167

Whoever, with the intent of endangering the constitutional order of Bosnia and Herzegovina or security of Bosnia and Herzegovina deprives of life an official person of the institutions of Bosnia and Herzegovina in the discharge of his duties, or a member of the Presidency of Bosnia and Herzegovina, the Chair of the Council of Ministers of Bosnia and Herzegovina, the Chair of either House of the Parliamentary Assembly of Bosnia and Herzegovina, the President of the Constitutional Court of Bosnia and Herzegovina, the President of the Court of Bosnia and Herzegovina or the Chief Prosecutor of Bosnia and Herzegovina when not on duty,
shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

Kidnapping of a Representative of the Highest Institutions of Bosnia and Herzegovina
Article 168

(1) Whoever, with the intent of endangering the constitutional order of Bosnia and Herzegovina or security of Bosnia and Herzegovina unlawfully confines, keeps confined or in some other manner deprives an official person of the institutions of Bosnia and Herzegovina, in the discharge of his duties of the freedom of movement, or restricts it in some way, with the aim of forcing him or some other person to do or to omit or to bear something,
shall be punished by imprisonment for a term not less than three years.
(2) Whoever, with the intent of endangering the constitutional order of Bosnia and Herzegovina or security of Bosnia and Herzegovina unlawfully confines, keeps confined or in some other manner deprives a member of the Presidency of Bosnia and Herzegovina, the Chair of the Council of Ministers of Bosnia and Herzegovina, the Chair of either House of the Parliamentary Assembly of Bosnia and Herzegovina, the President of the Constitutional Court of Bosnia and Herzegovina, the President of the Court of Bosnia and Herzegovina or the Chief Prosecutor of Bosnia and Herzegovina of the freedom of movement, or restricts it in some way, with the aim of forcing him or some other person to do or to omit or to bear something,

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

Punishment for the Gravest Criminal Offences
Article 169

(1) For a criminal offence referred to in Article 156 (*Attack on the Constitutional order*), 157 (*Endangering Territorial Integrity*), 161 (*Undermining the Military and Defensive Power*), 162 (*Armed Rebellion*) and 163 (*Espionage*) of this Code, which caused the death of a person or a number of persons, or caused danger to human lives, or was coupled with heavy violence or a large-scale destruction, the perpetrator
shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.
(2) If in the course of perpetrating criminal offences referred to in paragraph 1 of this Article the perpetrator intentionally deprived one or more persons of their lives, he
shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

Setting up an Association or Procuring Means for Perpetration of Criminal Offences Defined in This Chapter
Article 170

Whoever sets up an association with the goal of perpetrating a criminal offence defined in this Chapter, or whoever procures means for perpetrating a criminal offence defined in this Chapter,
shall be punished by imprisonment for a term between one and ten years.

XVII CHAPTER SEVENTEEN

CRIMES AGAINST HUMANITY AND VALUES PROTECTED BY INTERNATIONAL LAW

Genocide
Article 171

Whoever, with an aim to destroy, in whole or in part, a national, ethnical, racial or religious group, orders perpetration or perpetrates any of the following acts:
a) Killing members of the group;
b) Causing serious bodily or mental harm to members of the group;
c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
d) Imposing measures intended to prevent births within the group;
e) Forcibly transferring children of the group to another group,
shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

Crimes against Humanity
Article 172

(1) Whoever, as part of a widespread or systematic attack directed against any civilian population, with knowledge of such an attack perpetrates any of the following acts:
a) Depriving another person of his life (murder);
b) Extermination;
c) Enslavement;
d) Deportation or forcible transfer of population;
e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
f) Torture;
g) Coercing another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent sexual act (rape), sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity;
h) Persecutions against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious or sexual gender or other grounds that are universally recognised as

impermissible under international law, in connection with any offence listed in this paragraph of this Code, any offence listed in this Code or any offence falling under the competence of the Court of Bosnia and Herzegovina;

i) Enforced disappearance of persons;
j) The crime of apartheid;
k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to physical or mental health,

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

(2) For the purpose of paragraph 1 of this Article the following terms shall have the following meanings:

a) *Attack directed against any civilian population* means a course of conduct involving the multiple perpetrations of acts referred to in paragraph 1 of this Article against any civilian population, pursuant to or in furtherance of a State or organisational policy to commit such attack.
b) *Extermination* includes the intentional infliction of conditions of life, especially deprivation of access to food and medicines, calculated to bring about the destruction of part of a population.
c) *Enslavement* means the exercise of any or all of the powers attaching to the right of ownership over a person, and includes the exercise of such power in the course of trafficking in persons, in particular women and children.
d) *Deportation or forcible transfer of population* means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.
e) *Torture* means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under control of the accused; except that torture shall not include pain or suffering arising only from, or being inherent in or incidental to, lawful sanctions.
f) *Forced pregnancy* means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law.
g) *Persecution* means the intentional and severe deprivation of fundamental rights, contrary to international law, by reason of the identity of a group or collectivity.
h) *Enforced disappearance of persons* means the arrest, detention or abduction of persons by, or with the authorisation, support or acquiescence of, a State or a political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with an aim of removing them from the protection of the law for a prolonged period of time.
i) *The crime of apartheid* means inhumane acts of a character similar to those referred to in paragraph 1 of this Article, perpetrated in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and perpetrated with an aim of maintaining that regime.

War Crimes against Civilians
Article 173

(1) Whoever in violation of rules of international law in time of war, armed conflict or occupation, orders or perpetrates any of the following acts:

a) Attack on civilian population, settlement, individual civilians or persons unable to fight, which results in the death, grave bodily injuries or serious damaging of people's health;
b) Attack without selecting a target, by which civilian population is harmed;
c) Killings, intentional infliction of severe physical or mental pain or suffering upon a person (torture), inhuman treatment, biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation, immense suffering or violation of bodily integrity or health;
d) Dislocation or displacement or forced conversion to another nationality or religion;
e) Coercing another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent sexual act (rape) or forcible prostitution, application of measures of intimidation and terror, taking of hostages, imposing collective punishment, unlawful bringing in concentration camps and other illegal arrests and detention, deprivation of rights to fair and impartial trial, forcible service in the armed forces of enemy's army or in its intelligence service or administration;

f) Forced labour, starvation of the population, property confiscation, pillaging, illegal and self-willed destruction and stealing on large scale of property that is not justified by military needs, taking an illegal and disproportionate contribution or requisition, devaluation of domestic money or the unlawful issuance of money,

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whomever in violation of rules of international law, in the time of war, armed conflict or occupation, orders or perpetrates any of the following acts:

a) Attack against objects specifically protected by the international law, as well as objects and facilities with dangerous power, such as dams, embankments and nuclear power stations;
b) Targeting indiscriminately of civilian objects which are under specific protection of international law, of non-defended places and of demilitarised zone;
c) Long-lasting and large-scale environment devastation, which may be detrimental to the health or survival of the population.

