

KRIVIČNI ZAKON  
BOSNE I HERCEGOVINE

OPĆI DIO  
I GLAVA PRVA  
ZNAČENJE IZRAZA U OVOM ZAKONU

Član 1.

(1) Krivično zakonodavstvo Bosne i Hercegovine sačinjavaju krivičnopravne odredbe sadržane u ovom zakonu i u drugim zakonima Bosne i Hercegovine.

(2) Teritorija Bosne i Hercegovine je suhozemna teritorija, obalno more i vodene površine unutar njenih granica, kao i zračni prostor nad njima.

(3) Službena osoba je izabran ili imenovan funkcionar u organima zakonodavne, izvršne i sudske vlasti Bosne i Hercegovine i u drugim državnim i upravnim ustanovama ili službama koje vrše određene upravne, stručne i druge poslove u okviru prava i dužnosti vlasti koja ih je osnovala; osoba koja stalno ili povremeno vrši službenu dužnost u navedenim upravnim organima ili ustanovama; ovlaštena osoba u privrednom društvu ili u drugoj pravnoj osobi kojoj je zakonom ili drugim propisom donesenim na osnovu zakona povjereno vršenje javnih ovlaštenja, a koja u okviru tih ovlaštenja vrši određenu dužnost; te druga osoba koja vrši određenu službenu dužnost na osnovu ovlaštenja iz zakona ili drugog propisa donesenog na osnovu zakona.

(4) Kad je kao učinitelj određenog krivičnog djela označena službena osoba, osobe iz stava 3. ovog člana mogu biti učinitelji tih djela, ako iz obilježja pojedinog krivičnog djela ili iz pojedinog propisa ne proizilazi da učinitelj može biti samo neka od tih osoba.

(5) Odgovorna osoba je osoba u privrednom društvu ili u drugoj pravnoj osobi kojoj je s obzirom na njenu funkciju ili na osnovu posebnog ovlaštenja povjeren određeni krug poslova koji se odnose na primjenu zakona ili propisa donesenih na osnovu zakona, ili općeg akta privrednog društva ili druge pravne osobe u upravljanju i rukovanju imovinom, ili se odnose na rukovođenje proizvodnim ili nekim drugim privrednim procesom ili na nadzor nad njima. Odgovornom osobom smatra se i službena osoba u smislu stava 3. ovog člana kada su u pitanju radnje kod kojih je kao učinitelj označena odgovorna osoba, a nisu propisane kao krivično djelo odredbama glave o krivičnim djelima protiv službene i druge odgovorne dužnosti, ili odredbama o krivičnim djelima učinjenim od strane službene osobe propisanim u nekoj drugoj glavi ovog zakona ili drugim zakonom Bosne i Hercegovine.

(6) Kad je kao učinitelj krivičnih djela označena službena ili odgovorna osoba, sve osobe iz stava 3. i 5. ovog člana mogu biti učinitelji tih djela, ukoliko iz zakonskih obilježja pojedinog krivičnog djela ne proizilazi da učinitelj može biti samo neka od tih osoba.

THE CRIMINAL CODE  
OF BOSNIA AND HERZEGOVINA

GENERAL PART

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) Strana službena osoba je član zakonodavnog, izvršnog, upravnog ili sudskog organa strane države, javni funkcioner međunarodne organizacije i njezinih organa, sudija i drugi funkcioner međunarodnog suda, na službi u Bosni i Hercegovini.

(8) Dijete je, u smislu ovog zakona, osoba koja nije navršila četrnaest godina života.

(9) Maloljetnik je, u smislu ovog zakona, osoba koja nije navršila osamnaest godina života.

(10) Pravna osoba je, u smislu ovog zakona, Bosna i Hercegovina, Federacija Bosne i Hercegovine, Republika Srpska, Brčko Distrikt Bosne i Hercegovine, kanton, grad, općina, mjesna zajednica, svaki organizacioni oblik privrednog društva i svi oblici povezivanja privrednih društava, ustanova, institucije za vršenje kreditnih i drugih bankarskih poslova, za osiguranje imovine i osoba, kao i druge finansijske institucije, fond, političke organizacije i udruženja građana i drugi oblici udruživanja koji mogu da stiču sredstva i da ih koriste na isti način kao i svaka druga institucija ili organ koji ostvaruje i koristi sredstva i kojem je zakonom priznato svojstvo pravne osobe.

(11) Privredno društvo je, u smislu ovog zakona, korporacija, preduzeće, firma, partnerstvo i svaki organizacioni oblik registriran za obavljanje privredne djelatnosti.

(12) Udruženje je bilo koji oblik udruživanja tri ili više osoba.

(13) Više osoba je najmanje dvije osobe ili više njih.

(14) Skupina ljudi je najmanje pet osoba ili više njih.

(15) Grupa ljudi je udruženje od najmanje tri osobe koje su povezane radi trajnog, ponovljenog ili povremenog činjenja krivičnih djela, pri čemu svaka od tih osoba daje svoj udio u učinjenju krivičnog djela.

(16) Organizirana grupa ljudi je grupa ljudi koja je formirana, a nije spontano nastala, radi neposredno slijedećeg učinjenja krivičnog djela i čiji članovi ne moraju imati formalno definirane uloge, koja ne mora imati kontinuitet članstva ni razvijenu organizaciju.

(17) Organizirana grupa kriminalaca je organizirana grupa ljudi od najmanje tri osobe, koja postoji neko vrijeme, djelujući u cilju učinjenja jednog ili više krivičnih djela za koja se po zakonu može izreći kazna zatvora tri godine ili teža kazna.

(18) Osoba pod međunarodnopravnom zaštitom je šef države, uključujući bilo kojeg člana kolektivnog organa koji obavlja funkciju šefa države prema ustavu te države, predsjednik vlade i ministar vanjskih poslova, kadgod se bilo koja od tih osoba nalazi izvan svoje države, kao i članovi njihovih obitelji koji su u njihovom društvu, te svaki funkcioner ili predstavnik države ili funkcioner ili drugi predstavnik međunarodne organizacije koja ima međudržavni karakter, koji je u vrijeme i na mjestu kada je nad njim, njegovim službenim prostorijama, privatnim stanom ili prijevoznim sredstvom učinjeno krivično djelo, prema međunarodnom pravu imao pravo na posebnu zaštitu od napada na njegovu osobu, slobodu ili dostojanstvo, kao i članovi njegove obitelji koji čine njegovo domaćinstvo.

(19) Izbjegllice i raseljena lica su, u smislu ovog zakona, više osoba koje su napustile svoju imovinu na teritoriji Bosne i Hercegovine, u vremenskom periodu između 30. aprila 1991. godine i 4. aprila 1998. godine na teritoriji Federacije Bosne i Hercegovine, a između 30. aprila 1991. godine i 19. decembra 1998. godine na teritoriji Republike Srpske, za koje se pretpostavlja da su izbjegllice ili raseljena lica po Aneksu 7. Općeg okvirnog sporazuma za mir u Bosni i Hercegovini.

(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) Državna tajna je podatak ili isprava koja je zakonom, drugim propisom ili općim aktom nadležnog tijela donesenim na osnovu zakona, određena državnom tajnom, a otkrivanjem koje bi nastupile štetne posljedice za nacionalnu sigurnost ili nacionalni interes Bosne i Hercegovine.

(21) Vojna tajna je podatak ili isprava koja je zakonom Bosne i Hercegovine, Federacije Bosne i Hercegovine ili Republike Srpske, drugim propisom Bosne i Hercegovine, Federacije Bosne i Hercegovine ili Republike Srpske, ili aktom nadležnog organa Bosne i Hercegovine, Federacije Bosne i Hercegovine ili Republike Srpske donesenim na osnovu zakona proglašena vojnom tajnom.

(22) Službena tajna je podatak ili isprava koja je zakonom Bosne i Hercegovine, drugim propisom Bosne i Hercegovine ili općim aktom nadležne institucije Bosne i Hercegovine donesenim na osnovu zakona proglašena službenom tajnom.

(23) Isprava ili dokument je svaki predmet koji je podoban ili određen da služi kao dokaz kakve činjenice koja je od značenja za pravne odnose.

(24) Novac je metalno ili papirnato sredstvo plaćanja koje je na osnovu zakona u opticaju u Bosni i Hercegovini ili u stranoj državi.

(25) Znaci za vrijednost podrazumijevaju i strane znakove za vrijednost.

(26) Pokretna stvar je i svaka proizvedena ili skupljena energija za davanje svjetlosti, toplote ili kretanja, kao i telefonski i drugi impulsi.

(27) Motorno vozilo je svako prometno sredstvo na motorni pogon u suhozemnom, vodenom ili zračnom prometu.

(28) Sila je i primjena hipnoze ili omamljujućih sredstava s ciljem da se neko protiv svoje volje dovede u nesvjesno stanje ili onespособi za otpor.

(29) Opojna droga je medicinski lijek ili opasna supstanca s adiktivnim i psihotropnim svojstvima, ili susptanca koja se lahko može pretvoriti u takvu supstancu, ako podliježe kontroli prema međunarodnoj konvenciji koju je Bosna i Hercegovina ratificirala, ili supstanca koja je proglašena opojnom drogom od strane nadležne institucije Bosne i Hercegovine ili nadležne institucije entiteta.

(30) Međunarodni krivični sud podrazumijeva Međunarodni krivični sud za područje bivše Jugoslavije.

(31) Izražavanje u jednom gramatičkom rodu, muškom ili ženskom, uključuje oba roda fizičkih osoba.

## II GLAVA DRUGA

### OSNOVNE ODREDBE

Osnova i granice krivičnopravne prinude

#### Član 2.

(1) Krivična djela i krivičnopravne sankcije se propisuju samo za ona ponašanja kojima se tako ugrožavaju ili povređuju osobne slobode i prava čovjeka te druga prava i društvene vrijednosti zajamčene i zaštićene Ustavom Bosne i Hercegovine i međunarodnim pravom, da se njihova zaštita ne bi mogla ostvariti bez krivičnopravne prinude.

(2) Propisivanje krivičnih djela i vrste i raspona krivičnopravnih sankcija zasniva se na neophodnosti primjene krivičnopravne prinude i njenoj srazmjernosti jačini opasnosti za osobne slobode i prava čovjeka, te druge osnovne vrijednosti.

(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 CHAPTER TWO

### 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.

Načelo zakonitosti

Član 3.

(1) Krivična djela i krivičnopravne sankcije propisuju se samo zakonom.

(2) Nikome ne može biti izrečena kazna ili druga krivičnopravna sankcija za djelo koje, prije nego što je učinjeno, nije bilo zakonom ili međunarodnim pravom propisano kao krivično djelo i za koje zakonom nije bila propisana kazna.

Vremensko važenje krivičnog zakona

Član 4.

(1) Na učinitelja krivičnog djela primjenjuje se zakon koji je bio na snazi u vrijeme učinjenja krivičnog djela.

(2) Ako se poslije učinjenja krivičnog djela jednom ili više puta izmijeni zakon, primijenit će se zakon koji je blaži za učinitelja.

Vrste krivičnopravnih sankcija

Član 5.

Krivičnopravne sankcije su: kazne, uvjetna osuda, mjere sigurnosti i odgojne mjere.

Svrha krivičnopravnih sankcija

Član 6.

Svrha krivičnopravnih sankcija je:

- a) preventivni uticaj na druge da poštuju pravni sistem i ne učine krivična djela;
- b) sprječavanje učinitelja da učini krivična djela i podsticanje njegovog preodgoja.

Ograničenja u izvršenju krivičnopravnih sankcija

Član 7.

Učinitelju krivičnog djela u izvršenju krivičnopravne sankcije mogu biti oduzeta ili ograničena određena prava samo u mjeri koja odgovara prirodi i sadržini te sankcije i samo na način kojim se osigurava poštivanje osobe učinitelja i njegovo ljudsko dostojanstvo, u skladu s međunarodnim pravom.

### III GLAVA TREĆA

#### PRIMJENA KRIVIČNOG ZAKONODAVSTVA BOSNE I HERCEGOVINE

Isključenje primjene krivičnog zakonodavstva Bosne i Hercegovine prema djeci

Član 8.

Krivično zakonodavstvo Bosne i Hercegovine se ne primjenjuje prema djetetu koje u vrijeme učinjenja krivičnog djela nije navršilo četrnaest godina života.

Primjena krivičnog zakonodavstva Bosne i Hercegovine prema maloljetnicima

Član 9.

Krivično zakonodavstvo Bosne i Hercegovine se primjenjuje prema maloljetnicima u skladu s glavom X (Pravila o odgojnim preporukama, odgojnim mjerama i o kažnjavanju maloljetnika) ovog zakona i drugim zakonima Bosne i Hercegovine.

Primjena krivičnog zakonodavstva Bosne i Hercegovine na pravne osobe

### 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 CHAPTER THREE

### 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

Član 10.

Krivično zakonodavstvo Bosne i Hercegovine se primjenjuje na pravne osobe u skladu s glavom XIV (Odgovornost pravnih osoba za krivična djela) ovog zakona i drugim zakonima Bosne i Hercegovine.

Primjena krivičnog zakonodavstva Bosne i Hercegovine prema svakom ko na teritoriji Bosne i Hercegovine učini krivično djelo

Član 11.

(1) Krivično zakonodavstvo Bosne i Hercegovine se primjenjuje prema svakom ko učini krivično djelo na teritoriji Bosne i Hercegovine.

(2) Krivično zakonodavstvo Bosne i Hercegovine se primjenjuje prema svakom ko učini krivično djelo na domaćem plovilu, bez obzira gdje se plovilo nalazilo u vrijeme učinjenja krivičnog djela.

(3) Krivično zakonodavstvo Bosne i Hercegovine se primjenjuje prema svakom ko učini krivično djelo u domaćem civilnom zrakoplovu dok je u letu ili u domaćem vojnom zrakoplovu, bez obzira gdje se zrakoplov nalazio u vrijeme učinjenja krivičnog djela.

Primjena krivičnog zakonodavstva Bosne i Hercegovine za krivična djela učinjena izvan Bosne i Hercegovine

Član 12.

(1) Krivično zakonodavstvo Bosne i Hercegovine primjenjuje se prema svakome ko izvan njezine teritorije učini:

a) bilo koje krivično djelo protiv integriteta Bosne i Hercegovine iz glave XVI (Krivična djela protiv integriteta Bosne i Hercegovine) ovog zakona;

b) krivično djelo krivotvorenja novca ili krivotvorenja vrijednosnih papira Bosne i Hercegovine, krivično djelo krivotvorenja znakova za vrijednost ili krivotvorenja znakova za obilježavanje robe, mjera i utega izdatih na osnovi propisa institucija Bosne i Hercegovine iz člana 205. do 208. ovog zakona;

c) krivično djelo koje je Bosna i Hercegovina obavezna kažnjavati prema propisima međunarodnog prava, međunarodnih ili međudržavnih ugovora;

d) krivično djelo protiv službene ili odgovorne osobe u institucijama Bosne i Hercegovine u vezi s njezinom službom.

(2) Krivično zakonodavstvo Bosne i Hercegovine primjenjuje se prema državljaninu Bosne i Hercegovine koji izvan teritorije Bosne i Hercegovine učini bilo koje drugo krivično djelo osim onih koja su obuhvaćena odredbom stava 1. ovog člana.

(3) Krivično zakonodavstvo Bosne i Hercegovine primjenjuje se prema strancu koji izvan teritorije Bosne i Hercegovine prema Bosni i Hercegovini ili njezinom državljaninu učini bilo koje krivično djelo koje nije obuhvaćeno odredbom stava 1. ovog člana.

(4) Krivično zakonodavstvo Bosne i Hercegovine primjenjuje se prema strancu koji izvan teritorije Bosne i Hercegovine prema stranoj državi ili prema strancu učini krivično djelo za koje se po tom zakonodavstvu može izreći kazna zatvora od pet godina ili teža kazna.

**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

(5) U slučajevima iz stava 2. i 3. ovog člana krivično zakonodavstvo Bosne i Hercegovine primijenit će se samo ako se učinilac krivičnog djela zatekne na teritoriji Bosne i Hercegovine ili joj bude izručen, a u slučaju iz stava 4. ovog člana samo ako se učinilac zatekne na teritoriji Bosne i Hercegovine i ne bude izručen drugoj državi.

Primjena općeg dijela ovog zakona

Član 13.

(1) Odredbe općeg dijela ovog zakona primjenjuju se prema učiniteljima svih krivičnih djela propisanih u zakonima Bosne i Hercegovine.

(2) Odredbe općeg dijela ovog zakona primjenjuju se prema maloljetnicima, osim ako zakonom nije drugačije propisano.

(3) Odredbe općeg dijela ovog zakona primjenjuju se na pravne osobe, osim ako ovim zakonom nije drugačije propisano.

#### IV GLAVA ČETVRTA ZASTARJELOST

Zastarjelost krivičnog gonjenja

Član 14.

(1) Ako u ovom zakonu nije drukčije propisano, krivično gonjenje ne može se poduzeti kad od učinjenja krivičnog djela protekne:

a) tridesetpet godina za krivično djelo s propisanom kaznom dugotrajnog zatvora;

b) dvadeset godina za krivično djelo s propisanom kaznom zatvora preko deset godina;

c) petnaest godina za krivično djelo s propisanom kaznom zatvora preko pet godina;

d) deset godina za krivično djelo s propisanom kaznom zatvora preko tri godine;

e) pet godine za krivično djelo s propisanom kaznom zatvora preko jedne godine;

f) tri godine za krivično djelo s propisanom kaznom zatvora do jedne godine ili novčanom kaznom.

(2) Ako je za krivično djelo propisano više kazni, rok zastarjelosti određuje se po najtežoj propisanoj kazni.

Tok i prekid zastarjelosti krivičnog gonjenja

Član 15.

(1) Zastarijevanje krivičnog gonjenja počinje od dana kad je krivično djelo učinjeno.

(2) Zastarijevanje ne teče za vrijeme za koje se po zakonu krivično gonjenje ne može poduzeti ili nastaviti.

(3) Zastarijevanje se prekida svakom procesnom radnjom koja se poduzima radi gonjenja učinitelja zbog učinjenog krivičnog djela.

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 CHAPTER FOUR**

#### **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) Zastarijevanje se prekida i kad učinitelj, u vrijeme dok teče rok zastarjelosti, učini isto tako teško ili teže krivično djelo.

(5) Sa svakim prekidom zastarijevanje počinje ponovno teći.

(6) Zastarjelost krivičnog gonjenja nastupa u svakom slučaju kad protekne dvaput onoliko vremena koliko se po zakonu traži za zastarjelost krivičnog gonjenja.

#### Zastarjelost izvršenja kazne

##### Član 16.

Ako u ovom zakonu nije drukčije propisano, izrečena kazna neće se izvršiti kad od dana pravomoćnosti presude kojom je kazna izrečena protekne:

- a) tridesetpet godina ako je izrečena kazna dugotrajnog zatvora;
- b) dvadeset godina ako je izrečena kazna zatvora preko deset godina;
- c) petnaest godina ako je izrečena kazna zatvora preko pet godina;
- d) deset godina ako je izrečena kazna zatvora preko tri godine;
- e) pet godine ako je izrečena kazna zatvora preko jedne godine;
- f) tri godine ako je izrečena kazna zatvora do jedne godine ili novčana kazna.

#### Zastarjelost izvršenja sporednih kazni i mjera sigurnosti

##### Član 17.

(1) Zastarjelost izvršenja novčane kazne kao sporedne kazne nastupa kad protekne dvije godine od dana pravomoćnosti presude kojom je ta kazna izrečena.

(2) Zastarjelost izvršenja mjere sigurnosti obaveznog psihijatrijskog liječenja i mjere sigurnosti oduzimanja predmeta nastupa kad protekne pet godina od dana pravomoćnosti odluke kojom su te mjere izrečene.

(3) Zastarjelost izvršenja mjere sigurnosti zabrane vršenja poziva, djelatnosti ili dužnosti nastupa kad protekne onoliko vremena koliko je sud odredio za trajanje te mjere.

#### Tok i prekid zastarijevanja izvršenja kazne i mjera sigurnosti

##### Član 18.

(1) Zastarijevanje izvršenja kazne počinje od dana pravomoćnosti presude kojom je kazna izrečena, a u slučaju opoziva uvjetne osude, od dana pravomoćnosti odluke o opozivu uvjetne osude.

(2) Zastarijevanje ne teče za vrijeme za koje se po zakonu izvršenje kazne ne može poduzeti.

(3) Zastarijevanje se prekida svakom radnjom nadležnog organa koja se poduzima radi izvršenja kazne.

(4) Sa svakim prekidom zastarijevanje počinje ponovno teći.

(5) Zastarjelost izvršenja kazne nastupa u svakom slučaju

(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

kad protekne dvaput onoliko vremena koliko se po zakonu traži za zastarjelost izvršenja kazne.

(6) Odredbe stava 2. do 5. ovog člana primjenjuju se i na zastarjelost izvršenja mjera sigurnosti.

Nezastarivost krivičnog gonjenja i izvršenja kazne

Član 19.

Krivično gonjenje i izvršenje kazne ne zastarijeva za krivična djela genocida, zločina protiv čovječnosti te ratnih zločina, kao ni za krivična djela za koja po međunarodnom pravu zastarjelost ne može nastupiti.

V GLAVA PETA  
KRIVIČNO DJELO

Krivično djelo

Član 20.

Krivično djelo je protupravno djelo koje je zakonom propisano kao krivično djelo, čija su obilježja propisana zakonom i za koje je zakonom propisana krivičnopravna sankcija.

Način učinjenja krivičnog djela

Član 21.

- (1) Krivično djelo može se učiniti činjenjem ili nečinjenjem.
- (2) Krivično djelo je učinjeno nečinjenjem kad je učinitelj koji je pravno obavezan spriječiti nastupanje zakonom opisane posljedice krivičnog djela to propustio učiniti, a takvo je propuštanje po djelovanju i značenju jedanko učinjenju tog krivičnog djela činjenjem.

Vrijeme učinjenja krivičnog djela

Član 22.

Krivično djelo je učinjeno u vrijeme kad je učinitelj radio ili bio dužan raditi, bez obzira na to kad je posljedica činjenja ili nečinjenja nastupila.

Mjesto učinjenja krivičnog djela

Član 23.

- (1) Krivično djelo je učinjeno kako u mjestu gdje je učinitelj radio ili je bio dužan raditi, tako i u mjestu gdje je posljedica činjenja ili nečinjenja potpuno ili djelomično nastupila.
- (2) Krivično djelo je u slučaju kažnjivog pokušaja učinjeno kako u mjestu gdje je učinitelj radio ili je bio dužan raditi, tako i u mjestu gdje je prema njegovom umišljaju posljedica njegovog činjenja ili nečinjenja potpuno ili djelomično trebala nastupiti.
- (3) Krivično djelo je u slučaju saučesništva učinjeno u mjestu utvrđenom u stavu 1. ovog člana i u mjestu gdje je saučesnik radio ili je bio dužan raditi ili u mjestu gdje je prema umišljaju saučesnika posljedica njegovog činjenja ili nečinjenja trebala nastupiti.

Nužna odbrana

Član 24.

- (1) Nije krivično djelo ono djelo koje je učinjeno u nužnoj odbrani.
- (2) Nužna je ona odbrana koja je neophodno potrebna da

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 C H A P T E R F I V E**

### **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



učinitelj od sebe ili drugog odbije istovremeni ili direktno predstojeći protupravni napad, a koja je srazmjerna napadu.

(3) Učinitelj koji prekorači granice nužne odbrane može se blaže kazniti, a ako je prekoračenje učinio zbog jake razdraženosti ili straha izazvanog napadom, može se i osloboditi od kazne.

Krajnja nužda

Član 25.

(1) Nije krivično djelo ono djelo koje je učinjeno u krajnjoj nuždi.

(2) Krajnja nužda postoji kad je djelo učinjeno da učinitelj od sebe ili drugog otkloni istovremenu ili direktno predstojeću neskrivljenu opasnost koja se na drugi način nije mogla otkloniti, a pritom učinjeno zlo nije veće od zla koje je prijetilo.

(3) Učinitelj koji sam izazove opasnost ali iz nehata, ili prekorači granice krajnje nužde, može se blaže kazniti, a ako je prekoračenje učinjeno pod osobito olakšavajućim okolnostima, a može se i osloboditi od kazne.

(4) Nema krajnje nužde ako je učinitelj bio dužan izložiti se opasnosti.

Pokušaj

Član 26.

(1) Ko s umišljajem započne činjenje krivičnog djela, ali ga ne dovrši, kaznit će se za pokušaj krivičnog djela ako se za to krivično djelo može izreći kazna zatvora od tri godine ili teža kazna, a za pokušaj drugog krivičnog djela kad zakon izričito propisuje kažnjavanje i za pokušaj.

(2) Učinitelj će se za pokušaj krivičnog djela kazniti u granicama kazne propisane za to krivično djelo, a može se i blaže kazniti.

Nepodobni pokušaj

Član 27.

Učinitelj koji pokuša učiniti krivično djelo nepodobnim sredstvom ili prema nepodobnom predmetu, može se osloboditi od kazne ili se može blaže kazniti.

Dobrovoljni odustanak

Član 28.

(1) Učinitelj koji je pokušao učiniti krivično djelo, ali je dobrovoljno odustao od kažnjivog pokušaja, može se osloboditi od kazne.

(2) U slučaju dobrovoljnog odustanka od kažnjivog pokušaja učinitelj će se kazniti za one radnje koje čine neko drugo samostalno krivično djelo.

Saučinitelji

Član 29.

Ako više osoba, učestvovanjem u učinjenju krivičnog djela ili preduzimajući što drugo čime se na odlučujući način doprinosi učinjenju krivičnog djela, zajednički učine krivično djelo, svaka od njih kaznit će se kaznom propisanom za to krivično djelo.

Podstrekavanje

Član 30.

(1) Ko drugog s umišljajem podstrekava da učini krivično djelo kaznit će se kao da ga je sam učinio.

(2) Ko drugog s umišljajem podstrekava na učinjenje

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

krivičnog djela za koje se po zakonu može izreći kazna zatvora od tri godine ili teža kazna, a krivično djelo ne bude ni pokušano, kaznit će se kao za pokušaj krivičnog djela.

Pomaganje  
Član 31.

(1) Ko drugom s umišljajem pomogne u učinjenju krivičnog djela, kaznit će se kao da ga je sam učinio, a može se i blaže kazniti.

(2) Kao pomaganje u učinjenju krivičnog djela smatra se osobito: davanje savjeta ili uputa kako da se učini krivično djelo, stavljanje na raspolaganje učinitelju sredstava za učinjenje krivičnog djela, uklanjanje prepreka za učinjenje krivičnog djela te unaprijed obećano prikrivanje krivičnog djela, učinitelja, sredstava kojima je krivično djelo učinjeno, tragova krivičnog djela ili predmeta pribavljenih krivičnim djelom.

Granice krivične odgovornosti i kažnjivosti saučesnika

Član 32.

(1) Saučinitelj je krivično odgovoran u granicama svojeg umišljaja ili nehata, a podstrekač i pomagač u granicama svog umišljaja.

(2) Saučinitelja, podstrekača ili pomagača koji dobrovoljno spriječi učinjenje krivičnog djela sud će osloboditi od kazne.

(3) Osobni odnosi, svojstva i okolnosti zbog kojih zakon isključuje krivičnu odgovornost ili dopušta oslobođenje od kazne ili ublažavanje kazne, mogu se uzeti u obzir samo onom učinitelju, saučinitelju, podstrekaču ili pomagaču kod kojega takvi odnosi, svojstva i okolnosti postoje.

## VI GLAVA ŠESTA KRIVIČNA ODGOVORNOST

Elementi krivične odgovornosti

Član 33.

(1) Krivično je odgovoran učinitelj koji je uračunljiv i kriv za učinjeno krivično djelo.

(2) Učinitelj je kriv ako je krivično djelo učinio s umišljajem.

(3) Učinitelj je kriv i ako je krivično djelo učinio iz nehata, ako to zakon izričito propisuje.

Uračunljivost

Član 34.

(1) Nije uračunljiva osoba koja u vrijeme učinjenja krivičnog djela nije mogla shvatiti značaj svog djela ili nije mogla upravljati svojim postupcima zbog trajne ili privremene duševne bolesti, privremene duševne poremećenosti ili zaostalog duševnog razvoja (neuračunljivost).

(2) Učinitelj krivičnog djela čija je sposobnost da shvati značaj svog djela ili sposobnost da upravlja svojim postupcima bila bitno smanjena zbog nekog stanja iz stava 1. ovog člana može se blaže kazniti (bitno smanjena uračunljivost).

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 CHAPTER SIX

### 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 offence, 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

(3) Krivično je odgovoran učinitelj krivičnog djela koji je upotrebom alkohola, droga ili na drugi način doveo sebe u stanje u kome nije mogao shvatiti značaj svog djela ili upravljati svojim postupcima, ako je u vrijeme dovođenja u to stanje djelo bilo obuhvaćeno njegovim umišljajem ili je u odnosu prema krivičnom djelu kod njega postojao nehat a zakon za takvo djelo propisuje krivičnu odgovornost i za nehat (samoskrivljena neuračunljivost).

(4) Bitno smanjena uračunljivost u koju se učinitelj doveo na način iz stava 3. ovog člana ne može biti osnov za ublažavanje kazne.

#### Umišljaj

#### Član 35.

(1) Krivično djelo može biti učinjeno s direktnim ili eventualnim umišljajem.

(2) Učinitelj postupa s direktnim umišljajem kada je bio svjestan svog djela i htio njegovo učinjenje.

(3) Učinitelj postupa s eventualnim umišljajem kada je bio svjestan da zbog njegovog činjenja ili nečinjenja može nastupiti zabranjena posljedica, ali je pristao na njeno nastupanje.

#### Nehat

#### Član 36.

(1) Krivično djelo može biti učinjeno iz svjesnog ili nesvjesnog nehata.

(2) Učinitelj postupa iz svjesnog nehata kada je bio svjestan da zbog njegovog činjenja ili nečinjenja može nastupiti zabranjena posljedica, ali je olahko držao da ona neće nastupiti ili da će je moći spriječiti.

(3) Učinitelj postupa iz nesvjesnog nehata kad učinitelj nije bio svjestan mogućnosti nastupanja zabranjene posljedice, iako je prema okolnostima i prema svojim osobnim svojstvima bio dužan i mogao biti svjestan te mogućnosti.

#### Stvarna zabluda

#### Član 37.

(1) Nije krivično odgovorna osoba koja u vrijeme učinjenja krivičnog djela nije bila svjesna nekog njegovog zakonom propisanog obilježja, ili koja je pogrešno smatrala da postoje okolnosti prema kojima bi, da su one stvarno postojale, to djelo bilo dopušteno.

(2) Ako je osoba bila u zabludi iz nehata, krivično je odgovorna za krivično djelo učinjeno iz nehata ako zakon za to krivično djelo propisuje kažnjavanje i za nehat.

#### Pravna zabluda

#### Član 38.

Učinitelj krivičnog djela koji iz opravdanih razloga nije znao da je to djelo zabranjeno, može se blaže kazniti ili osloboditi od kazne.

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 GLAVA SEDMA

### KAZNE

#### Svrha kažnjavanja

##### Član 39.

Svrha kažnjavanja je:

- a) da se izrazi društvena osuda učinjenog krivičnog djela;
- b) da se utječe na učinitelja da ubuduće ne čini krivična djela;
- c) da se utječe na ostale da ne čine krivična djela;
- d) i da se utječe na svijest građana o pogibeljnosti krivičnih djela i o pravednosti kažnjavanja učinitelja.

#### Vrste kazni

##### Član 40.

Krivično odgovornim učiniteljima krivičnih djela mogu se izreći ove kazne:

- a) kazna zatvora;
- b) novčana kazna.

#### Glavna i sporedna kazna

##### Član 41.

- (1) Kazna zatvora može se izreći samo kao glavna kazna.
- (2) Novčana kazna može se izreći i kao glavna i kao sporedna kazna.
- (3) Ako su za jedno krivično djelo propisane obje kazne, samo se jedna može izreći kao glavna.
- (4) Za krivična djela učinjena iz koristoljublja novčana kazna kao sporedna može se izreći i kad nije propisana zakonom, ili kad je zakonom propisano da će se učinitelj kazniti kaznom zatvora ili novčanom kaznom, a sud kao glavnu kaznu izrekne kaznu zatvora.

#### Kazna zatvora

##### Član 42.

- (1) Kazna zatvora ne može biti kraća od trideset dana ni duža od dvadeset godina.
- (2) Za najteže oblike teških krivičnih djela učinjenih s umišljajem, može se propisati kazna zatvora u trajanju od dvadeset do četrdesetpet godina (dugotrajni zatvor).
- (3) Kazna dugotrajnog zatvora nikada se ne može propisati kao jedina glavna kazna za pojedino krivično djelo.
- (4) Kazna dugotrajnog zatvora ne može se izreći učinitelju koji u vrijeme učinjenja krivičnog djela nije navršio dvadesetjednu godinu života.
- (5) Pod uvjetima propisanim glavom X (Pravila o odgojnim preporukama, odgojnim mjerama i o kažnjavanju maloljetnika) ovog zakona može se izreći kazna maloljetničkog zatvora. Kazna maloljetničkog zatvora je po svojoj svrsi, prirodi, trajanju i načinu izvršenja posebna kazna lišenja slobode.
- (6) Kazna zatvora se izriče na pune godine i mjesece, a do šest mjeseci i na pune dane. Kazna dugotrajnog zatvora se izriče samo na pune godine.
- (7) Ako je izrečena kazna dugotrajnog zatvora, amnestija i pomilovanje mogu se dati tek nakon izdržanih tri petine te kazne.

## VII CHAPTER SEVEN

### 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.

## Rad za opće dobro na slobodi

### Član 43.

(1) Kad sud odmjeri i izrekne kaznu zatvora od najviše šest mjeseci, istovremeno može odrediti da se izrečena kazna, uz pristanak optuženog, zamijeni radom za opće dobro na slobodi.