(3) Whoever in violation of the rules of international law applicable in the time of war, armed conflict or occupation, orders or carries out as an occupier the resettlement of parts of his civilian population into the occupied territory,

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

War Crimes against the Wounded and Sick
Article 174

Whoever, in violation of the rules of international law in the time of war or armed conflict, orders or perpetrates in regard to wounded, sick, shipwrecked persons, medical personnel or clergy, any of the following acts:

a) Depriving another persons of their life (murders), intentional infliction of severe physical or mental pain or suffering upon persons (tortures), inhuman treatment, including therein biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation;
b) Causing of great suffering or serious injury to bodily integrity or health;
c) Unlawful and arbitrary destruction or large-scale appropriation of material, means of medical transport and stocks of medical facilities or units which is not justified by military needs,

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

War Crimes against Prisoners of War
Article 175

Whoever, in violation of the rules of international law, orders or perpetrates in regard to prisoners of war any of the following acts:

a) Depriving another persons of their life (murders), intentional infliction of severe physical or mental pain or suffering upon persons (tortures), inhuman treatment, including therein biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation;
b) Causing of great suffering or serious injury to bodily integrity or health;
c) Compulsive enlistment into the armed forces of an enemy power, or deprivation of the right to a fair and impartial trial,

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

Organising a Group of People and Instigating the Perpetration of Genocide, Crimes against Humanity and War Crimes
Article 176

(1) Whoever organises a group of people for the purpose of perpetrating criminal offence referred to in Articles 171 (*Genocide*), 172 (*Crimes against Humanity*), 173 (*War Crimes against Civilians*), 174 (*War Crimes against the Wounded and Sick*) or 175 (*War Crimes against Prisoners of War*) of this Code,

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

(2) Whoever becomes a member of a group of people referred to in paragraph 1 of this Article,

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

(3) A member of a group of people referred to in paragraph 1 of this Article who exposes the group before he has perpetrated a criminal offence in its ranks or on its account,

shall be punished by a fine or imprisonment for a term not exceeding three years,

but may also be released from punishment.
(4) Whoever calls on or instigates the perpetration of criminal offence referred to in Articles 171 through 175 of this Code,
shall be punished by imprisonment for a term between one and ten years.

Unlawful Killing or Wounding of the Enemy
Article 177

(1) Whoever in violation of the rules of international law in the time of war or armed conflict kills or wounds an enemy who has laid down arms or unconditionally surrendered or has no means for the defence, shall be punished by imprisonment for a term between one and ten years.
(2) If the killing referred to in paragraph 1 of this Article has been perpetrated in a cruel or insidious way, out of greed or from other low motives, or if more persons have been killed, the perpetrator
shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.
(3) Whoever, in violation of the rules of international law at the time of war or armed conflict, orders that there be no surviving enemy soldiers in a fight, or whoever fights against the enemy on such basis,
shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

Marauding the Killed and Wounded at the Battlefield
Article 178

(1) Whoever orders the unlawful appropriation of belongings from the killed or wounded on battlefield, or who carries out such appropriation,
shall be punished by imprisonment for a term between six months and five years.
(2) If the criminal offence referred to in paragraph 1 of this Article has been perpetrated in a cruel manner, the perpetrator
shall be punished by imprisonment for a term between one and ten years.

Violating the Laws and Practices of Warfare
Article 179

(1) Whoever in time of war or armed conflict orders the violation of laws and practices of warfare, or whoever violates them,
shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.
(2) Violations of laws and practices of warfare referred to in paragraph 1 of this Article shall include:
a) Use of poison gases or other lethal substances or agents with the aim to cause unnecessary suffering;
b) Ruthless demolition of cities, settlements or villages or devastation or ravaging not justified by military needs;
c) Attack or bombarding by any means of undefended cities, villages, residences or buildings;
d) Confiscation, destruction or deliberate damaging of establishments devoted to for religious, charitable or educational purposes, science and art; historical monuments and scientific and artistic work;
e) Plundering and looting of public and private property.

Individual Criminal Responsibility
Article 180

(1) A person who planned, instigated, ordered, perpetrated or otherwise aided and abetted in the planning, preparation or execution of a criminal offence referred to in Article 171 (*Genocide*), 172 (*Crimes against Humanity*), 173 (*War Crimes against Civilians*), 174 (*War Crimes against the Wounded and Sick*), 175 (*War Crimes against Prisoners of War*), 177 (*Unlawful Killing or Wounding of the Enemy*), 178 (*Marauding the Killed and Wounded at the Battlefield*) and 179 (*Violating the Laws and Practices of Warfare*) of this Code, shall be personally responsible for the criminal offence. The official position of any accused person, whether as Head of State or Government or as a responsible Government official person, shall not relieve such person of criminal responsibility nor mitigate punishment.
(2) The fact that any of the criminal offences referred to in Article 171 through 175 and Article 177 through 179 of this Code was perpetrated by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had

done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.
(3) The fact that a person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the court determines that justice so requires.

Violating the Protection Granted to Bearers of Flags of Truce
Article 181

Whoever in violation of the rules of international law in time of war or armed conflict insults, maltreats or detains the bearer of the flag of truce or his escort, or prevents them from returning, or in any other way violates their privilege of inviolability,
shall be punished by imprisonment for a term between six months and five years.

Unjustified Delay of the Repatriation of Prisoners of War
Article 182

Whoever, in violation of the rules of international law, after the termination of a war or armed conflict, orders or conducts an unjustifiable delay in the repatriation of prisoners of war or civilians,
shall be punished by imprisonment for a term between six months and five years.

Destruction of Cultural, Historical and Religious Monuments
Article 183

(1) Whoever, in violation of the rules of international law at the time of war or armed conflict, destroys cultural, historical or religious monuments, buildings or establishments devoted to science, art, education, humanitarian or religious purpose,
shall be punished by imprisonment for a term between one and ten years.
(2) If a clearly distinguishable object, which has been under special protection of the international law as people's cultural and spiritual heritage, has been destroyed by the criminal offence referred to in paragraph 1 of this Code, the perpetrator
shall be punished by imprisonment for a term not less than five years.

Misuse of International Emblems
Article 184

(1) Whoever misuses or carries without authorisation the flag or emblem of the Organisation of the United Nations, or the emblem or flags of the Red Cross, or symbols corresponding to them, or any other international symbols recognised as the protection of certain objects from military operations,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article during a state of war or imminent war danger,
shall be punished by imprisonment for a term between six months and five years.

Establishment of Slavery and Transport of Slaves
Article 185

(1) Whoever, in violation of the rules of international law, places another in slavery or in a similar status or keeps him in such a status, buys, sells, hands over to another person or mediates the purchase, sale or handing over of such a person or induces someone else to sell his freedom or the freedom of the person he provides for or takes care of,
shall be punished by imprisonment for a term between one and ten years.
(2) Whoever, in violation of the rules of international law, buys, sells, hands over to another person or mediates in the purchase, sale or handing over a child or a juvenile for the purpose of adoption, transplantation of organs, exploitation by labour or for other illicit purposes,
shall be punished by imprisonment for a term not less than five years.
(3) Whoever, in violation of the rules of international law, transports persons who are in a position of slavery or in similar status,
shall be punished by imprisonment for a term between six months and five years.

Trafficking in Persons
Article 186

(1) Whoever takes part in the recruitment, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, for the purpose of exploitation,
shall be punished by imprisonment for a term between one and ten years.
(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a juvenile, shall be punished by imprisonment for a term not less than five years.

(3) Whoever organizes a group of people with an aim of perpetrating the criminal offence referred to in paragraphs 1 and 2 of this Article,

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.
(4) Whoever acting out of negligence facilitates the perpetration of the criminal offence referred to in paragraphs 1 through 3 of this Article,
shall be punished by imprisonment for a term between six months and five years.
(5) *"Exploitation"* referred to in paragraph 1 of this Article includes, in particular, exploiting other persons by way of prostitution or of other forms of sexual exploitation, forced labour or services, slavery or slavery-like practices, serving under coercion or removal of organs for the purpose of transplantation.

International Procuring in Prostitution
Article 187

(1) Whoever procures, entices or leads away another person to offer sexual services for profit within a state excluding the one in which such a person has residence or of which he is a citizen,

shall be punished by imprisonment for a term between six months and five years.
(2) Whoever, by force or threat to use force or deceit, coerces or induces another person to go to the state in which he has no residence or of which he is not a citizen, for the purpose of offering sexual services upon payment,
shall be punished by imprisonment for a term between six months and five years.
(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is perpetrated against a child or a juvenile, the perpetrator
shall be punished by imprisonment for a term between one and ten years.
(4) The fact whether the person procured, enticed, led away, forced or deceived into prostitution has already been engaged in prostitution is of no relevance for the existence of a criminal offence.

Unlawful Withholding of Identity Papers
Article 188

Whoever unlawfully withholds another person's identification papers or passport,
shall be punished by imprisonment for a term between six months and five years.