(2) Odluka da se kazna zatvora zamijeni radom za opće dobro na slobodi zasniva se na ocjeni da, uzimajući u obzir sve okolnosti koje određuju vrstu i raspon kazne, izvršenje kazne zatvora ne bi bilo neophodno za ostvarenje svrhe kažnjavanja, ali istovremeno uvjetna kazna ne bi bila dovoljna za postizanje opće svrhe krivičnopravnih sankcija.

(3) Rad za opće dobro na slobodi određuje se u trajanju srazmjernom izrečenoj kazni zatvora, od najmanje deset do najviše šesdeset radnih dana. Rok izvršenja rada za opće dobro na slobodi ne može biti kraći od jednog mjeseca niti duži od jedne godine.

(4) Odmjeravajući trajanje rada za opće dobro na slobodi kao i roka izvršenja tog rada, sud će uzeti u obzir izrečenu kaznu zatvora koja se zamjenjuje i mogućnosti učinitelja u pogledu njegove osobne situacije i zaposlenja.

(5) U slučaju kada osuđeni po isteku određenog roka, nije izvršio ili je samo djelimično izvršio rad za opće dobro na slobodi, sud će donijeti odluku o izvršenju kazne zatvora u trajanju srazmjernom vremenu preostalog rada za opće dobro na slobodi.

(6) Zamjena kazne zatvora radom za opće dobro na slobodi može se primijeniti i u slučajevima kada se novčana kazna zamjenjuje kaznom zatvora prema odredbama člana 47. (Zamjena novčane kazne) ovog zakona.

(7) Raspoređivanje na rad za opće dobro na slobodi u smislu vrste i radnog mjesta vrši Ministarstvo pravde Bosne i Hercegovine, vodeći računa o sposobnostima i znanjima osuđenog.

### Uvjetni otpust

### Član 44.

(1) Osuđeni koji je izdržao polovinu, te izuzetno osuđeni koji je izdržao jednu trećinu kazne zatvora, može biti oslobođen izdržavanja kazne zatvora pod uvjetom da ne učini novo krivično djelo prije isteka trajanja kazne (uvjetni otpust).

(2) Osuđeni koji je izdržao polovinu kazne zatvora može biti oslobođen izdržavanja kazne zatvora ako se za vrijeme izdržavanja kazne zatvora njegovo ponašanje popravi do te mjere da se može opravdano očekivati da će se nakon otpusta s izdržavanja kazne zatvora ponašati primjereno, a naročito da neće učiniti krivična djela. Prilikom odlučivanja o uvjetnom otpustu osuđenog, uzet će se u obzir njegovo ponašanje u toku izdržavanja kazne kao i druge okolnosti koje ukazuju na to da je svrha kažnjavanja postignuta.

(3) Osuđeni koji je izdržao jednu trećinu kazne zatvora može biti uvjetno otpušten ukoliko postoje uvjeti iz stava 1. ovog člana i ukoliko posebne okolnosti vezane za ličnost osuđenog jasno ukazuju da je postignuta svrha kažnjavanja.

(4) Osuđeni na kaznu dugotrajnog zatvora može biti uvjetno otpušten nakon izdržane tri petine te kazne.

## 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.

## Opoziv uvjetnog otpusta

### Član 45.

(1) Sud će opozvati uvjetni otpust ako osuđeni za vrijeme uvjetnog otpusta učini jedno ili više krivičnih djela za koja mu je izrečena kazna zatvora od jedne godine ili teža kazna.

(2) Sud može opozvati uvjetni otpust ako osuđeni na uvjetnom otpustu učini jedno ili više krivičnih djela za koja je izrečena kazna zatvora do jedne godine. Prilikom odlučivanja da li da opozove uvjetni otpust, sud naročito uzima u obzir sličnost učinjenih djela, njihov značaj, motive iz kojih su učinjena, kao i druge okolnosti koje ukazuju na prikladnost opoziva uvjetnog otpusta.

(3) Prilikom izricanja opoziva uvjetnog otpusta, sud izriče kaznu uzimajući ranije izrečenu kaznu kao već utvrđenu. Dio kazne koji je osuđeni izdržao prema ranijoj presudi uračunava se u izdržavanje naknadne kazne, ali se vrijeme provedeno na uvjetnom otpustu ne uračunava.

(4) Odredbe stavova 1. do 3. ovog člana primjenjuju se i kada se osuđenom na uvjetnom otpustu sudi za krivično djelo učinjeno prije njegovog uvjetnog otpusta.

(5) Ako je osuđeni na uvjetnom otpustu osuđen na kaznu zatvora do jedne godine i ako sud ne opozove uvjetni otpust, vrijeme uvjetnog otpusta se produžava za vrijeme koje je osuđeni proveo na izdržavanju kazne zatvora.

## Novčana kazna

### Član 46.

(1) Novčana kazna se izriče u dnevnim iznosima, a ako to nije moguće može se izreći u određenom iznosu.

(2) Ako se novčana kazna izriče u dnevnim iznosima, može iznositi najmanje pet a najviše tristošestdeset dnevnih iznosa, a za krivična djela učinjena iz koristoljublja najviše hiljadu petsto dnevnih iznosa, osim u slučajevima propisanim ovim zakonom.

(3) Ako se novčana kazna izriče u određenom iznosu, najniži iznos ne može biti manji od 150 KM a najviši iznos ne može biti veći od 50.000 KM, a za krivična djela učinjena iz koristoljublja iznos ne može biti veći od 1.000.000 KM, osim u slučajevima propisanim ovim zakonom.

(4) Prilikom izricanja novčane kazne za krivična djela učinjena iz koristoljublja, sud može izreći novčanu kaznu u većem iznosu od najvišeg iznosa propisanog u stavu 2. i 3. ovog člana, ukoliko vrijednost protupravne imovinske koristi koju je učinitelj pribavio krivičnim djelom prelazi iznos od 1.000.000 KM. U tom slučaju, učinitelju se može izreći novčana kazna u iznosu koji ne može biti veći od dvostrukog iznosa od vrijednosti protupravne imovinske koristi koju je pribavio krivičnim djelom zbog kojeg mu se izriče novčana kazna.

(5) Broj dnevnih iznosa novčane kazne određuje sud primjenjujući opća pravila o odmjeravanju kazne. Visinu dnevnog iznosa sud određuje tako što uzima u obzir visinu dnevnog dohotka učinitelja prema iznosu njegove tromjesečne neto plate i njegove druge dohotke, kao i obiteljske obaveze. Prilikom određivanja visine iznosa sud se oslanja na podatke koji u trenutku izricanja kazne nisu stariji od šest mjeseci.

(6) Podatke iz prethodnih stavova ovog člana koji sudu nisu poznati osigurava optuženi u roku koji odredi sud, a najkasnije do završetka glavnog pretresa u krivičnom postupku. Ako do završetka glavnog pretresa u krivičnom postupku sudu nisu poznate okolnosti bitne za određivanje visine dnevnog iznosa

## 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

novčane kazne, novčana kazna se izriče u određenom iznosu, pri čemu se primjenjuju opća pravila za odmjerenje kazne.

(7) Najniži dnevni iznos novčane kazne iznosi jednu šesdesetinu a najviše jednu trećinu zadnje zvanično objavljene prosječne mjesečne neto plate zaposlenih u Bosni i Hercegovini, koju objavljuje Agencija za statistiku Bosne i Hercegovine.

(8) U presudi se određuje rok plaćanja novčane kazne, koji ne može biti kraći od petnaest dana ni duži od šest mjeseci, ali u opravdanim slučajevima sud može dopustiti da osuđeni isplati novčanu kaznu i u otplatama, s tim da rok isplate ne može biti duži od dvije godine.

(9) Novčane kazne izrečene i naplaćene po ovom zakonu su prihod budžeta Bosne i Hercegovine.

#### Zamjena novčane kazne

##### Član 47.

(1) Novčana kazna se ne naplaćuje prinudno.

(2) Ako se novčana kazna ne može u cijelosti ili djelimično naplatiti u roku koji je utvrđen presudom, sud će bez odlaganja donijeti odluku da se novčana kazna zamijeni kaznom zatvora.

(3) Novčana kazna će se zamijeniti kaznom zatvora tako što će se za svaki započeti dnevni iznos novčane kazne, odnosno ako je novčana kazna bila izrečena u određenom iznosu, za svakih započelih pedeset KM novčane kazne odrediti jedan dan zatvora, ali zatvor u tom slučaju ne može biti duži od jedne godine.

(4) Ako osuđeni isplati samo dio novčane kazne, ostatak će se srazmjerno pretvoriti u zatvor, a ako osuđeni isplati ostatak novčane kazne, izvršenje zatvora će se obustaviti.

#### Opća pravila za odmjerenje kazne

##### Član 48.

(1) Sud će učinitelju krivičnog djela odmjeriti kaznu u granicama koje su zakonom propisane za to krivično djelo, imajući u vidu svrhu kažnjavanja i uzimajući u obzir sve okolnosti koje utječu da kazna bude manja ili veća (olakšavajuće i otežavajuće okolnosti), a osobito: stepen krivične odgovornosti, pobude iz kojih je djelo učinjeno, jačinu ugrožavanja ili povrede zaštićenog dobra, okolnosti pod kojima je djelo učinjeno, raniji život učinitelja, njegove osobne prilike i njegovo držanje nakon učinjenog krivičnog djela, kao i druge okolnosti koje se odnose na osobu učinitelja.

(2) Kad sud odmjera kaznu učinitelju za krivično djelo učinjeno u povratu, posebno će uzeti u obzir je li ranije djelo iste vrste kao i novo djelo, jesu li oba djela učinjena iz istih pobuda i koliko je vremena proteklo od ranije osude, odnosno od izdržane ili oprostene kazne.

(3) Pri odmjerenju novčane kazne, sud će uzeti u obzir i imovno stanje učinitelja, vodeći pri tome računa o visini njegove plate, njegovim drugim prihodima, njegovoj imovini i o njegovim obiteljskim obavezama.

#### Ublažavanje kazne

##### Član 49.

Sud može učinitelju odmjeriti kaznu ispod granice propisane zakonom ili izreći blažu vrstu kazne:

a) kad zakon propisuje da se učinitelj može blaže kazniti;

b) i kad sud utvrdi da postoje osobito olakšavajuće okolnosti koje ukazuju da se i s ublaženom kaznom može postići svrha

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 pronounciation 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.

kažnjavanja.

Granice ublažavanja kazne

Član 50.

(1) Kad postoje uvjeti za ublažavanje kazne iz člana 49. (Ublažavanje kazne) ovog zakona, sud će ublažiti kaznu u ovim granicama:

a) ako je za krivično djelo kao najmanja mjera kazne propisana kazna zatvora od deset ili više godina, kazna se može ublažiti do pet godina zatvora;

b) ako je za krivično djelo kao najmanja mjera kazne propisana kazna zatvora od tri ili više godina, kazna se može ublažiti do jedne godine zatvora;

c) ako je za krivično djelo kao najmanja mjera kazne propisana kazna zatvora od dvije godine, kazna se može ublažiti do šest mjeseci zatvora;

d) ako je za krivično djelo kao najmanja mjera kazne propisana kazna zatvora od jedne godine, kazna se može ublažiti do tri mjeseca zatvora;

e) ako je za krivično djelo propisana kazna zatvora od najviše jedne godine, kazna se može ublažiti do trideset dana zatvora;

f) ako je za krivično djelo propisana kazna zatvora bez naznake najmanje mjere, umjesto kazne zatvora može se izreći novčana kazna;

g) ako je za krivično djelo propisana novčana kazna s naznakom najmanje mjere, kazna se može ublažiti do pet dnevnih iznosa a ako se izriče u određenom iznosu do 150 KM.

(2) Pri odlučivanju koliko će kaznu ublažiti prema pravilima iz stava 1. ovog člana, sud će posebno uzeti u obzir najmanju i najveću mjeru kazne propisane za to krivično djelo.

Oslobodenje od kazne

Član 51.

(1) Sud može osloboditi od kazne učinitelja krivičnog djela kad to zakon izričito propisuje.

(2) Kad je sud ovlašten učinitelja krivičnog djela osloboditi od kazne, može mu kaznu ublažiti bez ograničenja propisanih za ublažavanje kazne u članu 49. (Ublažavanje kazne) ovog zakona.

Poseban slučaj oslobodenja od kazne za krivična djela počinjena iz nehata

Član 52.

Sud može osloboditi od kazne učinitelja krivičnog djela učinjenog iz nehata, kad posljedice djela tako teško pogađaju učinitelja da izricanje kazne u takvom slučaju očigledno ne bi odgovaralo svrsi kažnjavanja.

Stjecaj krivičnih djela

Član 53.

(1) Ako je učinitelj jednom radnjom ili s više radnji učinio više krivičnih djela za koja mu se istovremeno sudi, sud će najprije utvrditi kazne za svako od tih krivičnih djela, pa će za sva krivična djela izreći jedinstvenu kaznu zatvora, kaznu dugotrajnog zatvora ili jedinstvenu novčanu kaznu.

(2) Jedinstvenu kaznu sud će izreći po ovim pravilima:

## 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) ako je za neko od krivičnih djela u stjecaju sud utvrdio kaznu dugotrajnog zatvora, izreći će samo tu kaznu;

b) ako je za krivična djela u stjecaju sud utvrdio kazne zatvora, jedinstvena kazna zatvora mora biti veća od svake pojedine utvrđene kazne, ali ne smije dostignuti zbir utvrđenih kazni niti prijeći dvadeset godina;

c) ako su za sva krivična djela u stjecaju propisane kazne zatvora do tri godine, jedinstvena kazna zatvora ne može biti veća od osam godina;

d) ako je za krivična djela u stjecaju sud utvrdio samo novčane kazne, jedinstvena kazna mora biti veća od svake pojedine utvrđene novčane kazne, ali ne smije dostignuti zbir utvrđenih novčanih kazni.

(3) Ako je za neka krivična djela u stjecaju sud utvrdio kazne zatvora, a za druga krivična djela u stjecaju novčane kazne, izreći će jedinstvenu kaznu zatvora i jedinstvenu novčanu kaznu prema odredbama stava 2. tačke b. do d. ovog člana.

(4) Sporednu kaznu sud će izreći ako je utvrđena makar za jedno krivično djelo u stjecaju, a ako je utvrdio više novčanih kazni, izreći će jedinstvenu novčanu kaznu prema odredbi stava 2. tačke d. ovog člana.

(5) Ako je sud za krivična djela u stjecaju utvrdio kazne zatvora i kazne maloljetničkog zatvora, izreći će jedinstvenu kaznu zatvora prema odredbama stava 2. tačke b. i c. ovog člana.

#### Produženo krivično djelo Član 54.

(1) Odredbe ovog zakona o sticaju krivičnih djela neće se primijeniti kada učinilac učini produženo krivično djelo.

(2) Produženo krivično djelo je učinjeno kad je učinilac s umišljajem učinio više istih ili istovrsnih krivičnih djela koja s obzirom na način učinjenja, njihovu vremensku povezanost i druge stvarne okolnosti koje ih povezuju čine jedinstvenu cjelinu.

(3) Kada se radi o produženom krivičnom djelu istih zakonskih obilježja, sud će izabrati vrstu i mjeru kazne koja je propisana za to krivično djelo. Ako se radi o istovrsnim krivičnim djelima, sud će izabrati vrstu i mjeru kazne koja je propisana za najteže od tih djela.

#### Odmjeravanje kazne osuđenoj osobi Član 55.

(1) Ako se osuđenoj osobi sudi za krivično djelo učinjeno prije nego što je započela izdržavanje kazne po ranijoj osudi, ili za krivično djelo učinjeno za vrijeme izdržavanja kazne zatvora, kazne dugotrajnog zatvora ili kazne maloljetničkog zatvora, sud će izreći jedinstvenu kaznu za sva krivična djela primjenom odredaba člana 53. (Stjecaj krivičnih djela) ovoga zakona uzimajući ranije izrečenu kaznu kao već utvrđenu. Kazna ili dio kazne koju je osuđeni izdržao, uračunat će se u izrečenu kaznu zatvora ili kaznu dugotrajnog zatvora.

(2) Za krivično djelo učinjeno za vrijeme izdržavanja kazne

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

zatvora, kazne dugotrajnog zatvora ili kazne maloljetničkog zatvora, sud će učinitelju izreći kaznu neovisno od ranije izrečene kazne, ako se primjenom odredaba člana 53. ovog zakona ne bi mogla ostvariti svrha kažnjavanja s obzirom na trajanje neizdržanog dijela ranije izrečene kazne.

(3) Prema osuđenom koji za vrijeme izdržavanja kazne zatvora, kazne dugotrajnog zatvora ili kazne maloljetničkog zatvora učini krivično djelo za koje zakon propisuje novčanu kaznu ili kaznu zatvora do jedne godine, primijenit će se disciplinska mjera.

Uračunavanje pritvora i ranije kazne

Član 56.

(1) Vrijeme provedeno u pritvoru, kao i svako lišenje slobode u vezi s krivičnim djelom, uračunavaju se u izrečenu kaznu zatvora, kaznu dugotrajnog zatvora, kaznu maloljetničkog zatvora ili novčanu kaznu.