Smuggling of Persons
Article 189

Whoever, for financial or material benefit, engages in illegal transport of other persons across the state border, or whoever enables another person to cross the border illicitly,
shall be punished by imprisonment for a term between six months and five years.

Torture and Other Cruel, Inhuman or Degrading Treatment
Article 190

An official or another person who, acting upon the instigation or with the explicit or implicit consent of a public official person, inflicts on a person physical or mental pain or severe physical or mental suffering for such purposes as to obtain from him or a third person information or a confession, or to punish him for a criminal offence he or a third person has perpetrated or is suspected of having perpetrated or who intimidates or coerces him for any other reason based on discrimination of any kind,
shall be punished by imprisonment for a term between one and ten years.

Taking of Hostages
Article 191

(1) Whoever unlawfully confines, keeps confined or in some other manner deprives another person of the freedom of movement, or restricts it in some way, or seizes or detains and threatens to kill, to injure or to continue to detain as a hostage, with an aim to compel a state or an international intergovernmental organisation, to perform or to abstain from performing any act as an explicit or implicit condition for the release of a hostage,
shall be punished by imprisonment for a term between one and ten years.
(2) If, by the criminal offence referred to in paragraph 1 of this Article, the death of the hostage is caused, the perpetrator
shall be punished by imprisonment for a term not less than five years.
(3) If, in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article, the perpetrator deprives a hostage of his life intentionally, he
shall be punished by imprisonment for a term not less than ten years or by the long-term imprisonment.

Endangering Internationally Protected Persons
Article 192

(1) Whoever deprives of a life, unlawfully confines, keeps confined or in some other manner deprives an internationally protected person of the freedom of movement, or restricts it in some way, with the aim to force him or some other person to do or to omit or to bear something, or perpetrates some other violence against such a person or his liberty, his official premises, private accommodation or means of transportation likely to endanger his person or liberty,
shall be punished by imprisonment for a term between one and ten years.
(2) If the death of one or more people resulted from perpetration of the criminal offence referred to in paragraph 1 of this Article, the perpetrator
shall be punished by imprisonment for a term not less than five years.
(3) If in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article the perpetrator intentionally deprived another person of his life, he
shall be punished by imprisonment for a term not less than ten years or the long-term imprisonment.
(4) Whoever endangers the safety of a person referred to in paragraph 1 of this Article by a serious threat to attack him, his business premises, private apartment or means of transportation,
shall be punished by imprisonment for a term between six months and five years one and ten years.

Illicit Trafficking in Arms and Military Equipment
Article 193

(1) Whoever imports, exports, transits or mediates in trade of arms and military equipment without the license prescribed by the Law of Bosnia and Herzegovina, or whoever gives false statements or fails to provide material facts in the process of licensing under the Law of Bosnia and Herzegovina, or whoever fails to conduct the registration of the agreement regarding arms and military equipment pursuant to the Law of Bosnia and Herzegovina,
shall be punished by imprisonment for a term between one and ten years.
(2) Whoever organizes a group of people with an aim of perpetrating the criminal offence referred to in paragraph 1 of this Article,
shall be punished by imprisonment for a term not less than ten years or a long-term imprisonment.
(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article by negligence,
shall be punished by imprisonment for a term between six months and five years.

Illicit Procurement and Disposal of Nuclear Material
Article 194

(1) Whoever, without authorisation, uses, transports, stores, alters, disposes of or disperses, or whoever by use of force or by threatening an instant attack upon another person's life or limb, or in any other illegal way takes away nuclear material with the aim to unlawfully appropriate it, or, with the same aim unlawfully appropriates nuclear material which has been entrusted to him, or with the same aim obtains nuclear material by deceiving someone through false representation or suppression of facts, or by keeping someone in deception, or by use of force or threat or by any other form of intimidation demands to receive nuclear material, or threatens to use it either in order to cause death or serious injury to any person or substantial

property damage or gives such material to another person or enables another person to get in possession of it,
shall be punished by imprisonment for a term between one and ten years.
(2) Whoever, by perpetrating acts referred to paragraph 1 of this Article, causes danger to human lives or property on a larger scale,
shall be punished by imprisonment for a term not less than one year.
(3) The punishment referred to in paragraph 2 of this Article shall be imposed on whoever, in order to compel a State, international organisation or a natural or legal person to perform or abstain from performing an act, threatens to endanger the lives of people or property to a grater extent through the use of nuclear material.
(4) If the perpetration of the criminal offence referred to in paragraphs 1 through 3 of this Article has resulted in death of one or more persons, or property damage on a larger scale, the perpetrator
shall be punished by imprisonment for a term not less than three years.
(5) Whoever perpetrates the criminal offence referred to in paragraph 2 of this Article by negligence,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(6) If the perpetration of the criminal offence referred to in paragraph 1 of this Article has resulted in death of one or more persons, or property damage on a larger scale, the perpetrator
shall be punished by imprisonment for a term between one and ten years.

Illicit Trafficking in Narcotic Drugs
Article 195

(1) Whoever without authorization performs an international sale or transfer or offers for such sale, or purchases, keeps, transports or transfers for the purpose of such sale, or intercedes in an international sale or purchase, sends, delivers, imports or exports or otherwise puts into unauthorised international circulation substances or preparations which are by regulation proclaimed narcotic drugs,

shall be punished by imprisonment for a term between one and ten years.
(2) Whoever organizes a group of people with an aim of perpetrating the criminal offence referred to in paragraph 1 of this Article, or whoever becomes a member of such a group of people,
shall be punished by imprisonment for a term not less than three years.
(3) Whoever without authorization makes, procures, intermediates or gives for use the equipment, material or substances knowing that they are to be used for the manufacturing of narcotic drugs, when it concerns the international transaction,
shall be punished by imprisonment between six months and five years.
(4) The narcotic drugs and means for their production shall be forfeited.

Piracy
Article 196

(1) A crew member or a passenger on a vessel or an aircraft, which is not a military vessel or aircraft nor a public vessel or aircraft who, with an aim to secure for himself or for another some gain or to cause some damage to another, perpetrates on the open sea or in a place which is not under the rule of any state an unlawful violence or some other type of coercion against another vessel or aircraft, or persons or objects on them,
shall be punished by imprisonment for a term between one and ten years.
(2) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons or the destruction of a vessel or an aircraft or some other extensive destruction is caused, the perpetrator
shall be punished by imprisonment for a term not less than five years.
(3) If the perpetrator, in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article, intentionally kills one or more persons, he
shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

Hijacking an Aircraft or a Ship
Article 197

(1) Whoever on board an aircraft in flight, ship or other vessel of any type, by force or threat of force, or by any other form of intimidation, seizes, or exercises control of, that aircraft, ship or vessel,

shall be punished by imprisonment for a term not less than one year.
(2) If the criminal offence referred to in paragraph 1 results in the death of one or more persons, or if it caused the destruction of the hijacked aircraft, ship or vessel, or some other pecuniary damage, the perpetrator
shall be punished by a term of imprisonment not less than five years.
(3) If, in a course of the perpetration of the offence referred to in paragraph 1 of this Article, a person was intentionally deprived of his life, the perpetrator
shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