(2) Pri svakom uračunavanju izjednačava se dan pritvora, dan lišenja slobode, dan maloljetničkog zatvora, dan zatvora, dan dugotrajnog zatvora i iznos od 50 KM.

Uračunavanje pritvora i kazne izdržane u inostranstvu

Član 57.

Pritvor, lišenje slobode u toku ekstradicijskog postupka, kao i kazna koju je učinitelj izdržao po presudi inostranog suda uračunat će se u kaznu koju izrekne domaći sud za isto krivično djelo, a ako kazne nisu iste vrste, uračunavanje će se izvršiti po ocjeni suda.

## VIII GLAVA OSMA UVJETNA OSUDA

Svrha uvjetne osude

Član 58.

Svrha uvjetne osude je da se učinitelju krivičnog djela uputi upozorenje uz prijetnju kaznom (uvjetna osuda) kojim se omogućava ostvarenje svrhe krivičnih sankcija izricanjem kazne bez njezinog izvršenja, kad izvršenje kazne nije nužno radi krivičnopravne zaštite.

Uvjetna osuda

Član 59.

(1) Uvjetnom osudom sud učinitelju krivičnog djela utvrđuje kaznu i istodobno određuje da se ona neće izvršiti ako osuđeni za vrijeme koje odredi sud, a koje ne može biti kraće od jedne ni duže od pet godina (vrijeme provjeravanja), ne učini novo krivično djelo.

(2) Pri odlučivanju hoće li izreći uvjetnu osudu sud će, vodeći računa o svrsi uvjetne osude, posebno uzeti u obzir ličnost učinitelja, njegov raniji život, njegovo ponašanje poslije učinjenog krivičnog djela, stepen krivične odgovornosti i druge okolnosti pod kojima je krivično djelo učinjeno.

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 CHAPTER EIGHT

### **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) Uvjetna osuda se može izreći kad je učinitelju utvrđena kazna zatvora do dvije godine ili novčana kazna.

(4) Za krivična djela za koja se može izreći kazna zatvora od deset godina ili teža kazna može se izreći uvjetna osuda samo ako je kazna iz stava 3. ovog člana utvrđena ublažavanjem zakonom propisane kazne.

(5) Uvjetna osuda se ne može izreći za krivična djela za koja se ni ublažavanjem kazne ne može izreći kazna zatvora manja od jedne godine.

(6) Ako je učinitelju utvrđena i kazna zatvora i novčana kazna, uvjetna osuda se može izreći za obje kazne ili samo za kaznu zatvora.

(7) Mjere sigurnosti, izrečene uz uvjetnu osudu, izvršavaju se.

Obaveze učinitelja kojem je izrečena uvjetna osuda  
Član 60.

(1) Sud može u uvjetnoj osudi odrediti ispunjavanje slijedećih obaveza: da će osuđeni vratiti imovinsku korist pribavljenu krivičnim djelom, da će nadoknaditi štetu koju je prouzrokovao krivičnim djelom, ili ispunjavanje druge obaveze predviđene krivičnim zakonodavstvom Bosne i Hercegovine.

(2) Rok za ispunjenje obaveza iz stava 1. ovog člana utvrđuje sud u okviru određenog vremena provjeravanja.

Opoziv uvjetne osude zbog novog krivičnog djela

Član 61.

(1) Sud će opozvati uvjetnu osudu ako osuđeni u toku vremena provjeravanja učini jedno ili više krivičnih djela za koja je izrečena kazna zatvora od dvije godine ili teža kazna.

(2) Ako osuđeni u vrijeme provjeravanja učini jedno ili više krivičnih djela za koja je izrečena kazna zatvora u trajanju kraćem od dvije godine ili novčana kazna, sud će, pošto ocijeni sve okolnosti koje se odnose na učinjena krivična djela i učinitelja, a posebno srodnost učinjenih krivičnih djela, njihov značaj i pobude iz kojih su učinjena, odlučiti hoće li opozvati uvjetnu osudu. Pri tome sud je vezan zabranom izricanja uvjetne osude ako učinitelju za krivična djela utvrđena u uvjetnoj osudi i za nova krivična djela treba izreći kaznu zatvora u trajanju više od dvije godine (član 59. Uvjetna osuda, stav 3. ovog zakona).

(3) Ako opozove uvjetnu osudu, sud će primjenom odredaba člana 53. (Stjecaj krivičnih djela) ovog zakona izreći jedinstvenu kaznu i za ranije učinjeno i za novo krivično djelo, uzimajući kaznu iz opozvane uvjetne osude kao utvrđenu.

(4) Ako ne opozove uvjetnu osudu, sud može za novo krivično djelo izreći uvjetnu osudu ili kaznu. Ako sud ocijeni da i za novo krivično djelo treba izreći uvjetnu osudu, utvrdit će jedinstvenu kaznu i za ranije učinjeno i za novo krivično djelo primjenom odredaba člana 53. ovog zakona i odredit će novo vrijeme provjeravanja, koje ne može biti kraće od jedne ni duže od

(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

pet godina računajući od dana pravomoćnosti nove presude. Osuđenom kojem za novo krivično djelo bude izrečena kazna zatvora, vrijeme provedeno na izdržavanju ove kazne ne uračunava se u vrijeme provjeravanja utvrđeno uvjetnom osudom za ranije krivično djelo.

Opoziv uvjetne osude zbog ranije učinjenog krivičnog djela

Član 62.

(1) Sud će opozvati uvjetnu osudu ako poslije njezinog izricanja utvrdi da je osuđeni učinio krivično djelo prije nego što je uvjetno osuđen i ako ocijeni da ne bi bilo osnova za izricanje uvjetne osude da se znalo za to krivično djelo. U tom slučaju primijenit će odredbu člana 61. (Opoziv uvjetne osude zbog novog krivičnog djela) stava 3. ovog zakona.

(2) Ako sud ne opozove uvjetnu osudu, primijenit će odredbu člana 61. stava 4. ovog zakona.

Opoziv uvjetne osude zbog neispunjenja izrečenih obaveza

Član 63.

(1) Sud će opozvati uvjetnu osudu i izreći izvršenje izrečene kazne ako osuđeni u određenom vremenu provjeravanja ne ispuni izrečenu obavezu u slučajevima kada je mogao ispuniti tu obavezu.

(2) U slučaju nemogućnosti ispunjavanja izrečene obaveze, sud može produžiti rok za ispunjenje te obaveze ili je zamijeniti drugom odgovarajućom obavezom predviđenom krivičnim zakonodavstvom Bosne i Hercegovine, ili može osuđenog osloboditi ispunjenja izrečene obaveze.

Rokovi za opoziv uvjetne osude

Član 64.

(1) Uvjetna osuda se može opozvati u toku vremena provjeravanja.

(2) Ako osuđeni u toku vremena provjeravanja učini krivično djelo koje povlači opoziv uvjetne osude, a to je presudom utvrđeno tek poslije isteka vremena provjeravanja, uvjetna osuda može se opozvati najkasnije u roku od jedne godine od dana kad je proteklo vrijeme provjeravanja.

(3) Ako osuđeni u određenom roku ne ispuni neku obavezu iz člana 60. (Obaveze učinitelja kojem je izrečena uvjetna osuda) stava 1. ovog zakona, sud može opozvati uvjetnu osudu najkasnije u roku od jedne godine od dana kad je proteklo vrijeme provjeravanja i odrediti da se izvrši kazna utvrđena u uvjetnoj osudi.

Uvjetna osuda sa zaštitnim nadzorom

Član 65.

(1) Sud može odrediti da se učinitelj, kome je izrečena uvjetna osuda, stavi pod zaštitni nadzor ako s obzirom na okolnosti učinjenja krivičnog djela, osobu učinitelja, njegov raniji život i držanje poslije učinjenog krivičnog djela smatra da će se uz određivanje zaštitnog nadzora svrha uvjetne osude i društveno

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

prilagodavanje osuđenog bolje ostvariti.

(2) Zaštitni nadzor obuhvaća ovim zakonom predviđene mjere pomoći, brige, nadzora i zaštite, s tim da vrijeme trajanja nadzora ne može biti kraće od šest mjeseci niti duže od dvije godine.

Sadržaj zaštitnog nadzora  
Član 66.

Zaštitni nadzor može obuhvatiti ove obaveze:

- a) liječenje u odgovarajućoj zdravstvenoj ustanovi;
- b) uzdržavanje od upotrebe alkoholnih pića ili opojnih droga;
- c) posjećivanje određenih psihijatrijskih, psiholoških i drugih savjetovališta i postupanje po njihovim savjetima;
- d) osposobljavanje za određeno zanimanje;
- e) prihvaćanje zaposlenja koje odgovara stručnoj spremi i sposobnostima učinitelja;
- f) raspolaganje s plaćom i drugim prihodima ili imovinom na primjeren način i u skladu s bračnim i obiteljskim obavezama.

Određivanje zaštitnog nadzora  
Član 67.

(1) Sud u presudi određuje jednu ili više obaveza iz člana 66. (Sadržaj zaštitnog nadzora) ovog zakona utvrđujući njihov sadržaj.

(2) Prilikom određivanja obaveza iz člana 66. ovog zakona sud će naročito uzeti u obzir godine života učinitelja, njegovo opće zdravstveno i duševno stanje, njegove sklonosti i navike u načinu vođenja života, naročito u kući, školi ili na radnom mjestu, pobude iz kojih je učinio krivično djelo i ponašanje poslije učinjenog krivičnog djela, njegov raniji život, osobne i obiteljske prilike, kao i druge okolnosti koje se odnose na osobu učinitelja a od značaja su za izbor obaveza zaštitnog nadzora i njihovo trajanje.

(3) Ako u toku trajanja zaštitnog nadzora sud utvrdi da je ispunjena svrha zaštitnog nadzora, može zaštitni nadzor ukinuti prije isteka određenog vremena.

(4) Ako osuđeni kojem je izrečen zaštitni nadzor ne ispunjava obaveze koje mu je sud odredio, sud ga može opomenuti ili može ranije obaveze zamijeniti drugim ili produžiti trajanje zaštitnog nadzora u okviru vremena provjeravanja, ili opozvati uvjetnu osudu.

## IX GLAVA DEVETA

### MJERE SIGURNOSTI

Svrha mjera sigurnosti

Član 68.

Svrha mjera sigurnosti je da se otklone stanja ili uvjeti koji mogu utjecati da učinitelj ubuduće učini krivična djela.

Vrste mjera sigurnosti

Član 69.

Učiniteljima krivičnih djela mogu se izreći ove mjere sigurnosti:

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

- a) obavezno psihijatrijsko liječenje;
- b) obavezno liječenje od ovisnosti;
- c) zabrana vršenja poziva, djelatnosti ili dužnosti;
- d) oduzimanje predmeta.

Izricanje mjera sigurnosti

Član 70.

Sud može učinitelju krivičnog djela izreći jednu ili više mjera sigurnosti kad postoje uvjeti za njihovo izricanje propisani ovim zakonom.

Obavezno psihijatrijsko liječenje

Član 71.

(1) Mjera sigurnosti obaveznog psihijatrijskog liječenja izriče se učinitelju krivičnog djela koji je krivično djelo učinio u stanju bitno smanjene uračunljivosti, odnosno smanjene uračunljivosti, ako postoji opasnost da bi uzroci takvog stanja mogli i ubuduće djelovati na učinitelja da učini novo krivično djelo.

(2) Mjera sigurnosti obaveznog psihijatrijskog liječenja može se izvršiti, pod uvjetima utvrđenim u stavu 1. ovog člana, uz izdržavanje kazne zatvora ili uz rad za opće dobro na slobodi, ili uz uvjetnu osudu.

(3) Mjera sigurnosti obaveznog psihijatrijskog liječenja traje dok ne prestanu razlozi zbog kojih je izrečena, ali najduže do isteka izdržavanja kazne zatvora ili izvršenja rada za opće dobro na slobodi ili isteka vremena provjeravanja uz uvjetnu osudu.

(4) Kao u slučaju iz člana 43. (Rad za opće dobro na slobodi) stav 5. ovog zakona, izvršenje kazne zatvora može se odrediti učinitelju krivičnog djela koji se u toku izvršenja rada za opće dobro na slobodi kao zamjeni za kaznu zatvora ne podvrgne obaveznom psihijatrijskom liječenju.

(5) Pod uvjetima iz stava 2. ovog člana, obavezno psihijatrijsko liječenje se može nastaviti izvan medicinske ustanove nakon što je osuđeni uvjetno otpušten. Ako osuđeni ne nastavi liječenje, uvjetni otpust će se opozvati.

(6) Prema učinitelju krivičnog djela koji se ne podvrgne psihijatrijskom liječenju tokom vremena provjeravanja određenog u uvjetnoj osudi, može se postupiti prema odredbi člana 63. (Opoziv uvjetne osude zbog neispunjenja određenih obaveza) ovog zakona.

Obavezno liječenje od ovisnosti

Član 72.

(1) Mjera sigurnosti obaveznog liječenja od ovisnosti može se izreći učinitelju koji je krivično djelo učinio pod odlučujućim djelovanjem ovisnosti od alkohola ili opojnih droga, ako postoji opasnost da će zbog te ovisnosti i ubuduće učiniti krivična djela.

(2) Mjera sigurnosti obaveznog liječenja od ovisnosti, pod uvjetima iz stava 1. ovog člana, može se izreći uz istu krivičnoppravnu sankciju, u istom trajanju i na isti način kako je ovim zakonom propisano za mjeru sigurnosti obaveznog psihijatrijskog liječenja.

(3) Kao u slučaju iz člana 43. (Rad za opće dobro na slobodi) stava 5. ovog zakona, izvršenje kazne zatvora može se odrediti učinitelju krivičnog djela koji se u toku izvršenja rada za opće dobro na slobodi kao zamjeni za kaznu zatvora ne podvrgne obaveznom liječenju od ovisnosti.

(4) Pod uvjetima iz člana 71. (Obavezno psihijatrijsko

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*

liječenje) stava 2. ovog zakona, obavezno liječenje od ovisnosti se može nastaviti izvan medicinske ustanove nakon što je osuđeni uvjetno otpušten. Ako osuđeni ne nastavi liječenje, uvjetni otpust će se opozvati.

(5) Prema učinitelju krivičnog djela koji se ne podvrgne liječenju od ovisnosti tokom vremena provjeravanj određenog u uvjetnoj osudi, može se postupiti prema odredbi člana 63. (Opoziv uvjetne osude zbog neispunjenja izrečenih obaveza) ovog zakona.

Zabrana vršenja poziva, djelatnosti ili dužnosti

Član 73.

(1) Mjera sigurnosti zabrane vršenja određenog poziva, djelatnosti ili dužnosti može se izreći učinitelju koji je učinio krivično djelo vezano za imovinu koja mu je bila povjerena ili kojoj je imao pristup zahvaljujući svom pozivu, djelatnosti ili dužnosti, ako postoji opasnost da bi takvo vršenje moglo poticajno djelovati da učini novo krivično djelo zloupotrebom svog poziva, djelatnosti ili dužnosti vezano za imovinu koja mu je povjerena ili kojoj ima pristup.

(2) Mjera sigurnosti zabrane vršenja određenog poziva, djelatnosti ili dužnosti može se izreći u trajanju koje ne može biti kraće od jedne ni duže od deset godina, računajući od dana pravomoćnosti odluke, s tim da se vrijeme provedeno na izdržavanju kazne zatvora ne uračunava u vrijeme trajanja ove mjere sigurnosti.

(3) Kao u slučaju iz člana 43. (Rad za opće dobro na slobodi) stava 5. ovog zakona, izvršenje kazne zatvora može se odrediti učinitelju krivičnog djela koji u toku izvršenja rada za opće dobro na slobodi kao zamjeni za kaznu zatvora prekrši zabranu vršenja poziva, djelatnosti ili dužnosti.

(4) Prema učinitelju krivičnog djela koji prekrši zabranu vršenja poziva, djelatnosti ili dužnosti tokom vremena provjeravanja određenog u uvjetnoj osudi, može se postupiti prema odredbi člana 63. (Opoziv uvjetne osude zbog neispunjenja izrečenih obaveza) ovog zakona.

Oduzimanje predmeta

Član 74.

(1) Predmeti koji su upotrijebljeni ili su bili namijenjeni za učinjenje krivičnog djela ili koji su nastali učinjenjem krivičnog djela oduzeće se, kada postoji opasnost da će biti ponovo upotrijebljeni za učinjenje krivičnog djela ili kada se u cilju zaštite opće sigurnosti ili iz moralnih razloga oduzimanje čini apsolutno neophodno, ako su vlasništvo učinitelja.

(2) Predmeti iz stava 1. ovog člana mogu se oduzeti i kad nisu vlasništvo učinitelja ako to zahtijevaju interesi opće sigurnosti i interesi morala, ali time se ne dira u prava trećih osoba na naknadu štete od učinitelja.

(3) U slučajevima iz stava 2. ovog člana, zakonom se može propisati obavezno oduzimanje predmeta.

X GLAVA DESETA

PRAVILA O ODGOJNIM PREPORUKAMA, O ODGOJNIM MJERAMA I O KAŽNJAVANJU MALOLJETNIKA

Primjena posebnih krivičnih odredaba prema maloljetnicima

*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 C H A P T E R T E N**

### **RULES RELATING TO EDUCATIONAL RECOMMENDATIONS, EDUCATIONAL MEASURES AND PUNISHING JUVENILES**

#### Član 75.

(1) Na maloljetne učitelje krivičnih djela primjenjuju se odredbe ove glave ovog zakona, a ostale krivičnopravne odredbe iz drugih zakona primjenjuju se prema maloljetnicima samo ako ne izlaze iz okvira utvrđenih posebnim odredbama o maloljetnim učiteljima krivičnih djela.

(2) Posebne odredbe o maloljetnim učiteljima krivičnih djela primjenjuju se, pod uvjetima propisanim odredbama ove glave ovog zakona, i prema punoljetnim osobama kad im se sudi za krivična djela koja su učinile kao maloljetnici, a izuzetno i na osobe koje su učinile krivično djelo kao mlađi punoljetnici.

#### Uvjeti primjene odgojnih preporuka

#### Član 76.

(1) Prema maloljetnom učitelju krivičnog djela mogu se primijeniti odgojne preporuke za krivična djela s propisanom novčanom kaznom ili kaznom zatvora do tri godine.

(2) Odgojne preporuke prema maloljetniku može primijeniti nadležni tužitelj ili sudija za maloljetnike.

(3) Uvjeti primjene odgojnih preporuka su: priznanje krivičnog djela od strane maloljetnika i njegova izražena spremnost za pomirenjem s oštećenim.

#### Svrha odgojnih preporuka

#### Član 77.

Svrha odgojnih preporuka je:

a) da se ne pokreće krivični postupak prema maloljetnom učitelju krivičnog djela;

b) i da se primjenom odgojnih preporuka utječe na maloljetnika da ubuduće ne učini krivična djela.

#### Vrste odgojnih preporuka

#### Član 78.

(1) Odgojne preporuke su:

- a) osobno izvinjenje oštećenom;
- b) naknada štete oštećenom;
- c) redovno pohađanje škole;
- d) rad u korist humanitarne organizacije ili lokalne zajednice;
- e) prihvaćanje odgovarajućeg zaposlenja;
- f) smještaj u drugu obitelj, dom ili ustanovu;
- g) liječenje u odgovarajućoj zdravstvenoj ustanovi;
- h) posjećivanje odgojnih, obrazovnih, psiholoških i drugih savjetovališta.

(2) Odgojne preporuke iz stava 1. tačke a. do c. i h. ovog člana primjenjuje ovlaštenu tužitelj, a odgojne preporuke iz tačke d. do g. primjenjuje sud za maloljetnike.

#### Izbor odgojnih preporuka

#### Član 79.

(1) Pri izboru odgojnih preporuka ovlaštenu tužitelj ili sudija za maloljetnike uzet će u obzir sveukupne interese maloljetnika i oštećenog. Pritom će posebno voditi računa da se primijenjenim odgojnim preporukama ne dovede u pitanje maloljetnikovo redovno školovanje ili njegov rad.

(2) Odgojne preporuke mogu trajati najduže jednu godinu.

### **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) Odgojne preporuke mogu se u toku njihovog izvršavanja zamijeniti drugom ili ukinuti.

(4) Izbor i primjena odgojnih preporuka vrši se u saradnji s roditeljima ili starateljima maloljetnika i organima socijalnog staranja.

Krivične sankcije prema maloljetnicima  
Član 80.

(1) Maloljetnom učitelju krivičnog djela mogu se izreći odgojne mjere i određene mjere sigurnosti, a starijem maloljetniku izuzetno se može izreći kazna maloljetničkog zatvora.

(2) Maloljetniku koji je u vrijeme učinjenja krivičnog djela navršio četrnaest, a nije navršio šesnaest godina života (mlađi maloljetnik), mogu se izreći samo odgojne mjere.

(3) Maloljetniku koji je u vrijeme učinjenja krivičnog djela navršio šesnaest, a nije navršio osamnaest godina života (stariji maloljetnik), mogu se izreći odgojne mjere pod uvjetima propisanim ovim zakonom, a izuzetno mu se može izreći kazna maloljetničkog zatvora.

(4) Maloljetniku se mogu izreći mjere sigurnosti pod uvjetima propisanim ovim zakonom.

(5) Maloljetniku se ne može izreći uvjetna osuda.

Svrha odgojnih mjera i kazne maloljetničkog zatvora  
Član 81.

Svrha odgojnih mjera i kazne maloljetničkog zatvora je da se pružanjem zaštite i pomoći maloljetnim učiteljima krivičnih djela, nadzorom nad njima, njihovim stručnim osposobljavanjem i razvijanjem njihove osobne odgovornosti osigura njihov odgoj, preodgoj i pravilan razvoj. Uz to, svrha kazne maloljetničkog zatvora je poseban utjecaj na maloljetnog učitelja da ubuduće ne učine krivična djela, kao i na druge maloljetnike da ne učine krivična djela.

Vrste odgojnih mjera

Član 82.

(1) Odgojne mjere su:

- a) disciplinske mjere;
- b) mjere pojačanog nadzora;
- c) zavodske mjere.

(2) Disciplinske mjere izriču se maloljetnom učitelju krivičnog djela kojem nije potrebno izreći trajnije mjere odgoja i preodgoja, naročito ako je učinio krivično djelo iz nepromišljenosti ili lakomislenosti.

(3) Mjere pojačanog nadzora izriču se maloljetnom učitelju krivičnog djela kojem treba izreći trajnije mjere odgoja, preodgoja ili liječenja uz odgovarajući nadzor, a nije potrebno njegovo potpuno odvajanje iz dotadašnje sredine.

(4) Zavodske mjere izriču se maloljetnom učitelju krivičnog djela kojem treba izreći trajnije mjere odgoja, preodgoja ili liječenja uz njegovo potpuno odvajanje iz dotadašnje sredine. Zavodske mjere ne mogu trajati duže od pet godina.

(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.

Odgojne mjere

Član 83.

Maloljetnom učitelju krivičnog djela mogu se izreći ove odgojne mjere:

- a) disciplinska mjera upućivanja u disciplinski centar za maloljetnike;
- b) mjere pojačanog nadzora: od strane roditelja, usvojitelja ili staratelja; u drugoj obitelji; ili od strane nadležnog organa socijalne zaštite;
- c) zavodske mjere: upućivanje u odgojnu ustanovu, u odgojno-popravni dom ili u drugu ustanovu za osposobljavanje.

Izbor odgojne mjere

Član 84.

Pri izboru odgojne mjere sud će uzeti u obzir godine života maloljetnika, stepen njegove duševne razvijenosti, njegova psihička svojstva, njegove sklonosti, pobude iz kojih je krivično djelo učinio, dotadašnji odgoj, sredinu i prilike u kojima je živio, težinu krivičnog djela te da li mu je ranije bila izrečena odgojna mjera ili kazna i sve druge okolnosti koje mogu biti od utjecaja na izricanje odgojne mjere.

Upućivanje u disciplinski centar za maloljetnike

Član 85.

(1) Sud će izreći odgojnu mjeru upućivanja u disciplinski centar za maloljetnike kad je potrebno da se odgovarajućim kratkotrajnim mjerama utječe na osobu i vladanje maloljetnog učitelja krivičnog djela.

(2) Maloljetnika kome je izrečena mjera iz stava 1. ovog člana sud može uputiti u disciplinski centar:

- a) na određeni broj sati u praznične dane, ali najviše četiri uzastopna praznična dana;
- b) na određeni broj sati u toku dana, ali najduže u trajanju jednog mjeseca;
- c) na neprekidni boravak za utvrđeni broj dana, ali ne duže od dvadeset dana.

(3) Pri izricanju mjere iz stava 1. ovog člana sud će voditi računa da usljed njenog izvršenja maloljetnik ne izostane s redovne školske nastave ili posla.

(4) U disciplinskom centru maloljetnik se može uposliti na korisnim radovima koji odgovaraju njegovim godinama života, ukoliko on ili njegov staratelj na to pristanu.

(5) Pri izricanju odgojne mjere upućivanja u disciplinski centar za maloljetnike, sud može izreći i odgojnu mjeru pojačanog nadzora nadležnog organa socijalne zaštite, koja se izvršava po izvršenju odgojne mjere upućivanja u disciplinski centar za maloljetnike.

Pojačan nadzor roditelja, usvojitelja ili staratelja

Član 86.

(1) Odgojnu mjeru pojačanog nadzora roditelja, usvojitelja ili staratelja sud će izreći ako su roditelji, usvojitelj ili staratelj propustili nadzor nad maloljetnikom a u mogućnosti su da takav nadzor vrše.

## 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) Pri izricanju odgojne mjere iz stava 1. ovog člana, sud može roditelju, usvojitelju ili staratelju dati potrebne upute i naložiti im određene dužnosti u pogledu mjera koje treba preduzeti za odgoj maloljetnika, za njegovo liječenje i za otklanjanje štetnih utjecaja na njega.

(3) Pri izricanju odgojne mjere iz stava 1. ovog člana sud može odrediti da nadležni organ socijalnog staranja provjerava njeno izvršavanje i ukazuje pomoć roditelju, usvojitelju ili staratelju. Sud će naknadno odlučiti o prestanku takvog provjeravanja, s tim da ono ne može trajati manje od jedne ni duže od tri godine.

Pojačan nadzor u drugoj obitelji  
Član 87.

(1) Ako roditelji, usvojitelj ili staratelj nisu u mogućnosti da nad maloljetnikom vrše pojačan nadzor ili ako se od njih takav nadzor ne može opravdano očekivati, sud će maloljetniku izreći odgojnu mjeru pojačanog nadzora u drugoj obitelji koja je voljna da ga primi i koja ima mogućnosti da nad njim vrši pojačan nadzor.

(2) Izvršenje odgojne mjere iz stava 1. ovog člana obustavit će se kad roditelji, usvojitelj ili staratelj steknu mogućnost da nad maloljetnikom vrše pojačan nadzor ili kad prema rezultatu odgoja prestane potreba za pojačanim nadzorom.

(3) Pri izricanju odgojne mjere iz stava 1. ovog člana sud će odrediti da za vrijeme njenog trajanja nadležni organ socijalne zaštite provjerava njeno izvršavanje i ukazuje potrebnu pomoć obitelji u kojoj je maloljetnik smješten.

Pojačan nadzor nadležnog organa socijalne zaštite  
Član 88.

(1) Ako roditelji, usvojitelj ili staratelj nisu u mogućnosti da vrše pojačan nadzor nad maloljetnikom, a ne postoje ni uvjeti za izricanje odgojne mjere pojačanog nadzora u drugoj obitelji, sud će izreći maloljetniku odgojnu mjeru pojačanog nadzora nadležnog organa socijalne zaštite.

(2) Sud će naknadno odlučiti o prestanku odgojne mjere iz stava 1. ovog člana, s tim da njeno trajanje ne može biti kraće od jedne ni duže od tri godine. Za vrijeme trajanja ove mjere maloljetnik i dalje ostaje da živi kod roditelja, usvojitelja ili staratelja, a pojačan nadzor nad njim vrši ovlaštena osoba nadležnog organa socijalne zaštite.

(3) Ovlaštena osoba nadležnog organa socijalne zaštite brine se o školovanju maloljetnika, njegovom zaposlenju, odvajanju iz sredine koja na njega štetno utječe, potrebnom liječenju i sređivanju prilika u kojima živi.

Posebne obaveze uz mjere pojačanog nadzora  
Član 89.

(1) Pri izricanju neke od odgojnih mjera pojačanog nadzora iz člana 86. (Pojačan nadzor roditelja, usvojitelja ili staratelja), 87.

(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*

(Pojačan nadzor u drugoj obitelji) i 88. (Pojačan nadzor nadležnog organa socijalne zaštite) ovog zakona, sud može maloljetniku odrediti jednu ili više posebnih obaveza, ako je to potrebno za uspješnije izvršenje izrečene mjere, s tim da te obaveze ne mogu trajati duže od trajanja odgojne mjere.

(2) Sud može maloljetniku odrediti naročito ove obaveze: osobno izvinjenje oštećenom, naknada štete u okviru vlastitih mogućnosti, redovno pohađanje škole, osposobljavanje za zanimanje koje odgovara njegovim sposobnostima i sklonostima, uzdržavanje od uživanja alkoholnih pića i opojnih droga, posjećivanje odgovarajuće zdravstvene ustanove ili savjetovišta te uzdržavanje od druženja s osobama koje na njega štetno djeluju.

(3) Sud može obaveze koje je odredio naknadno ukinuti ili izmijeniti.

(4) U slučaju neispunjenja obaveza iz stava 2. ovog člana sud može izrečenu mjeru pojačanog nadzora zamijeniti drugom odgojnom mjerom.

(5) Pri određivanju obaveza iz stava 2. ovog člana sud će maloljetnika upozoriti na posljedice iz stava 4. ovog člana.

Upućivanje u odgojnu ustanovu

Član 90.

(1) Sud će izreći odgojnu mjeru upućivanja u odgojnu ustanovu za odgoj maloljetnika maloljetniku nad kojim treba osigurati vršenje stalnog nadzora od strane stručnih odgojitelja u ustanovi za odgoj maloljetnika.

(2) U odgojnoj ustanovi maloljetnik ostaje najmanje šest mjeseci, a najviše tri godine. Pri izricanju ove mjere sud neće odrediti njeno trajanje, već će o tome naknadno odlučiti (član 93. Obustava izvršenja i izmjena odluke o odgojnim mjerama, stav 2. ovog zakona).

Upućivanje u odgojno-popravni dom

Član 91.

(1) Sud će izreći odgojnu mjeru upućivanja u odgojno-popravni dom za maloljetne učinitelje krivičnih djela maloljetniku prema kojem treba primijeniti pojačane mjere preodgoja.

(2) Pri odlučivanju hoće li izreći odgojnu mjeru iz stava 1. ovog člana sud će posebno uzeti u obzir težinu i prirodu učinjenog krivičnog djela i okolnost jesu li maloljetniku ranije bile izrečene odgojne mjere ili kazna maloljetničkog zatvora.

(3) U odgojno-popravnom domu maloljetnik ostaje najmanje jednu, a najviše pet godina. Pri izricanju odgojne mjere iz stava 1. ovog člana sud neće odrediti njeno trajanje, već će o tome naknadno odlučiti (član 93. Obustava izvršenja i izmjena odluke o odgojnim mjerama, stav 2. ovog zakona).

Upućivanje u drugu ustanovu za osposobljavanje

Član 92.

(1) Maloljetniku ometenom u psihičkom ili fizičkom razvoju sud može umjesto odgojne mjere upućivanja u odgojnu ustanovu ili odgojne mjere uučivanja u odgojno-popravni dom izreći odgojnu mjeru upućivanja u drugu ustanovu za osposobljavanje.

(2) Maloljetnik ostaje u ustanovi za osposobljavanje dok je to

*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

potrebno radi njegovog liječenja ili osposobljavanja, a kad maloljetnik postane punoljetan, ponovno će se ispitati potreba njegovog daljeg zadržavanja u toj ustanovi.

Obustava izvršenja i izmjena odluke o odgojnim mjerama

Član 93.

(1) Kad se poslije donošenja odluke kojom je izrečena odgovjnj mjera pojačanog nadzora ili zavodska odgojna mjera pojave okolnosti kojih nije bilo u vrijeme donošenja odluke ili se za njih nije znalo, a one bi bile od utjecaja na donošenje odluke, izvršenje izrečene mjere može se obustaviti ili se izrečena mjera može zamijeniti drugom odgojnom mjerom pojačanog nadzora ili zavodskom odgojnom mjerom.

(2) Uz slučajeve iz stava 1. ovog člana, ukoliko za pojedine mjere nije šta drugo propisano, odgojna mjera pojačanog nadzora ili zavodska odgojna mjera može se, s obzirom na postignuti uspjeh odgoja, obustaviti od izvršenja, a može se i zamijeniti drugom takvom mjerom kojom će se bolje postići svrha odgojnih mjera.

(3) Obustavljanje od izvršenja zavodske odgojne mjere ili zamjenjivanje zavodske odgojne mjere drugom takvom mjerom izvršit će se uz sljedeća ograničenja:

a) odgojna mjera upućivanja u odgojnu ustanovu ne može se obustaviti od izvršenja prije isteka roka od šest mjeseci, a do isteka ovoga roka može se zamijeniti samo odgojnom mjerom upućivanja u odgojno-popravni dom ili odgojnom mjerom upućivanja u drugu ustanovu za osposobljavanje;

b) odgojna mjera upućivanja u odgojno-popravni dom ne može se obustaviti od izvršenja prije isteka roka od jedne godine, a do isteka ovoga roka može se zamijeniti samo odgojnom mjerom upućivanja u odgojnu ustanovu ili odgojnom mjerom upućivanja u drugu ustanovu za osposobljavanje.