Endangering the Safety of Air Traffic and Maritime Navigation
Article 198

(1) Whoever performs violence against a person on board an aircraft in flight, destroys an aircraft in service or causes damage to such an aircraft, places or causes to be placed on an aircraft in service, by any means whatsoever, an explosive or other device or substance capable of destroying or damaging the aircraft, destroys or damages air navigation facilities or instruments of navigation or interferes with their operation, communicates false information regarding the flight of the aircraft, fails to discharge duties or supervision in relation to safety of the air traffic or perpetrates another act of violence, endangering thereby the safety of the flight,
shall be punished by imprisonment for a term between one and ten years.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever performs violence against a person employed at an international airport or destroys or seriously damages airport facilities or an aircraft not in service, or disrupts the services of the airport.
(3) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever performs violence against a person on board a ship or vessel, destroys a ship or vessel or causes damage to a ship, vessel or to its cargo, places or causes to be placed on a ship or vessel, by any means whatsoever, an explosive or other device or substance capable of destroying or damaging the ship, vessel or its cargo, destroys or damages maritime navigational facilities or interferes with their operation, communicates false information about the voyage of the ship or the condition of the vessel, or perpetrates another act of violence, endangering thereby the safe navigation or the safety of the voyage of the ship or the safety of the vessel.
(4) If a person was intentionally deprived of his life in the course of the perpetration of the criminal offence referred to in paragraph 1 through 3 of this Article, the perpetrator
shall be punished by imprisonment for a term not less than ten years or with long-term imprisonment.
(5) If death of one or more persons, or the destruction or extensive damage to an aircraft, ship or vessel or any other extensive pecuniary damage has been brought about as a result of any offence described in paragraph 1 through 3 of this Article, the perpetrator
shall be punished by imprisonment for a term not less than five years.
(6) Whoever perpetrates the criminal offence referred to in paragraph 1 through 3 of this Article by negligence,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(7) If the death of one or more persons, or the destruction or extensive damage to an aircraft, ship or vessel or any other extensive pecuniary damage, has been brought about as a result of the offence described in paragraph 6 of this Article, the perpetrator
shall be punished by imprisonment for a term between one and ten years.

Destruction and Removal of Signal Devices Utilised for Safety of the Air Traffic
Article 199

Whoever destroys, damages or removes a signal device utilised for safety of air traffic,
shall be punished by a fine or imprisonment for a term not exceeding three years.

Misuse of Telecommunication Signals
Article 200

Whoever maliciously or needlessly transmits an internationally used signal of distress or a danger signal, or whoever, by the use of a telecommunication signal, causes deception that there is safety, or whoever misuses an internationally accepted telecommunication signal,
shall be punished by imprisonment for a term between six months and five years.

Terrorism
Article 201

(1) Whoever perpetrates a terrorist act with the aim of seriously intimidating a population or unduly compelling the Bosnia and Herzegovina authorities, government of another state or international organisation to perform or abstain from performing any act, or with the aim of seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of Bosnia and Herzegovina, of another state or international organisation,
shall be punished by imprisonment for a term not less than three years.
(2) If the death of one or more people resulted from perpetration of the criminal offence referred to in paragraph 1 of this Article, the perpetrator
shall be punished by imprisonment for a term not less than five years.
(3) If in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article the perpetrator intentionally deprived another person of his life, he
shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.
(4) A *terrorist act*, in terms of this Article, means one of the following intentional acts which, given its nature or its context, may cause serious damage to a state or international organisation:

a) Attack upon person's life, which may cause death;
b) Attack upon the physical integrity of a person;
c) Unlawful confinement of, keeping confined or in some other manner depriving another of the freedom of movement, or restricting it in some way, with the aim to force him or some other person to do or to omit or to bear something (kidnapping) or taking of hostages;
d) Causing a great damage to facility of Bosnia and Herzegovina, facility of government of another state or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;
e) Kidnapping of aircraft, ships or other means of public or goods transport;
f) Manufacture, possession, acquisition, transport, supply, use of or training for the use of weapons, explosives, nuclear, biological or chemical weapons or radioactive material, as well as research into, and development of, biological and chemical weapons or radioactive material;
g) Releasing dangerous substances, or causing fire, explosion or floods the effect of which is to endanger human life;
h) Interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;
i) Threatening to perpetrate any of the acts referred to in items a) to h) of this paragraph.

Funding of Terrorist Activities
Article 202

Whoever by any means, directly or indirectly, provides or collects funds with the aim that they should be used or knowing that they are to be used, in full or in part, in order to perpetrate:

a) A criminal offence referred to in Article 191 (*Taking of Hostages*), 192 (*Endangering Internationally Protected Persons*), 194 (*Illicit Procurement and Disposal of Nuclear Material*), 196 (*Piracy*), 197 (*Hijacking an Aircraft or a Ship*), 198 (*Endangering the Safety of Air Traffic and Maritime Navigation*), 199 (*Destruction and Removal of Signal Devices Utilised for Safety of the Air Traffic*), 200 (*Misuse of Telecommunication Signals*) and 201 (*Terrorism*) of this Code;
b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel the authorities of Bosnia and Herzegovina or any other government or an international organisation to perform or to abstain from performing any act,

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

Failure to Enforce Orders and Sentences of the International Criminal Tribunal
Article 203

An official person in the institutions of Bosnia and Herzegovina, entity institutions and the institution of the Brčko District of Bosnia and Herzegovina who refuses to act upon the order of international criminal tribunal to arrest or detain or extradite to the international criminal tribunal a person against whom the

proceedings have been initiated before the international criminal tribunal or if he in any other way prevents enforcement of that order or who refuses enforcement of a legally valid and final sentence of the international criminal tribunal or if in any other way he prevents enforcement of such sentence,
shall be punished by imprisonment for a term between one and ten years.

XVIII C H A P T E R E I G H T E E N

CRIMINAL OFFENCES AGAINST THE ECONOMY, MARKET INTEGRITY AND IN THE AREA OF CUSTOMS

Violation of Equality in Performing Economic Activities
Article 204

Whoever, by misusing his official or influential position or powers in the institutions of Bosnia and Herzegovina, restricts the free movement of people, goods, services or capital between the entities and among the entities and the Brčko District of Bosnia and Herzegovina, denies or restricts the right of a business enterprise or another legal person to engage in the trade and sale of goods and services on the territory of the other entity or Brčko District of Bosnia and Herzegovina, or puts a business enterprise or another legal person in an unequal position in relation to other organisations regarding the conditions for work or turnover of goods and services, or restricts free exchange of goods and services among the entities and Brčko District of Bosnia and Herzegovina,
shall be punished by imprisonment for a term between six months and five years.

Counterfeiting of Money
Article 205

(1) Whoever makes false money with an aim of bringing it into circulation as genuine, or whoever alters genuine money with an aim of bringing it into circulation, or whoever brings such counterfeit money into circulation,
shall be punished by imprisonment for a term between one and ten years.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever procures counterfeit money with an aim of bringing it into circulation as genuine.
(3) If there has been an upset in the economy of Bosnia and Herzegovina as a result of the criminal offence referred to in paragraphs 1 and 2 of this Article, the perpetrator
shall be punished by imprisonment for a term not less than five years.
(4) Whoever brings into circulation counterfeit money received by him as genuine, or who has knowledge of a counterfeit money being made or brought into circulation, and fails to report it,
shall be punished by a fine or imprisonment for a term not exceeding one year.
(5) Counterfeit money shall be forfeited.

Counterfeiting of Securities
Article 206

(1) Whoever makes false securities issued pursuant to the regulation of Bosnia and Herzegovina with an aim of bringing them into circulation as genuine, or whoever alters such genuine securities with an aim of bringing them into circulation, or whoever brings such counterfeit securities into circulation,
shall be punished by imprisonment for a term between one and ten years.
(2) If there has been an upset in the economy of Bosnia and Herzegovina as a result of the criminal offence referred to in paragraph 1 of this Article, the perpetrator
shall be punished by imprisonment for a term not less than five years.
(3) Counterfeit securities shall be forfeited.

Counterfeiting of Instruments of Value
Article 207

(1) Whoever makes false tax or mail stamps or other instruments of value issued pursuant to the regulation of Bosnia and Herzegovina, or whoever alters some of these genuine instruments of value with an aim to use them as genuine or to let another person use them, or whoever uses such counterfeit instruments of value as genuine or procures them with such an aim,

shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) If the instruments of value referred to in paragraph 1 of this Article are of larger value, the perpetrator shall be punished by imprisonment for a term between six months and five years.
(3) Whoever removes the cancelling stamp from an instrument of value referred to in paragraph 1 of this Article, or whoever in some other way, and for the purpose of repeated use, attempts to make these instruments of value appear as if they have never been used before, or whoever makes use of these used instruments of value or sells them as valid,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(4) Counterfeit instruments of value shall be forfeited.