(4) Izuzetno, odgojna mjera upućivanja u odgojnu ustanovu ili odgojna mjera upućivanja u odgojno-popravni dom može se obustaviti od izvršenja ili zamijeniti drugom mjerom i prije isteka rokova iz stava 3. tačke a. i b. ovog člana, ako posebne okolnosti koje se odnose na osobu maloljetnika očito pokazuju da je postignuta svrha tih mjera.

Ponovno odlučivanje o odgojnim mjerama

Član 94.

(1) Ako je od pravomoćnosti odluke kojom je izrečena odgojna mjera pojačanog nadzora ili zavodska odgojna mjera proteklo više od jedne godine, a izvršenje nije započeto, sud će ponovno odlučiti o potrebi izvršenja izrečene mjere. Pri tome sud može odlučiti da se ranije izrečena mjera izvrši, ne izvrši ili da se zamijeni nekom drugom mjerom.

(2) Odgojna mjera upućivanja u disciplinski centar za maloljetnike neće se izvršiti ako je proteklo više od šest mjeseci od pravomoćnosti odluke kojom je ova mjera izrečena a njeno izvršenje nije započeto.

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.

## Kažnjavanje starijih maloljetnika

### Član 95.

Kazniti se može samo krivično odgovoran stariji maloljetnik koji je učinio krivično djelo s propisanim kaznom zatvora težom od pet godina, a zbog teških posljedica djela i visokog stepena krivične odgovornosti ne bi bilo opravdano izreći odgojnu mjeru.

### Kazna maloljetničkog zatvora

### Član 96.

(1) Kazna maloljetničkog zatvora ne može biti kraća od jedne ni duža od deset godina, a izriče se na pune godine ili na pola godine.

(2) Pri odmjeravanju kazne starijem maloljetniku za krivično djelo sud ne može izreći kaznu maloljetničkog zatvora u trajanju dužem od kazne zatvora propisane za to krivično djelo, ali sud nije vezan za najmanju propisanu mjeru te kazne.

### Odmjeravanje kazne maloljetničkog zatvora

### Član 97.

Pri odmjeravanju kazne maloljetničkog zatvora starijem maloljetniku, sud će uzeti u obzir sve okolnosti koje utječu da kazna bude manja ili veća (član 48. Opća pravila o odmjeravanju kazne), imajući posebno u vidu stepen duševne razvijenosti maloljetnika i vrijeme potrebno za njegov preodgoj i stručno osposobljavanje.

### Izricanje odgojnih mjera i kazne maloljetničkog zatvora za krivična djela u stjecaju

### Član 98.

(1) Za krivična djela u stjecaju sud izriče maloljetniku samo jednu odgojnu mjeru ili samo kaznu maloljetničkog zatvora kad postoje zakonski uvjeti za izricanje te kazne i kad sud ocijeni da je treba izreći.

(2) Po odredbi stava 1. ovog člana sud će postupiti i kad poslije izrečene odgojne mjere, ili kazne maloljetničkog zatvora utvrdi da je maloljetnik prije ili poslije njihovog izricanja učinio krivično djelo.

### Zastarjelost izvršenja kazne maloljetničkog zatvora

### Član 99.

Kazna maloljetničkog zatvora neće se izvršiti kad od dana pravomoćnosti presude kojom je kazna izrečena protekne:

- a) deset godina ako je izrečena kazna maloljetničkog zatvora preko pet godina;
- b) pet godina ako je izrečena kazna maloljetničkog zatvora preko tri godine;
- c) tri godine ako je izrečena kazna maloljetničkog zatvora do tri godine.

### Izricanje krivičnih sankcija punoljetnim osobama za krivična djela koja su učinile kao maloljetnici

### Član 100.

(1) Punoljetnoj osobi koja je navršila dvadeset i jednu godinu života ne može se suditi za krivično djelo koje je učinila kao mlađi maloljetnik.

(2) Ako punoljetna osoba u vrijeme suđenja nije navršila

## **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

dvadeset i jednu godinu života, može joj se suditi samo za krivična djela s propisanom kaznom zatvora težom od pet godina. Takvoj osobi sud može izreći samo odgovarajuću zavodsku odgojnu mjeru, s tim da će pri ocjeni hoće li izreći ovu mjeru sud uzeti u obzir sve okolnosti slučaja, a naročito težinu učinjenog djela, vrijeme koje je proteklo od njegovog učinjenja, vladanje učinitelja, kao i svrhu te odgojne mjere.

(3) Punoljetnoj osobi može se za krivično djelo koje je učinila kao stariji maloljetnik izreći odgovarajuća zavodska odgojna mjera, a pod uvjetima iz člana 96. (Kazna maloljetničkog zatvora) ovog zakona i kazna maloljetničkog zatvora. Pri ocjeni hoće li i koju će od ovih sankcija izreći, sud će uzeti u obzir sve okolnosti slučaja, a naročito težinu učinjenog djela, vrijeme koje je proteklo od njegovog učinjenja, vladanje učinitelja, kao i svrhu koju treba postići ovim sankcijama.

(4) Izuzetno od odredbe stava 3. ovog člana, punoljetnoj osobi koja je u vrijeme suđenja navršila dvadeset i jednu godinu života, sud može umjesto kazne maloljetničkog zatvora izreći kaznu zatvora ili uvjetnu osudu. Kazna zatvora izrečena u ovom slučaju ima u pogledu rehabilitacije, brisanja osude i pravnih posljedica osude isti pravni učinak kao i kazna maloljetničkog zatvora.

Izricanje odgojnih mjera mlađim punoljetnim osobama

Član 101.

(1) Učinitelju koji je kao punoljetan učinio krivično djelo, a u vrijeme suđenja nije navršio dvadeset i jednu godinu života, sud može izreći odgovarajuću zavodsku odgojnu mjeru ako se, s obzirom na njegovu ličnost i okolnosti pod kojima je krivično djelo učinio, može očekivati da će se i odgojnom mjerom postići svrha koja bi se ostvarila izricanjem kazne.

(2) Mlađoj punoljetnoj osobi kojoj je izrečena odgojna mjera sud može, pod uvjetima propisanim ovim zakonom, izreći sve mjere sigurnosti propisane ovim zakonom, osim mjere sigurnosti zabrane vršenja poziva, djelatnosti ili dužnosti.

(3) Izrečena odgojna mjera može trajati najviše dok učinitelj ne navrši dvadeset i tri godine života.

Izricanje mjera sigurnosti maloljetniku

Član 102.

(1) Maloljetnom učinitelju krivičnog djela kojem je izrečena odgojna mjera ili kazna maloljetničkog zatvora mogu se, pod uvjetima propisanim zakonom, izreći mjere sigurnosti iz člana 69. (Vrste mjera sigurnosti) tačke a., b. i d. ovog zakona.

(2) Mjera sigurnosti obaveznog liječenja od ovisnosti ne može se izreći uz disciplinsku mjeru.

(3) Umjesto mjere sigurnosti obaveznog psihijatrijskog liječenja može se izreći odgojna mjera upućivanja u drugu ustanovu za osposobljavanje, ako se u toj ustanovi može osigurati liječenje i time postići svrha ove mjere sigurnosti. Pored toga, može se izreći i mjera sigurnosti oduzimanja predmeta.

Učinak kazne na odgojne mjere

Član 103.

(1) Ako za vrijeme trajanja odgojne mjere sud izrekne starijem maloljetniku kaznu maloljetničkog zatvora, odgojna

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

mjera prestaje kad maloljetnik započne izdržavanje te kazne.

(2) Ako za vrijeme trajanja odgojne mjere sud izrekne punoljetnoj osobi kaznu maloljetničkog zatvora ili kaznu zatvora najmanje godinu dana, odgojna mjera prestaje kada ta osoba započne izdržavanje kazne.

(3) Ako za vrijeme trajanja odgojne mjere sud izrekne punoljetnoj osobi kaznu zatvora u kraćem trajanju od jedne godine, sud će u presudi odlučiti hoće li se po izdržanoj kazni nastaviti izvršenje izrečene odgojne mjere ili će se ta mjera ukinuti.

Učinak odgojnih mjera i kazne maloljetničkog zatvora

Član 104.

(1) Odgojne mjere i kazna maloljetničkog zatvora ne posljeduju pravnim posljedicama osude koje se sastoje u zabrani sticanja određenih prava iz člana 114. (Vrste pravnih posljedica osude) stava 2. ovog zakona.

(2) Na osobe koje izdržavaju odgojnu mjeru upućivanja u odgojno-popravni dom ili kaznu maloljetničkog zatvora primjenjuju se odredbe člana 108. (Rad osuđenih osoba) ovog zakona.

Evidencija o izrečenim odgojnim mjerama

Član 105.

(1) Evidenciju o izrečenim odgojnim mjerama vode nadležni organi socijalne zaštite na temelju propisa koje donosi organ nadležno za poslove socijalne zaštite u Federaciji Bosne i Hercegovine, Republici Srpskoj ili Brčko Distriktu Bosne i Hercegovine.

(2) Podaci o izrečenim odgojnim mjerama mogu se dati samo sudu, tužilaštvu, organima unutrašnjih poslova i organima socijalne zaštite u vezi s krivičnim postupkom koji se vodi protiv osoba kojima su izrečene odgojne mjere.

## XI GLAVA JEDANAESTA

### OPĆE ODREDBE O IZVRŠENJU KRIVIČNOPRAVNIH SANKCIJA

Izvršenje kazne zatvora i kazne dugotrajnog zatvora

Član 106.

(1) Kazna zatvora i kazna maloljetničkog zatvora izvršavaju se u zatvorenim, poluotvorenim ili otvorenim ustanovama za izdržavanje kazne.

(2) Kazna dugotrajnog zatvora izvršava se u zatvorenim ustanovama za izdržavanje kazne.

Granice izvršenja kazni

Član 107.

Osoba prema kojoj se izvršava kazna lišava se prava ili se ograničava u pravima, u skladu sa zakonom, samo u granicama nužnim da bi se ostvarila svrha pojedinih kazni.

Rad osuđenih osoba

Član 108.

(1) Osoba osuđena na kaznu zatvora, kaznu dugotrajnog zatvora ili kaznu maloljetničkog zatvora, koja je sposobna za rad,

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



može raditi ukoliko ona na to pristane.

(2) Ako osuđena osoba traži ili pristane na rad, rad će joj se omogućiti.

(3) Rad osuđene osobe treba da bude koristan i da bude usklađen sa savremenim načinom vršenja iste vrste rada na slobodi, prema stručnim i drugim sposobnostima osuđenog.

Izvršavanje kazne maloljetničkog zatvora

Član 109.

(1) Prema starijem maloljetniku, dok ne navršši osamnaest godina života, kazna maloljetničkog zatvora izvršava se u posebnim kazneno-popravnim ustanovama za maloljetnike. Prema osobi koja je navršila osamnaest godina života ali nije navršila dvadeset i tri godine života (mlađa punoljetna osoba) kazna maloljetničkog zatvora se izvršava u posebnim ustanovama za mlađe punoljetne osobe, odnosno u posebnom odjeljenju ustanove u kojoj se kazna izvršava prema punoljetnim osobama, pri čemu se osigurava da mlađe punoljetne osobe ne dođu u kontakt sa starijim zatvorenicima. Prema osobi koja je navršila dvadeset i tri godine života prije kraja izdržavanja kazne, ostatak kazne se izvršava u kazneno-popravnoj ustanovi za odrasle.

(2) Prema mlađoj punoljetnoj osobi kazna se može izvršavati u kazneno-popravnoj ustanovi za maloljetnike sve dok je to potrebno radi završetka njenog školovanja ili stručnog osposobljavanja. Međutim, prema mlađoj punoljetnoj osobi kazna se ne može ni u kojem slučaju izvršavati u kazneno-popravnoj ustanovi za maloljetnike, ako bi to bilo na koji način bilo štetno za maloljetne osobe prema kojima se izvršava kazna maloljetničkog zatvora u toj ustanovi.

(3) Izbor posla za osuđenog maloljetnika vrši se prema njegovim sposobnostima i sklonostima za određenu vrstu posla, u cilju stručnog osposobljavanja, a u skladu s mogućnostima koje postoje u kazneno-popravnoj ustanovi za maloljetnike. Mlađoj punoljetnoj osobi će se takođe omogućiti obrazovanje i stručno osposobljavanje, bez obzira izvršava li se kazna u posebnim ustanovama ili u posebnim odjeljenjima kazneno-popravnih ustanova za odrasle osobe.

(4) Radno vrijeme osuđenog maloljetnika određuje se tako da mu se omogući školovanje i stručno osposobljavanje i da mu ostane dovoljno vremena za fizički odgoj i razonodu.

(5) Osuđeni maloljetnik može biti uvjetno otpušten s izdržavanja kazne ako je izdržao trećinu kazne, ali ne prije nego što je proveo jednu godinu u kazneno-popravnoj ustanovi. Za vrijeme uvjetnog otpusta sud može odrediti odgojnu mjeru pojačanog nadzora nadležnog organa socijalne zaštite. Za opoziv uvjetnog otpusta primjenjuju se odredbe članka 45. (Opoziv uvjetne osude) ovog zakona.

(6) Maloljetni osuđenik, osim u izuzetnim okolnostima, ima pravo održavati kontakte sa svojom obitelji putem pisama i posjeta.

## XII GLAVA DVANAESTA

### ODUZIMANJE IMOVINSKE KORISTI PRIBAVLJENE KRIVIČNIM DJELOM I PRAVNE POSLJEDICE OSUDE

Osnova oduzimanja imovinske koristi pribavljene krivičnim djelom

Član 110.

(1) Niko ne može zadržati imovinsku korist pribavljenu krivičnom djelom.

(2) Korist iz stava 1. ovog člana oduzet će se sudskom

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 CHAPTER TWELVE

### 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

odlukom kojom je utvrđeno da je krivično djelo učinjeno, pod uvjetima propisanim ovim zakonom.

(3) Sud također može oduzeti korist iz stava 1. ovoga člana u odvojenom postupku ukoliko postoji opravdani razlog da se vjeruje da je korist pribavljena krivičnim djelom, a vlasnik ili uživatelj nije u mogućnosti da pruži dokaze da je korist pribavljena zakonito.

Način oduzimanja imovinske koristi pribavljene krivičnim djelom  
Član 111.

(1) Od učinitelja će se oduzeti novac, predmeti od vrijednosti i svaka druga imovinska korist koja je pribavljena krivičnim djelom, a ako oduzimanje nije moguće, učinitelj će se obavezati na isplatu novčanog iznosa srazmjernog pribavljenoj imovinskoj koristi. Imovinska korist pribavljena krivičnim djelom može se oduzeti od osobe na koju je prenesena bez naknade ili uz naknadu koja ne odgovara stvarnoj vrijednosti, ako je ona znala ili mogla znati da je imovinska korist pribavljena krivičnim djelom.

(2) Kada je imovinska korist pribavljena krivičnim djelom sjedinjena s imovinom stečenom na zakoniti način, takva imovina može biti predmet oduzimanja ali u mjeri koja ne premašuje procijenjenu vrijednost imovinske koristi pribavljene krivičnim djelom.

(3) Prihod ili druge koristi iz imovinske koristi pribavljene krivičnim djelom, ili iz imovine u koju je imovinska korist pribavljena krivičnim djelom pretvorena ili iz imovine s kojom je imovinska korist pribavljena krivičnim djelom sjedinjena, mogu biti predmet mjera navedenih u ovom članu na isti način i u istoj mjeri kao i imovinska korist pribavljena krivičnim djelom.

Zaštita oštećenog  
Član 112.

(1) Ako je oštećenom u krivičnom postupku dosuđen imovinskopravni zahtjev, sud će izreći oduzimanje imovinske koristi ukoliko ona prelazi dosuđeni imovinskopravni zahtjev oštećenog.

(2) Oštećeni koji je u krivičnom postupku u pogledu svog imovinskopravnog zahtjeva upućen na parnični postupak, može tražiti da se namiri iz iznosa oduzete vrijednosti, ako pokrene parnični postupak u roku od šest mjeseci od dana pravomoćnosti odluke kojom je upućen na parnični postupak i ako u roku od tri mjeseca od dana pravomoćnosti odluke kojom je utvrđen njegov zahtjev zatraži namirenje iz oduzete vrijednosti.

(3) Oštećeni koji u krivičnom postupku nije istaknuo imovinskopravni zahtjev, može zahtijevati namirenje iz oduzete vrijednosti, ako je radi utvrđenja svog zahtjeva pokrenuo parnični postupak u roku od tri mjeseca od dana saznanja za presudu kojom se oduzima imovinska korist, a najdalje u roku od dvije godine od pravomoćnosti odluke o oduzimanju imovinske koristi i ako u roku od tri mjeseca od dana pravomoćnosti odluke kojom je utvrđen njegov zahtjev zatraži namirenje iz oduzete vrijednosti.

Nastupanje pravnih posljedica osude

Član 113.

(1) Osude za određena krivična djela mogu imati za pravnu posljedicu prestanak, odnosno gubitak određenih prava ili zabranu sticanja određenih prava.

(2) Pravne posljedice osude ne mogu nastupiti kad je za krivično djelo učinitelju izrečena novčana kazna, uvjetna osuda ili

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

kad je učinitelj oslobođen od kazne.

(3) Pravne posljedice osude mogu se propisati samo zakonom i nastupaju po sili zakona kojim su propisane.

Vrste pravnih posljedica osude

Član 114.

(1) Pravne posljedice osude koje se odnose na prestanak ili gubitak određenih prava jesu:

a) prestanak vršenja određenih poslova ili funkcija u organima vlasti, privrednim društvima ili u drugim pravnim osobama;

b) prestanak zaposlenja ili prestanak vršenja određenog zvanja, poziva ili zanimanja;

c) oduzimanje odlikovanja.

(2) Pravne posljedice osude koje se sastoje u zabrani sticanja određenih prava jesu:

a) zabrana obavljanja određenih poslova ili funkcija u organima vlasti, privrednim društvima, ili u drugim pravnim osobama;

b) zabrana sticanja određenih zvanja, poziva ili zanimanja, ili unapređenja u službi;

c) zabrana sticanja određenih dozvola ili odobrenja koja se izdaju odlukom organa vlasti.

Početak i trajanje pravnih posljedica osude

Član 115.

(1) Pravne posljedice osude nastupaju danom pravomoćnosti presude.

(2) Pravne posljedice osude koje se sastoje u zabrani sticanja određenih prava traju najduže deset godina od dana izdržane, oprostene ili zastarjele kazne, ako za pojedine pravne posljedice nije zakonom propisano kraće trajanje.

(3) Pravne posljedice osude prestaju brisanjem osude.

Prestanak mjera sigurnosti i pravnih posljedica osude na osnovu sudske odluke

Član 116.

(1) Sud može odlučiti da prestane primjena mjere sigurnosti zabrane vršenja poziva, djelatnosti ili dužnosti ako su protekle tri godine od dana njenog izricanja.

(2) Sud može odrediti da prestane pravna posljedica osude koja se sastoji u zabrani sticanja određenog prava kad proteknu tri godine od dana izdržane, zastarjele ili oprostene kazne.

(3) Pri ocjeni hoće li odrediti prestanak primjene mjere sigurnosti, odnosno pravne posljedice osude, sud će uzeti u obzir ponašanje osuđenog poslije osude, njegovu spremnost da naknadi štetu prouzrokovanu krivičnim djelom i da vrati imovinsku korist pribavljenu krivičnim djelom, kao i druge okolnosti koje ukazuju na opravdanost prestanka primjene mjere sigurnosti, odnosno pravne posljedice osude.

(4) Prestankom pravne posljedice osude ne dira se u prava trećih osoba koja se zasnivaju na osudi.

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 GLAVA TRINAESTA

#### REHABILITACIJA, AMNESTIJA, POMILOVANJE I BRISANJE OSUDE

##### Rehabilitacija Član 117.

(1) Poslije izdržane, oprostene ili zastarjele kazne zatvora, kazne dugotrajnog zatvora ili kazne maloljetničkog zatvora, osuđene osobe uživaju sva prava utvrđena ustavom, zakonom i drugim propisima i mogu sticati sva prava, osim onih koja su im ograničena mjerom sigurnosti ili nastupanjem pravne posljedice osude.

(2) Odredba stava 1. ovog člana primjenjuje se i na osobe na uvjetnom otpustu, ako njihova prava nisu ograničena posebnim propisima o uvjetnom otpustu s izdržavanja kazne zatvora.

##### Amnestija Član 118.

(1) Amnestijom se osobama koje su njome obuhvaćene daje oslobođenje od krivičnog gonjenja ili potpuno ili djelimično oslobođenje od izvršenja kazne, zamjenjuje se izrečena kazna blažom kaznom, određuje se brisanje osude, ili se ukida određena pravna posljedica osude.

(2) Amnestiju za krivična djela propisana ovim zakonom može dati Parlamentarna skupština Bosne i Hercegovine putem zakona.

##### Pomilovanje Član 119.

(1) Pomilovanjem se poimenično određenim osobama daje oslobođenje od krivičnog gonjenja ili potpuno ili djelimično oslobođenje od izvršenja kazne, zamjenjuje se izrečena kazna blažom kaznom ili se određuje brisanje osude ili se ukida, odnosno određuje kraće trajanje mjere sigurnosti zabrane vršenja poziva, djelatnosti ili dužnosti, odnosno određene pravne posljedice osude.

(2) Pomilovanje za krivična djela propisana ovim zakonom može dati Predsjedništvo Bosne i Hercegovine svojom odlukom u skladu sa zakonom.

##### Učinak amnestije i pomilovanja na prava trećih osoba Član 120.

Davanjem amnestije ili pomilovanja ne utječe se na prava trećih osoba koja se zasnivaju na osudi.

##### Brisanje osude Član 121.

(1) Osuda kojom je učinitelj krivičnog djela oslobođen od kazne briše se iz kaznene evidencije ako osuđeni u roku od jedne godine od dana pravomoćnosti presude ne učini novo krivično djelo.

(2) Uvjetna osuda briše se iz kaznene evidencije po proteku roka od jedne godine od dana prestanka vremena provjeravanja, ako za to vrijeme osuđeni ne učini novo krivično djelo.

(3) Osuda na novčanu kaznu briše se iz kaznene evidencije po proteku roka od tri godine od dana izvršene, zastarjele ili

### XIII CHAPTER THIRTEEN

#### 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

oproštene kazne, ako za to vrijeme osuđeni ne učini novo krivično djelo.

(4) Osuda na kaznu zatvora do jedne godine i na kaznu maloljetničkog zatvora do jedne godine briše se iz kaznene evidencije po proteku roka od pet godina od dana izdržane, zastarjele ili oprostene kazne, ako za to vrijeme osuđeni ne učini novo krivično djelo.

(5) Sud može, na molbu osuđenog, odrediti da se briše iz kaznene evidencije osuda na kaznu zatvora od jedne do tri godine, ako je protekao rok od pet godina od dana izdržane, zastarjele ili oprostene kazne, a u tom vremenu osuđeni nije učinio novo krivično djelo. Prilikom odlučivanja o brisanju osude sud će voditi računa o vladanju osuđenog poslije izdržane kazne, o prirodi krivičnog djela i o drugim okolnostima koje mogu biti od značaja za ocjenu o opravdanosti brisanja osude.

(6) Osuda se ne može brisati iz kaznene evidencije dok traje primjena mjera sigurnosti.

(7) Ako je u toku roka za brisanje osude osuđenom izrečena kazna zatvora preko tri godine, neće se brisati ni ranija ni kasnija osuda.

(8) Više osuda iste osobe mogu se brisati iz kaznene evidencije samo istovremeno, i to samo ako postoje uvjeti za brisanje svake od tih osuda.

#### XIV GLAVA ČETRNAESTA ODGOVORNOST PRAVNIH OSOBA ZA KRIVIČNA DJELA

##### Odgovornost pravne osobe

##### Član 122.

(1) Ova glava ovog zakona propisuje odgovornost pravne osobe, izuzimajući Bosnu i Hercegovinu, Federaciju Bosne i Hercegovine, Republiku Srpsku, Brčko Distrikt Bosne i Hercegovine, kanton, grad, općinu i mjesnu zajednicu, za krivično djelo koje je učinitelj učinio u ime, za račun ili u korist pravne osobe.

(2) Ova glava ovog zakona propisuje kazne i druge krivičnopravne sankcije koje se mogu izreći pravnoj osobi, kao i pravne posljedice osude pravne osobe za krivično djelo.

(3) Pod uvjetima propisanim zakonom, za određene pravne osobe može biti isključena ili ograničena primjena pojedinih kazni ili drugih krivičnopravnih sankcija koje se mogu izreći pravnim osobama.

(4) Krivični postupak protiv pravnih osoba vodi se po odredbama Zakona o krivičnom postupku Bosne i Hercegovine.

Primjena ovog zakona prema mjestu učinjenja krivičnog djela u vezi s krivičnom odgovornošću pravnih osoba

##### Član 123.

(1) Domaća i strana pravna osoba je, u skladu s ovim zakonom, odgovorna za krivična djela učinjena na teritoriji Bosne i Hercegovine.

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 CHAPTER FOURTEEN

##### 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) Domaća i strana pravna osoba koja ima sjedište na teritoriji Bosne i Hercegovine ili u njoj obavlja svoju djelatnost je, u skladu s ovim zakonom, odgovorna za krivično djelo učinjeno izvan Bosne i Hercegovine, ako je krivično djelo učinjeno protiv Bosne i Hercegovine, njenih državljana ili domaćih pravnih osoba.

(3) Domaća pravna osoba je, u skladu s ovim zakonom, odgovorna za krivično djelo učinjeno izvan Bosne i Hercegovine protiv strane države, stranih državljana ili stranih pravnih osoba, pod uvjetima člana 12. (Primjena krivičnog zakonodavstva Bosne i Hercegovine za krivična djela učinjena izvan Bosne i Hercegovine) ovog zakona.

Osnovi odgovornosti pravne osobe  
Član 124.

Za krivično djelo koje je učinitelj učinio u ime, za račun ili u korist pravne osobe, odgovorna je pravna osoba:

- a) kada smisao učinjenog krivičnog djela proizlazi iz zaključka, naloga ili odobrenja rukovodećih ili nadzornih organa pravne osobe;
- b) ili kada su rukovodeći ili nadzorni organi pravne osobe uticali na učinitelja ili mu omogućili da učini krivično djelo;
- c) ili kada pravna osoba raspoláže protupravno ostvarenom imovinskom koristi ili koristi predmete nastale krivičnim djelom;
- d) ili kada su rukovodeći ili nadzorni organi pravne osobe propustili dužni nadzor nad zakonitošću rada radnika.

Granice odgovornosti pravne osobe za krivično djelo  
Član 125.

(1) Uz uvjete iz člana 124. (Osnovi odgovornosti pravne osobe) ovog zakona, pravna osoba je odgovorna za krivično djelo i kada učinitelj za učinjeno krivično djelo nije krivično odgovoran.

(2) Odgovornost pravne osobe ne isključuje krivičnu odgovornost fizičkih, odnosno odgovornih osoba za učinjeno krivično djelo.

(3) Za krivična djela učinjena iz nehata, pravna osoba može biti odgovorna pod uvjetima iz člana 124. tačke d. ovog zakona, i u tom se slučaju pravna osoba može blaže kazniti.

(4) Kada u pravnoj osobi osim učinitelja nema druge osobe ili organa koji bi mogli usmjeravati ili nadzirati učinitelja, pravna osoba odgovara za učinjeno krivično djelo u granicama učiniočeve odgovornosti.

Odgovornost pri promjeni statusa pravne osobe  
Član 126.

(1) Pravna osoba u stečaju može biti krivično odgovorna za krivično djelo bez obzira je li krivično djelo učinjeno prije početka stečajnog postupka ili u međuvremenu, ali se pravnoj osobi u stečaju ne izriče kazna, već se izriče mjera sigurnosti oduzimanja predmeta ili se oduzima imovinska korist pribavljena krivičnim djelom.

(2) Kada je do prestanka pravne osobe došlo prije pravosnažnog okončanja krivičnog postupka, a u krivičnom je postupku utvrđena krivična odgovornost te pravne osobe, kazne i ostale krivičnopravne sankcije izriču se pravnoj osobi koja je pravni sljednik pravne osobe kojoj je utvrđena krivična odgovornost, ako su njezini rukovodeći ili nadzorni organi prije prestanka pravne osobe znali za učinjeno krivično djelo.

(3) Pravnoj osobi koja je pravni sljednik pravne osobe kojoj

(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

je utvrđena krivična odgovornost, izriče se mjera sigurnosti oduzimanja predmeta ili se oduzima imovinska korist pribavljena krivičnim djelom, ako su njezini rukovodeći ili nadzorni organi znali za učinjeno krivično djelo.

(4) Ako je do prestanka pravne osobe došlo po pravosnažno okončanom krivičnom postupku, izrečena krivičnopravna sankcija se izvršava po odredbama stava 2. i 3. ovog člana.

Odgovornost pravne osobe za pokušaj

Član 127.

(1) Ako je učinitelj planirano krivično djelo započeo, ali ga nije dovršio, pod uvjetima iz člana 124. (Osnove odgovornosti pravne osobe) ovog zakona, odgovorna je pravna osoba, ako je zakonom propisano kažnjavanje i za pokušaj tog krivičnog djela.

(2) Pravna osoba se kažnjava za pokušaj kaznom propisanom za dovršeno krivično djelo, a može se i blaže kazniti.

(3) Ako su rukovodeći ili nadzorni organi pravne osobe spriječili učinitelja da dovrši započeto krivično djelo, pravna osoba se može osloboditi kazne.

Produženo krivično djelo i krivična odgovornost pravnih osoba

Član 128.

Kad je kod pravne osobe prisutan isti osnov odgovornosti u pogledu više istovrsnih i vremenski povezanih krivičnih djela više učinitelja, pravna osoba je krivično odgovorna kao da je učinjeno jedno krivično djelo.

Saučesništvo pravnih osoba

Član 129.

(1) U slučaju da dvije ili više pravnih osoba saučestvuje pri učinjenju krivičnog djela, svaka je odgovorna prema članu 124. (Osnove odgovornosti pravne osobe) ovog zakona.

(2) Pri saučesništvu pravnih osoba iz stava 1. ovog člana, svaka pravna osoba odgovara kao da je jedina pravna osoba krivično odgovorna za krivično djelo.

Opšti razlozi za ublažavanje kazne pravnoj osobi ili oslobađanje od kazne

Član 130.

(1) Pravna osoba čiji rukovodeći ili nadzorni organ dobrovoljno prijavi učinitelja nakon što je krivično djelo učinjeno, može se blaže kazniti.

(2) Pravna osoba čiji rukovodeći ili nadzorni organ po učinjenom krivičnom djelu odluči da se vrati protupravno ostvarena imovinska korist ili otklone prouzrokovane štetne posljedice ili saopšte podaci o osnovanosti odgovornosti drugih pravnih osoba, može se osloboditi kazne.

Kazne za pravne osobe

Član 131.

Pravnim osobama se za krivična djela mogu izreći ove kazne:

- a) novčana kazna;
- b) kazna oduzimanja imovine;
- c) kazna prestanka pravne osobe.

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.

Novčana kazna za pravne osobe

Član 132.

- (1) Novčana kazna koja se izriče pravnoj osobi ne može biti manja od 5.000 KM niti veća od 5.000.000 KM.
- (2) Ako je krivičnim djelom pravne osobe prouzrokovana drugom imovinska šteta ili pribavljena protupravna imovinska korist, najveća mjera izrečene novčane kazne može iznositi dvostruki iznos te štete, odnosno koristi.

Kazna oduzimanja imovine

Član 133.

- (1) Kazna oduzimanja imovine se može izreći za krivična djela s propisanom kaznom zatvora od pet godina ili težom kaznom.
- (2) Pravnoj osobi se može oduzeti najmanje polovina imovine ili veći dio imovine ili cjelokupna imovina.
- (3) U slučaju stečajnog postupka kao posljedice izrečene kazne oduzimanja imovine, povjeritelji se mogu namiriti iz oduzete stečajne mase.

Kazna prestanka pravne osobe

Član 134.

- (1) Kazna prestanka pravne osobe može se izreći ako je djelatnost pravne osobe u cijelosti ili u pretežnoj mjeri korištena za učinjenje krivičnih djela.
- (2) Uz kaznu prestanka pravne osobe, može se izreći i kazna oduzimanja imovine.
- (3) Uz izrečenu kaznu prestanka pravne osobe, sud će predložiti otvaranje postupka likvidacije.
- (4) Iz imovine pravne osobe kojoj je izrečena kazna prestanka pravne osobe mogu se isplatiti povjeritelji.

Odmjeravanje kazne pravnoj osobi

Član 135.

- (1) Pri odmjerenju kazne pravnoj osobi uzima se u obzir pored općih pravila za odmjerenje kazne iz člana 48. (Opća pravila za odmjerenje kazne) ovog zakona takođe i ekonomska moć pravne osobe.
- (2) Pri odmjerenju novčane kazne za krivična djela za koja se uz novčanu kaznu izriče i kazna oduzimanja imovine, izrečena kazna ne smije prijeći polovinu imovine pravne osobe.

Izricanje uvjetne osude pravnoj osobi

Član 136.

- (1) Sud može pravnoj osobi za krivično djelo izreći uvjetnu osudu umjesto novčane kazne.
- (2) Uvjetnom osudom sud može utvrditi pravnoj osobi novčanu kaznu do 1.500.000 KM i ujedno odlučiti da se ista neće izvršiti, ako pravna osoba u roku koji odredi sud, a koji ne može biti kraći od jedne ni duži od pet godina, ne bude odgovorna za novo krivično djelo.

Mjere sigurnosti za pravne osobe

Član 137.

## **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**



Pravnoj osobi mogu se za krivično djelo izreći, pored mjere sigurnosti oduzimanja predmeta iz člana 74. (Oduzimanje predmeta) ovog zakona, ove mjere sigurnosti:

- a) objava presude;
- b) zabrana obavljanja određene privredne djelatnosti.

Objava presude  
Član 138.