Forgery of Trademarks, Measures and Weights
Article 208

(1) Whoever, with an aim to use as genuine, makes false trademarks used for the identification of domestic or foreign commodities, such as seals, stamps or hallmarks for branding gold, silver, livestock, wood or some other commodities, or with the same aim alters such genuine trademarks, or whoever uses false trademarks as genuine, when such an act endangers the common economic space of Bosnia and Herzegovina,
shall be punished by imprisonment for a term between six months and five years.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever makes false measures or weights, endangering the common economic space of Bosnia and Herzegovina.
(3) False trademarks, measures and weights shall be forfeited.

Money Laundering
Article 209

(1) Whoever accepts, exchanges, keeps, disposes of, uses in commercial or other activity, otherwise conceals or tries to conceal money or property he knows was acquired through perpetration of criminal offence, when such a money or property is of larger value or when such an act endangers the common economic space of Bosnia and Herzegovina or has detrimental consequences to the operations or financing of institutions of Bosnia and Herzegovina,
shall be punished by imprisonment for a term between six months and five years.
(2) If the money or property gain referred to in paragraphs 1 of this Article exceeds the amount of 50.000 KM, the perpetrator
shall be punished by imprisonment for a term between one and ten years.
(3) If the perpetrator, during the perpetration of the criminal offences referred to in paragraphs 1 and 2 of this Article, acted negligently with respect to the fact that the money or property gain has been acquired through perpetration of criminal offence, he
shall be punished by a fine or imprisonment for a term not exceeding three years.
(4) The money and property gain referred to in paragraph 1 through 3 shall be forfeited.

Tax Evasion
Article 210

(1) Whoever evades payment of amounts required under the legislation of Bosnia and Herzegovina on taxes or social contributions by not submitting required information, or by submitting false information on acquired taxable income or on other facts which may effect the determination of the existence or the amount of such obligation, and the obligation that is evaded exceeds the amount of 10.000 KM,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) Whoever perpetrates the offence referred to in paragraph 1 of this Article and the evaded obligation exceeds the amount of 50.000 KM,
shall be punished by imprisonment for a term between one and ten years.
(3) Whoever perpetrates the offence referred to in paragraph 1 of this Article and the evaded obligation exceeds the amount of 200.000 KM,
shall be punished by a term of imprisonment for a term not less than three years.

Failure to Pay Taxes
Article 211

A person who fails to pay tax obligations in accordance with a tax legislation of Bosnia and Herzegovina,

shall be punished by a fine or imprisonment for a term not exceeding three years.

Illicit Trade
Article 212

(1) Whoever, without authorisation, sells, buys or exchanges items or goods whose distribution is forbidden or limited pursuant to the regulations of the institutions of Bosnia and Herzegovina or international law, and if, by such an act, some other criminal offence for which a more severe punishment is prescribed has not been perpetrated,
shall be punished by imprisonment for a term between one and ten years.
(2) Items and goods referred to in paragraph 1 of this Article shall be forfeited.

Illicit Manufacturing
Article 213

(1) Whoever manufactures or processes items or goods whose production is forbidden pursuant to the regulations made by the institutions of Bosnia and Herzegovina or international law, if by such an act some other criminal offence for which a more severe punishment is prescribed has not been perpetrated,
shall be punished by a fine or imprisonment for a term not exceeding one year.
(2) Items and goods referred to in paragraph 1 of this Article and means for its' manufacturing or processing shall be forfeited.

Smuggling of Goods
Article 214

(1) Whoever, by avoiding measures of customs control, moves across the customs line goods of larger value, or whoever, by avoiding measures of customs control, is engaged in moving goods across the customs line,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) Whoever, without appropriate approval, avoiding custom control measures, moves across the customs line goods the export or import of which is prohibited, limited or demands special approval or approval of an authorised body,
shall be punished by imprisonment for a term between six months and five years.
(3) If by the criminal offence referred to in paragraph 1 and 2 the objects, goods or substances dangerous for life or health of people or which represent danger for public security, have been transferred through the custom line, or if the criminal offence has been perpetrated by the use of weapons, force or threat, the perpetrator
shall be punished by imprisonment for a term between one and ten years.
(4) The goods referred to in paragraphs 1 through 3 of this Article shall be forfeited.
(5) The means of transportation the secret or hidden compartments of which were used for transporting the smuggled goods referred to in paragraphs 1 through 3 of this Article, or which had been intended for the perpetration of the criminal offence referred to in paragraphs 1 through 3 of this Article, shall be forfeited if the proprietor or user of the vehicle knew, could have known or ought to have known thereof.

Organising a Group or Association for Smuggling or Distribution of Goods on Which Duties Were Not Paid
Article 215

(1) Whoever organizes a group or other association for organized smuggling or a network or middleman or mediators for the sale or distribution of goods, on which the duties were not paid,
shall be punished by imprisonment for a term not less than three years.
(2) Whoever becomes a member of the group or association from the previous paragraph,
shall be punished by imprisonment for a term not less than one year.

Customs fraud
Article 216

(1) Whoever, with the aim that he or another person avoids the payment of duties, or other obligations that should be paid when importing goods the amount of which exceeds 5.000 KM, makes or submits to the custom authority a false custom chart, certificate or another false document,
shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the obligation referred to in paragraph 1 of this Article exceeds the amount of 20.000 KM, the perpetrator
shall be punished by imprisonment for a term between one and ten years.
(3) If the obligation referred to in paragraph 1 of this Article exceeds the amount of 80.000 KM, the perpetrator
shall be punished by imprisonment for a term not less than three years.

XIX C H A P T E R N I N E T E E N

CRIMINAL OFFENCES OF CORRUPTION AND CRIMINAL OFFENCES AGAINST OFFICIAL DUTY OR OTHER RESPONSIBLE DUTY

Accepting Gifts and Other Forms of Benefits
Article 217

(1) An official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, who demands or accepts a gift or any other benefit or who accepts a promise of a gift or a benefit in order to perform within the scope of his official powers an act, which ought not to be performed by him, or for the omission of an act, which ought to be performed by him,
shall be punished by imprisonment for a term between one and ten years.
(2) An official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, who demands or accepts a gift or any other benefit or who accepts a promise of a gift or a benefit in order to perform within the scope of his official powers an act, which ought to be performed by him, or for the omission of an act, which ought not to be performed by him,
shall be punished by imprisonment for a term between six months and five years.
(3) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, who demands or accepts a gift or any other benefit following the performance or omission of an official act referred to in paragraphs 1 and 2 of this Article and in relation to it.
(4) The gifts or any other benefits shall be forfeited.

Giving Gifts and Other Forms of Benefits
Article 218

(1) Whoever gives or promises a gift or any other benefit to an official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, in order that he performs within the scope of his official powers of an act, which ought not to be performed by him, or abstains from performing of an act which ought to be performed by him, or whoever mediates in such bribing of the official or responsible person,
shall be punished by imprisonment for a term between six months and five years.
(2) Whoever gives or promises a gift or any other benefit to an official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, in order that he performs within the scope of his official powers an act, which ought to be performed by him, or abstains from performing of an act, which ought not be performed by him,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(3) The perpetrator of the criminal offence referred to in paragraph 1 and 2 of this Article who had given a bribe on request of the official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, but reported the deed before it being discovered or before knowing that the deed has been discovered,
may be released from punishment.
(4) The gifts or any other benefits shall be forfeited, while in case referred to in paragraph 3 of this Article, they can be returned to the giver.

Illegal Interceding
Article 219

(1) Whoever accepts a reward or any other benefit for interceding that an official act be or not be performed, taking advantage of his official or influential position in the institutions of Bosnia and Herzegovina,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) Whoever by taking advantage of his official or influential position in the institutions of Bosnia and Herzegovina, intercedes that an official act be performed, which ought not to be performed, or that an official act be not performed, which ought to be performed,
shall be punished by imprisonment for a term between six months and five years.
(3) If a reward or any other benefit has been received in return for the criminal offence referred to in paragraph 2 of this Article, the perpetrator
shall be punished by imprisonment for a term between one and ten years.

Abuse of Office or Official Authority
Article 220

(1) An official or responsible person in the Bosnia and Herzegovina institutions who, by taking advantage of his office or official authority, exceeds the limits of his official authority or fails to execute his official duty, and thereby acquires a benefit to himself or to another person, or causes damage to another person or seriously violates the rights of another,
shall be punished by imprisonment for a term between six months and five years.
(2) If a property gain acquired by the perpetration of the criminal offence referred to in paragraph 1 of this Article exceeds the amount of 10.000 KM, the perpetrator
shall be punished by imprisonment for a term between one and ten years.
(3) If a property gain acquired by the perpetration of the criminal offence referred to in paragraph 1 of this Article exceeds the amount of 50.000 KM the perpetrator
shall be punished by imprisonment for a term of not less than three years.

Embezzlement in Office
Article 221

(1) Whoever, with an aim of acquiring unlawful property gain for himself or another, appropriates money, securities or other movable entrusted to him by virtue of his office in the institutions of Bosnia and Herzegovina, or of generally his position within the institutions of Bosnia and Herzegovina,
shall be punished by imprisonment for a term between six months and five years.
(2) If a property gain acquired by the perpetration of the criminal offence referred to in paragraph 1 of this Article exceeds the amount of 10.000 KM, the perpetrator
shall be punished by imprisonment for a term between one and ten years.
(3) If a property gain acquired by the perpetration of the criminal offence referred to in paragraph 1 of this Article exceeds the amount of 50.000 KM, the perpetrator
shall be punished by imprisonment for a term not less than three years.

Fraud in Office
Article 222

(1) An official or responsible person in the institutions of Bosnia and Herzegovina, who, with an aim of acquiring an unlawful property gain for himself or another, by submitting false accounts or in some other way deceives an authorised person into making an illegal disbursement,
shall be punished by imprisonment for a term between six months and five years.
(2) If a property gain acquired by the perpetration of the criminal offence referred to in paragraph 1 of this Article exceeds the amount of 10.000 KM, the perpetrator
shall be punished by imprisonment for a term between one and ten years.
(3) If a property gain acquired by the perpetration of the criminal offence referred to in paragraph 1 of this Article exceeds the amount of 50.000 KM, the perpetrator
shall be punished by imprisonment for a term not less than three years.

Using Property of the Office
Article 223

Whoever makes an unauthorised use of money, securities or other movable entrusted to him by virtue of his office in the institutions of Bosnia and Herzegovina, or service in the institutions of Bosnia and Herzegovina generally or without authorisation confers these things to another person for unauthorised use, shall be punished by imprisonment for a term between six months and five years.

Lack of Commitment in Office
Article 224

(1) An official or responsible person in the institutions of Bosnia and Herzegovina, who, being aware of what he or she is doing, breaches law or other regulations or general acts, fails to exercise due supervision or in any other way manifestly acts in a clearly unconscientious manner in the discharge of his official duties, and such action of his results in a serious violation of rights of another or a property damage whose value exceeds the amount of 1.000 KM,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) If a serious violation of another man's right or damage to property exceeding the amount of 10.000 KM has occurred as a result of the criminal offence referred to in paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for a term between six months and five years.

Disclosure of Official Secret
Article 225

(1) An official or responsible person in the institutions of Bosnia and Herzegovina, who, without authorisation communicates, conveys or in any other way makes accessible to another person information which constitutes an official secret, or who obtains such information with an aim of conveying it to an unauthorised person,
shall be punished by imprisonment for a term between six months and five years.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever, with an aim to make an unauthorised use of such information, avails himself unlawfully of the information kept as an official secret of the institutions of Bosnia and Herzegovina or who discloses such information without a permit.
(3) If the criminal offence referred to in paragraph 1 of this Article has been perpetrated out of greed or in respect of a particularly confidential information or for the purpose of disclosing or using the information outside of Bosnia and Herzegovina, the perpetrator
shall be punished by imprisonment for a term between one and ten years.
(4) An official or responsible person in the institutions of Bosnia and Herzegovina, who perpetrates the criminal offence referred to in paragraph 1 of this Article by negligence,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(5) There shall be no criminal offence referred to in paragraph 2 of this Article, if somebody makes public or mediates in making public an official secret of the institutions of Bosnia and Herzegovina the contents of which are in contravention with the constitutional order of Bosnia and Herzegovina, with an aim of disclosing to the public the irregularities attached to organising, performance and management of the office, provided that the making public has no substantial prejudicial consequences for Bosnia and Herzegovina.
(6) Provisions referred to in paragraphs 1 through 4 of this Article shall also be applied to a person who has disclosed an official secret after his function as an official or responsible person in the institutions of Bosnia and Herzegovina has ceased.

Forging of Official Document
Article 226

(1) An official or responsible person in the institutions of Bosnia and Herzegovina who enters false data in an official or business document, book or file, or who fails to enter important data, or who by his signature or official seal certifies an official or business document, book or file containing false data, or who by his signature or official seal facilitates the drawing up of such documents, books or files containing false data, shall be punished by imprisonment for a term between six months and five years.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person who, while in the office or business, uses a false official or business document, book or file as if

they were authentic, or who destroys, conceals, substantially damages or in some other way renders useless any official or business document, book or file.

Illegal Collection and Disbursement
Article 227

An official or responsible person in the institutions of Bosnia and Herzegovina, who collects from another something which the latter is not obligated to pay, or in excess of what he is obligated to pay, or who delivers or pays less than required during a payment or a delivery,
shall be punished by a fine or imprisonment for a term not exceeding three years.

Unlawful Release of a Detainee
Article 228

An official person in the institutions of Bosnia and Herzegovina, who unlawfully frees another person detained and entrusted to him, or who aids his escape, or enables illegal connection or correspondence the purpose of which is preparation of escape,
shall be punished by imprisonment for a term between six months and five years.

Unlawful Appropriation of Objects while Searching or Carrying out an Enforcement Order
Article 229

An official person in the institutions of Bosnia and Herzegovina, who during the search of premises or persons, or while carrying out an enforcement order, takes a movable object with an aim of obtaining illegal material benefit for himself or another,
shall be punished by imprisonment for a term between one and ten years.

XX C H A P T E R T W E N T Y

CRIMINAL OFFENCES AGAINST ADMINISTRATION OF JUSTICE

Failure to Inform of a Criminal Offence or a Perpetrator
Article 230

(1) Whoever, having knowledge of the identity of the perpetrator of a criminal offence for which a punishment of long-term imprisonment can be imposed under the law of Bosnia and Herzegovina, or whoever having merely knowledge of the perpetration of such an offence, fails to report the fact, although the timely discovery of the perpetrator of the offence depends on such report,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person who fails to inform of a criminal offence he has discovered while performing his duties, if for the offence a punishment of imprisonment for a term of five years or a more severe punishment can be imposed under the law of Bosnia and Herzegovina.
(3) No punishment for failure to inform of the criminal offence referred to in paragraphs 1 and 2 of this Article shall be imposed on a person who is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, or defence lawyer, medical doctor or confessional priest of the perpetrator.

Failure to Inform of a Person Indicted by the International Criminal Tribunal
Article 231

(1) Whoever, having knowledge of the whereabouts of a person indicted by the international criminal tribunal, and having knowledge of the fact of such indictment, fails to report such whereabouts, although the timely discovery of the wanted person depends on such report,
shall be punished by imprisonment for a term not exceeding three years.
(2) No punishment for the failure to inform of a person referred to in paragraph 1 of this Article shall be imposed on a person who is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, or defence lawyer, medical doctor or confessional priest of the indicted person.

Accessory After the Fact
Article 232

(1) Whoever harbours a person who has perpetrated a criminal offence prescribed by the law of Bosnia and Herzegovina, or aids him to avert being discovered, by concealing instruments, traces or in any other way, or whoever harbours a convicted person or takes steps towards frustrating the execution of punishment, imposed security measure or educational institutional measure prescribed by the law of Bosnia and Herzegovina,
shall be punished by a fine or imprisonment for a term not exceeding one year.
(2) Whoever renders assistance to the perpetrator of a criminal offence for which a punishment of imprisonment of three years or a more severe punishment may be imposed under the law of Bosnia and Herzegovina,
shall be punished by imprisonment for a term between six months and five years.
(3) Whoever renders assistance to the perpetrator of a criminal offence for which a punishment of long-term imprisonment is prescribed by the law of Bosnia and Herzegovina,
shall be punished by imprisonment for a term between one and ten years.
(4) The imposed punishment referred to in paragraph 1 of this Article may not be more severe either in type or in magnitude than the punishment imposed for a criminal offence in respect of which accessory after the fact took place.
(5) No punishment shall be imposed for the criminal offence referred to in paragraph 1 through 3 of this Article on a person who is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, or defence lawyer, medical doctor or confessional priest of the indicted person.

Accessory to a Person Indicted by the International Criminal Tribunal
Article 233

(1) Whoever renders assistance to, or hides a person indicted by the international criminal tribunal or aids him to elude discovery,
shall be punished by imprisonment for a term not exceeding three years.
(2) No punishment for the criminal offence referred to in the paragraph 1 of this Article shall be imposed on a person who is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, or defence lawyer, medical doctor or confessional priest of the indicted person.

False Information about Criminal Offence
Article 234

(1) Whoever reports a particular person of having perpetrated a criminal offence prescribed by the law of Bosnia and Herzegovina, knowing that such person is not the perpetrator,
shall be punished by imprisonment for a term between six months and five years.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever forges evidence of a criminal offence or in some other way causes the institution of prosecution for a criminal offence prescribed by the law of Bosnia and Herzegovina against a person whom he knows not to be the perpetrator.
(3) Whoever charges himself with the perpetration of a criminal offence prescribed by the law of Bosnia and Herzegovina, although not being the perpetrator of that criminal offence,
shall be punished by a fine or imprisonment for a term not exceeding six months.
(4) The punishment referred to in paragraph 3 of this Article shall be imposed on whoever reports a criminal offence prescribed by the law of Bosnia and Herzegovina although he know that such an offence has not been perpetrated.

Giving False Statements
Article 235

(1) A witness, expert witness, translator or interpreter who makes a false statement in court, minor offence, administrative or disciplinary proceedings before the institutions of Bosnia and Herzegovina,
shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever gives false testimony in presentation of evidence by hearing a party in a civil action or administrative proceedings before the institutions of Bosnia and Herzegovina, if the decision is based on such testimony.
(3) If the false statement has been made in the course of criminal procedure, the perpetrator
shall be punished by imprisonment for a term between six months and five years.
(4) If particularly grave consequences for the accused occur as a result of the criminal offence referred to in paragraph 3 of this Article, the perpetrator
shall be punished by imprisonment for a term between one and ten years.
(5) If the perpetrator voluntarily withdraws his false statement before the final decision has been made, he shall be punished by a fine or imprisonment for a term not exceeding six months,
but may be released from punishment.

Tampering With Evidence
Article 236

(1) Whoever makes a witness or a court witness give a false testimony in court, minor offence, administrative or disciplinary proceedings before the institutions of Bosnia and Herzegovina by use of threat or any other form of force or promise of a gift or some other benefit,
shall be punished by imprisonment for a term between six months and five years.
(2) Whoever, with the aim of preventing or hampering the collection of evidence in court, minor offence, administrative or disciplinary proceedings before the institutions of Bosnia and Herzegovina, conceals, destroys, damages or renders unserviceable, someone else's object or documents that may be used as evidence,
shall be punished by a fine or imprisonment for a term not exceeding three years.

Breach of Secrecy of Proceedings
Article 237

Whoever without authorisation discloses information he came in possession of over court, minor offence, administrative or disciplinary proceedings before the institutions of Bosnia and Herzegovina, which must not be disclosed according to the law or has been declared a secret by a decision of the Court of Bosnia and Herzegovina or by a decision of the institutions of Bosnia and Herzegovina,
shall be punished by a fine or imprisonment for a term not exceeding one year.

Violation of Law by a Judge
Article 238

A judge of the Constitutional Court of Bosnia and Herzegovina or the Court of Bosnia and Herzegovina or the Human Rights Chamber, who, with the aim of benefiting another, or harming another, passes an illegal act or otherwise violates the law in the performing of his official duties,
shall be punished by imprisonment for a term between six months and five years.

Failure to Enforce Decisions of the Constitutional Court of Bosnia and Herzegovina, Court of Bosnia and Herzegovina and Human Rights Chamber
Article 239

An official person in the institutions of Bosnia and Herzegovina, institutions of the entities and institutions of the Brčko District of Bosnia and Herzegovina, who refuses to enforce the final and enforceable decision of the Constitutional Court of Bosnia and Herzegovina or Court of Bosnia and Herzegovina or Human Rights Chamber of Bosnia and Herzegovina, or if he prevents enforcement of such a decision, or if he prevents the enforcement of the decision in some other way,
shall be punished by imprisonment for a term between six months and five years.

Disclosure of Identity of a Protected Witness
Article 240

A judge of the Court of Bosnia and Herzegovina or other official person who participated in a hearing of the protected witness in criminal proceedings conducted pursuant to the law of Bosnia and Herzegovina, who makes available to an unauthorised person data on the identity of a protected witness,
shall be punished by imprisonment for a term between six months and five years.

Obstruction of Justice
Article 241

(1) Whoever uses physical force, threats or intimidation or the promise, offering or giving of undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a criminal proceedings conducted pursuant to the law of Bosnia and Herzegovina,
shall be punished by imprisonment for a term between one and ten years.
(2) Whoever uses physical force, threats or intimidation to interfere with the exercise of official duties by a judge, prosecutor or law enforcement official person in relation to a criminal proceedings conducted pursuant to the law of Bosnia and Herzegovina,
shall be punished by imprisonment for a term between one and ten years.

XXI C H A P T E R T W E N T Y – O N E

CRIMINAL OFFENCES OF COPYRIGHTS VIOLATION

Breaches of Copyrights
Article 242

(1) Whoever, under his own or a name of another, publishes, shows, performs, transmits or in another way communicates to the public someone else's creation which in accordance with the law of Bosnia and Herzegovina is considered as a copyright protected product or approves this to be done,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever, without indicating the name or pseudonym of the author, publishes, shows, performs, transmits or in another way communicates to the public someone else's creation referred to in paragraph 1 of this Article on which the name and pseudonym of the author is designated, or incorporates in an unauthorized way parts of someone else's creation referred to in paragraph 1 into his own copy right protected product or approves this to be done.
(3) Whoever destroys, distorts or damages or in another way, without permission of the author changes someone else's creation referred to in paragraph 1 of this Article,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(4) The punishment referred to in paragraph 1 of this Article shall be imposed on whomever, without indicating the name or pseudonym of the performer of art, unless the performer of art wishes to stay anonymous, publishes, shows, performs, transmits or in another way communicates to the public his artistic performance.
(5) The punishment referred to in paragraph 3 of this Article shall be imposed on whomever destroys, distorts, damages, mutilates or in another way alters, without permission of the artistic performer, the recorded performance of the artist performer.
(6) If by the criminal offence referred to in paragraph 1 through 5 of this Article a substantial property gain has been obtained or considerable damage done, whereas the perpetrator has acted with a view to obtaining such property gain or causing such damage, the perpetrator
shall be punished by imprisonment for a term between six months and five years.

Impermissible Use of Copyrights
Article 243

(1) Whoever, without the authorisation of the author or other holder of copyright, or the person entitled to give authorisation, where such authorisation is required under the provisions of the law of Bosnia and Herzegovina, or contrary to their prohibition, fixes on a material surface, reproduces, multiplies, distributes, rents, imports, brings across the state border, presents, performs, broadcasts, transmits, makes available to the public, translates, adapts, arranges, alters or uses the in any other form the work of an author,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whomever, without the authorisation of the performer of art or the person entitled to give authorisation, where such authorisation is required under the provisions of the law of Bosnia and Herzegovina, or, contrary to their prohibition, records, reproduces, multiplies, distributes, rents, imports, brings across the state border, presents, performs, broadcasts, transmits, makes available to the public or uses his performance in another way.

(3) The punishment referred to in paragraph 1 of this Article shall be imposed on whomever, with an aim of facilitating the unauthorised use of the author's work or the performer's of art performance produces, imports, brings across the state border, distributes, rents or allows to others the use and exploitation of any kind of equipment or device whose sole or main purpose is to facilitate the unauthorised removal or circumvention of any technical device or computer program that is used for protection of the author's and performer's of art rights against unauthorised use.
(4) A person in whose possession the objects intended or used for the perpetration of the criminal offence or resulting from the perpetration of the criminal offence referred to in paragraph 1 through 3 of this Article, are found, and who knew, might have known or ought to have known about it,
shall be punished by a fine or imprisonment for a term not exceeding six months.
(5) If the perpetration of the criminal offence referred to in paragraph 1 through 3 of this Article has resulted in a substantial financial gain or has caused a substantial damage, and the perpetrator has acted with the aim of acquiring such financial gain or causing such damage, the perpetrator
shall be punished by imprisonment for a term between six months and five years.
(6) Objects intended or used for the perpetration of the criminal offence or resulting from the perpetration of the criminal offence referred to in paragraph 1 through 3 of this Article shall be forfeited and destroyed.

Illegal Use of the Sound Recording Producers' Rights
Article 244

(1) Whoever, without the authorisation of the producer of a sound recording, where such authorisation is required under the provisions of the law of Bosnia and Herzegovina, or contrary to their prohibition, broadcasts, reproduces directly or indirectly their sound recording, distributes, rents, imports, brings across the state border or makes available to the public the sound recording without authorisation,
shall be punished by a fine or imprisonment for a term not exceeding one year.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whomever, without the authorisation of the holder of the right with regard to the radio broadcast shows, where such authorisation is required under the provisions of the law of Bosnia and Herzegovina, or contrary to their prohibition, re-broadcasts or records the show, reproduces or distributes the recording of its show.
(3) If the perpetration of the criminal offence referred to in paragraph 1 and 2 of this Article has resulted in a substantial financial gain or has caused a substantial damage, and the perpetrator has acted with an aim of acquiring such financial gain or causing such damage, the perpetrator
shall be punished by imprisonment for a term between six months and five years.
(4) The objects intended or used for the perpetration of the criminal offence or resulting from the perpetration of the criminal offence referred to in paragraph 1 through 3 of this Article shall be forfeited and destroyed.

Illegal Use of Radio Broadcasting Rights
Article 245

(1) Whoever, without the authorisation of an authorised distributor of an encrypted satellite signal, manufactures, assembles, modifies, imports, exports, sells, rents or otherwise distributes a tangible or intangible device or system for decoding such a signal, knowing or having reason to know that the device or the system serves primarily for decoding an encrypted satellite signal,
shall be punished by a fine or imprisonment for a term not exceeding three years.
(2) If the perpetration of the criminal offence referred to in paragraph 1 of this Article has resulted in a substantial financial gain or has caused a substantial damage, and the perpetrator has acted with the aim of acquiring such financial gain or causing such damage, the perpetrator
shall be punished by imprisonment for a term between six months and five years.
(3) Objects intended or used for the perpetration of the criminal offence or resulting from the perpetration of the criminal offence referred to in paragraph 1 and 2 of this Article shall be forfeited and destroyed.

Illegal Distribution of Satellite Signals
Article 246

(1) Whoever, receives an encrypted satellite signal that has been decoded without the authorisation of its lawful distributor and further distributes such a signal, knowing or having reasons to know that such a signal is decoded without authorisation,
shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) If the perpetration of the criminal offence referred to in paragraph 1 of this Article has resulted in a substantial financial gain or has caused substantial damage, and the perpetrator has acted with the aim of acquiring such financial gain or causing such damage, the perpetrator
shall be punished by a fine or imprisonment for a term not exceeding three years.

XXII C H A P T E R T W E N T Y – T W O

CONSPIRACY, PREPARATION, ASSOCIATING AND ORGANISED CRIME

Conspiracy to Perpetrate a Criminal Offence
Article 247

Whoever agrees with another to perpetrate a criminal offence prescribed by the law of Bosnia and Herzegovina, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a heavier punishment is foreseen for conspiracy of a particular criminal offence,
shall be punished by a fine or imprisonment for a term not exceeding one year.

Preparation of a Criminal Offence
Article 248

Whoever procures or prepares means or removes obstacles or engages in any other activity that creates conditions for a direct perpetration, but is not a substantive part of the act of perpetration, of a criminal offence prescribed by the law of Bosnia and Herzegovina, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a heavier punishment is foreseen for preparation of a particular criminal offence,
shall be punished by a fine or imprisonment for a term not exceeding three years.

Associating for the Purpose of Perpetrating Criminal Offences
Article 249

(1) Whoever organises or directs at any level a group of people or otherwise associates three or more persons with an aim of perpetrating criminal offences prescribed by the law of Bosnia and Herzegovina, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a heavier punishment is foreseen for such organising or associating for the purpose of perpetrating a particular criminal offence,
shall be punished by imprisonment for a term between six months and five years.
(2) Whoever becomes a member of the group of people or an association referred to in paragraph 1 of this Article,
shall be punished by a fine or imprisonment for a term not exceeding one year.
(3) A member of the group who exposes such a group or a member of the association who exposes such an association prior to his having perpetrated criminal offence within its ranks or for its sake,
may be released from punishment.
(4) The organiser who prevents the perpetration of the criminal offences referred to in paragraph 1 of this Article by exposing the group or association or otherwise,
shall be punished by a fine or imprisonment for a term not exceeding one year,
but may be released from punishment.

Organised crime
Article 250

(1) Whoever perpetrates a criminal offence prescribed by the law of Bosnia and Herzegovina as a member of an organised criminal group, unless a heavier punishment is foreseen for a particular criminal offence,
shall be punished by imprisonment for a term not less than three years.
(2) Whoever as a member of an organised criminal group perpetrates a criminal offence prescribed by the law of Bosnia and Herzegovina, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a heavier punishment is foreseen for a particular criminal offence,
shall be punished by imprisonment for a term not less than five years.
(3) Whoever organises or directs at any level an organised criminal group which by joint action perpetrates or attempts to perpetrate criminal offence prescribed by the law of Bosnia and Herzegovina,

shall be punished by imprisonment for a term not less than ten years or a long-term imprisonment.
(4) Whoever becomes a member of an organised criminal group which by joint action perpetrates or attempts to perpetrate criminal offence prescribed by the law of Bosnia and Herzegovina, unless a heavier punishment is foreseen for a particular criminal offence,
shall be punished by imprisonment for a term not less than one year.
(5) A member of an organised criminal group referred to in paragraph 1 through 4 of this Article, who exposes the organised criminal group,
may be released from punishment.

XXIII C H A P T E R T W E N T Y – T H R E E

TRANSITIONAL AND FINAL PROVISIONS

Execution of Criminal Sanctions
Article 251

The Ministry of Justice of Bosnia and Herzegovina and the competent ministry in each Entity or the competent body in the Brčko District of Bosnia and Herzegovina shall secure the agreement regarding the execution of criminal sanctions in the institutions under the Entities' or District's regulation in three months time from the entry into force of this Code.

Entry into Force
Article 252

This Code shall enter into force on the 1 March 2003.