(1) Mjera sigurnosti objave presude izriče se kada bi bilo korisno da javnost sazna za osudu, osobito ako bi objava bila od koristi da se otkloni opasnost za život ili zdravlje ljudi ili da se osigura sigurnost prometa ili kakva korist privredi.

(2) S obzirom na značaj krivičnog djela i potrebu da javnost sazna za osudu, sud cijeni da li da se osuda objavi u štampi, radiju ili televiziji ili u više navedenih sredstava informiranja i ujedno da li da se objavi njeno obraloženje u cijelosti ili u izvodu, uzimajući pri tome u obzir da se načinom objave omogući obaviještenost svih u čijem interesu je objava presude.

Zabrana obavljanja određene privredne djelatnosti

Član 139.

(1) Mjerom sigurnosti zabrane obavljanja određene privredne djelatnosti sud može pravnoj osobi zabraniti proizvodnju određenih proizvoda ili obavljanje određenih poslova, ili joj zabraniti da se bavi određenim poslovima prometa robe ili drugim privrednim poslom.

(2) Mjera sigurnosti iz stava 1. ovog člana izriče se pravnoj osobi ako bi njezino dalje bavljenje određenom privrednom djelatnošću bilo opasno za život i zdravlje ljudi ili štetno za privredno ili finansijsko poslovanje drugih pravnih osoba ili za privredu, ili ako je pravna osoba u posljednje dvije godine prije učinjenja krivičnog djela bila već kažnjena za isto ili slično krivično djelo.

(3) Mjera sigurnosti iz stava 1. ovog člana može se izreći u trajanju od šest mjeseci do pet godina, računajući od pravosnažnosti osude.

Oduzimanje imovinske koristi od pravne osobe

Član 140.

Ukoliko pravna osoba pribavi imovinsku korist učinjenim krivičnim djelom, imovinska korist pribavljena krivičnim djelom će se oduzeti od pravne osobe.

Pravne posljedice osude pravne osobe

Član 141.

(1) Pravne posljedice osude pravne osobe za krivično djelo su:

- a) zabrana rada na osnovi dozvole, ovlašćenja ili koncesije, izdanih od organa strane države,
- b) zabrana rada na osnovi dozvole, ovlašćenja ili koncesije, izdanih od institucija Bosne i Hercegovine.

(2) Pravne posljedice osude pravne osobe za krivično djelo mogu nastupiti i kada je pravnoj osobi za učinjeno krivično djelo izrečena novčana kazna.

Zastarjelost krivičnog gonjenja i izvršenja krivičnih

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**

sankcija izrečenih pravnim osobama  
Član 142.

(1) Na zastarjelost krivičnog gonjenja pravne osobe primjenjuju se odredbe članka 14. (Zastarjelost krivičnog gonjenja) ovog zakona.

(2) Zastara izvršenja kazne izrečene pravnoj osobi nastupa kad od pravosnažnosti presude kojom je kazna izrečena protekne:

- a) tri godine za izvršenje novčane kazne;
- b) pet godina za izvršenje kazne oduzimanja imovine i kazne prestanka pravne osobe.

(3) Zastara izvršenja mjere sigurnosti nastupa protekom:

- a) šest mjeseci od pravosnažnosti odluke kojom je izrečena mjera sigurnosti objave presude;
- b) vremena jednakog onome koje je određeno za trajanje mjere sigurnosti zabrane obavljanja određene privredne djelatnosti.

Zakoni koji propisuju krivična djela pravnih osoba  
Član 143.

Pravne osobe mogu biti krivično odgovorne za krivična djela iz ovog zakona i za druga krivična djela propisana zakonom Bosne i Hercegovine.

Kazne za krivična djela  
Član 144.

(1) Za krivična djela s propisanom novčanom kaznom ili kaznom zatvora do tri godine, pravna osoba će se kazniti novčanom kaznom do 850.000 KM ili do deseterostrukog iznosa štete prouzrokovane ili imovinske koristi pribavljene krivičnim djelom.

(2) Za krivična djela s propisanom kaznom zatvora preko tri godine, pravna osoba će se kazniti novčanom kaznom najmanje 2.500.000 KM ili do dvadeseterostrukog iznosa štete prouzrokovane ili imovinske koristi pribavljene krivičnim djelom.

(3) Za krivična djela s propisanom kaznom zatvora od pet godina ili težom kaznom, pravnoj osobi se umjesto novčane kazne može izreći kazna oduzimanja imovine.

(4) Za krivična djela iz stava 1. ovog člana, pravnoj osobi se umjesto novčane kazne može izreći kazna prestanka pravne osobe, pod uvjetima člana 134. (Kazna prestanka pravne osobe) ovog zakona.

POSEBNI DIO

XV GLAVA PETNAESTA

KRIVIČNA DJELA PROTIV SLOBODE I PRAVA ČOVJEKA I GRAĐANINA

Povreda ravnopravnosti čovjeka i građanina  
Član 145.

(1) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja na osnovu razlike u rasi, boji kože, nacionalnoj ili etničkoj pripadnosti, vjeroispovijesti, političkom ili drugom

### 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

uvjerenju, polu, seksualnom opredjeljenju, jeziku, obrazovanju, društvenom položaju ili socijalnom porijeklu, uskrati ili ograniči građanska prava utvrđena Ustavom Bosne i Hercegovine, ratificiranim međunarodnim ugovorom, zakonom Bosne i Hercegovine, drugim propisom Bosne i Hercegovine ili općim aktom Bosne i Hercegovine, ili koja na osnovu ove razlike ili pripadnosti ili kojem drugom položaju daje građanima neopravdane povlastice ili pogodnosti, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja suprotno propisima Bosne i Hercegovine o ravnopravnoj upotrebi jezika i pisama konstitutivnih naroda i ostalih koji žive na teritoriji Bosne i Hercegovine, uskrati ili ograniči građaninu da pri ostvarivanju svojih prava ili pri obraćanju organima vlasti i institucijama Bosne i Hercegovine, privrednim društvima i drugim pravnim osobama upotrijebi svoj jezik ili pismo, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine.

(3) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja uskrati ili ograniči pravo građaninu na slobodno zapošljavanje na cijeloj teritoriji Bosne i Hercegovine i pod jednakim propisanim uvjetima, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Sprječavanje povratka izbjeglica i raseljenih lica  
Član 146.

(1) Ko silom, ozbiljnom prijetnjom ili na drugi protupravan način, u većem razmjeru ili sa širim posljedicama, spriječi izbjeglice ili raseljena lica da se vrate u svoj dom ili da koriste svoju imovinu koje su bili lišeni u toku neprijateljstava od 1991. godine, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ko sudjeluje u grupi ljudi koja učini krivično djelo iz stava 1. ovog člana, kaznit će se kaznom zatvora najmanje tri godine.

(3) Ko organizira ili bilo kako rukovodi grupom ljudi koja učini krivično djelo iz stava 1. ovog člana, kaznit će se kaznom zatvora najmanje pet godina.

Protupravno lišenje slobode

Član 147.

(1) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja drugog protupravno zatvori, drži zatvorenog ili mu na drugi način oduzme slobodu kretanja, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Ako je protupravno lišenje slobode trajalo duže od trideset dana ili je učinjeno na svirep način ili je osobi koja je protupravno lišena slobode usljed toga teško narušeno zdravlje ili su nastupile druge teške posljedice, učinitelj će se kazniti kaznom zatvora od dvije do osam godina.

(3) Ako je osoba koja je protupravno lišena slobode usljed toga izgubila život, učinitelj će se kazniti kaznom zatvora najmanje pet godina.

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.

Povreda prava na podnošenje žalbi i molbi  
Član 148.

Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja zloupotrijebi svoj položaj ili ovlaštenje i spriječi drugoga da koristi svoje pravo na podnošenje žalbe, prigovora, zahtjeva, molbe ili pritužbe, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine.

Nedozvoljeno korištenje ličnih podataka

Član 149.

Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja bez pristanka pojedinca protivno uvjetima propisanim u zakonu, prikuplja, obrađuje ili koristi njegove lične podatke ili te podatke koristi suprotno zakonom dozvoljenoj svrsi njihova prikupljanja, kaznit će se novčanom kaznom ili kaznom zatvora do šest mjeseci.

Uskraćivanje biračkog prava  
Član 150.

Ko u obavljanju povjerene mu dužnosti u vezi s izborima za institucije Bosne i Hercegovine, drugoga u namjeri da ga spriječi u ostvarenju njegovog biračkog prava protuzakonito ne uvede u birački popis ili ga izbriše iz biračkog popisa ili mu na drugi uskrati biračko pravo, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

Povreda slobode opredjeljenja birača  
Član 151.

(1) Ko silom, ozbiljnom prijetnjom, prinudom, podmićivanjem ili korišćenjem njegovog teškog ekonomskog stanja ili na drugi protupravan način utječe na birača u Bosni i Hercegovini da na izborima za institucije Bosne i Hercegovine ili prilikom glasanja o opozivu ili na referendumu, glasa za ili protiv pojedine liste, pojedinog kandidata, odnosno da glasa za ili protiv opoziva, za ili protiv prijedloga o kome se odlučuje referendumom, ili da uopće ne glasa, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Član biračkog odbora ili druga osoba koja učini krivično djelo iz stava 1. ovog člana u vršenju povjerene joj dužnosti u vezi s izborima, glasanjem ili referendumom, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Prijevara pri glasanju

Član 152.

Ko na izborima za institucije Bosne i Hercegovine ili pri glasanju o opozivu predstavnika u institucijama Bosne i Hercegovine ili na referendumu u Bosni i Hercegovini, glasa umjesto drugoga pod njegovim imenom ili ponovo glasa ili pokuša da ponovo glasa iako je već glasao, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

Povreda tajnosti glasanja  
Član 153.

(1) Ko pri izboru za institucije Bosne i Hercegovine ili pri glasanju o opozivu predstavnika u institucijama Bosne i Hercegovine ili na referendumu u Bosni i Hercegovini, povrijedi tajnost glasanja,

### **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,

kaznit će se novčanom kaznom ili kaznom zatvora do šest mjeseci.

(2) Ko silom, ozbiljnom prijetnjom ili na drugi protupravan način traži od građanina da kaže za koga je glasao ili kako je glasao ili da li je glasao za ili protiv opoziva, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine.

(3) Član biračkog odbora ili druga osoba koja učini krivično djelo iz stava 1. ovog člana u vršenju povjerene joj dužnosti u vezi s izborima ili glasanjem, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

Izborna prijevara

Član 154.

Ko krivotvori rezultate izbora ili glasanja za institucije Bosne i Hercegovine dodavanjem, oduzimanjem ili brisanjem glasova ili potpisa, netačnim brojanjem glasova, neistinitim upisivanjem rezultata u izborne isprave ili na drugi način, ili objavi rezultat izbora ili glasanja koji ne odgovara obavljenom glasanju, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Uništenje izbornih isprava

Član 155.

Ko na izborima za institucije Bosne i Hercegovine, pri glasanju o opozivu predstavnika u institucijama Bosne i Hercegovine ili na referendumu u Bosni i Hercegovini, uništi, prikrije, ošteti ili oduzme kakvu ispravu o izborima ili o glasanju o opozivu ili kakav predmet koji služi za izbor ili za glasanje o opozivu, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

## XVI GLAVA ŠESNAESTA

### KRIVIČNA DJELA PROTIV INTEGRITETA BOSNE I HERCEGOVINE

Napad na ustavni poredak

Član 156.

Ko upotrebom fizičke sile ili prijetnjom upotrebe fizičke sile pokuša da promijeni ustavni poredak Bosne i Hercegovine ili da svrgne njene najviše institucije, kaznit će se kaznom zatvora najmanje pet godina.

Ugrožavanje teritorijalne cjeline

Član 157.

Ko upotrebom sile ili prijetnjom upotrebe sile pokuša da otcijepi dio teritorije Bosne i Hercegovine ili da dio njene teritorije pripoji drugoj državi, kaznit će se kaznom zatvora najmanje pet godina.

Sprječavanje borbe protiv neprijatelja

Član 158.

Građanin Bosne i Hercegovine koji za vrijeme rata ili oružanog sukoba sprječava građane Bosne i Hercegovine ili građane njenih saveznika da vode borbu protiv neprijatelja,

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 CHAPTER SIXTEEN

### **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,

kaznit će se kaznom zatvora od jedne do deset godina.

Služba u neprijateljskoj vojsci  
Član 159.

- (1) Građanin Bosne i Hercegovine koji za vrijeme rata ili oružanog sukoba služi u neprijateljskoj vojsci ili drugim neprijateljskim oružanim formacijama, ili sudjeluje u ratu ili oružanom sukobu boreći se protiv Bosne i Hercegovine ili njenih saveznika, kaznit će se kaznom zatvora najmanje tri godine.
- (2) Ko vrbuje građane Bosne i Hercegovine za službu u neprijateljskoj vojsci ili drugim neprijateljskim oružanim formacijama ili za sudjelovanje u ratu ili oružanom sukobu protiv Bosne i Hercegovine ili njenih saveznika, kaznit će se kaznom zatvora najmanje pet godina.

Pomaganje neprijatelju

Član 160.

- (1) Građanin Bosne i Hercegovine koji za vrijeme rata pomaže neprijatelju u provođenju prinudnih mjera prema stanovništvu Bosne i Hercegovine, kaznit će se kaznom zatvora od jedne do deset godina.
- (2) Građanin Bosne i Hercegovine koji u cilju pomaganja neprijatelja politički ili privredno saraduje s neprijateljem za vrijeme rata, kaznit će se kaznom zatvora najmanje tri godine.

Podrivanje vojne i odbrambene moći  
Član 161.

- (1) Ko u namjeri da umanju odbrambenu moć Bosne i Hercegovine uništi, učini neupotrebljivim ili omogućiti da pređu u ruke neprijatelja odbrambena postrojenja, objekti, položaji, naoružanje ili druga vojna i odbrambena sredstva ili preda trupe neprijatelju, ili ko u istoj namjeri ometa ili dovede u opasnost vojne ili odbrambene mjere, kaznit će se kaznom zatvora najmanje tri godine.
- (2) Ko nabavlja sredstva za učinjenje krivičnog djela iz stava 1. ovog člana, kaznit će se kaznom zatvora od jedne do deset godina.

Oružana pobuna

Član 162.

- (1) Ko učestvuje u oružanoj pobuni koja je usmjerena protiv ustavnog poretka Bosne i Hercegovine ili protiv njenih najviših institucija, kaznit će se kaznom zatvora najmanje tri godine.
- (2) Ko organizira ili bilo kako rukovodi učinjenjem krivičnog djela iz stava 1. ovog člana, kaznit će se kaznom zatvora najmanje pet godina.
- (3) Ko nabavlja sredstva za učinjenje krivičnog djela iz stava 1. ovog člana, kaznit će se kaznom zatvora od jedne do deset godina.

Špijunaža  
Član 163.

- (1) Ko državnu, vojnu ili službenu tajnu saopći, preda ili učini dostupnom stranoj državi, stranoj organizaciji ili osobi koja

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

im služi,  
kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ko na štetu Bosne i Hercegovine za stranu državu ili organizaciju stvara obavještajnu službu u Bosni i Hercegovini ili njom rukovodi,  
kaznit će se kaznom zatvora najmanje pet godina.

(3) Ko stupi u stranu obavještajnu službu, prikuplja za nju podatke ili na drugi način pomaže njen rad,  
kaznit će se kaznom zatvora od jedne do deset godina.

(4) Ko pribavlja državnu, vojnu ili službenu tajnu u cilju da je saopći ili preda stranoj državi, stranoj organizaciji ili osobi koja im služi,  
kaznit će se kaznom zatvora od jedne do deset godina.

(5) Ko nabavlja sredstva za učinjenje krivičnog djela iz stava 1. ovog člana,  
kaznit će se kaznom zatvora od jedne do deset godina.

Odavanje državne tajne  
Član 164.

(1) Ovlaštena osoba koja protivno zakonu ili drugom propisu institucija Bosne i Hercegovine donesenim na osnovu zakona, drugome saopći, preda ili učini dostupnim državnu tajnu koja joj je povjerena,  
kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ko drugoj osobi saopći ili preda, ili posreduje u saopćavanju ili predaji podatka ili isprave za koju zna da je državna tajna, a do koje je protupravno došao,  
kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(3) Ako je krivično djelo iz stava 1. ovog člana učinjeno za vrijeme ratnog stanja ili neposredne ratne opasnosti, ili ako je dovelo do ugožavanja sigurnosti, privredne ili vojne moći Bosne i Hercegovine,  
učinitelj će se kazniti kaznom zatvora najmanje tri godine.

(4) Ovlaštena osoba koja učini krivično djelo iz stava 1. ovog člana iz nehata,  
kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(5) Nema krivičnog djela iz stava 2. ovog člana, ako neko objavi ili posreduje u objavljivanju državne tajne čija je sadržina suprotna ustavnom poretku Bosne i Hercegovine, u cilju da javnosti otkrije povredu ustavnog poretka ili međunarodnog ugovora, ako objavljivanje nema štetne posljedice za nacionalnu sigurnost Bosne i Hercegovine.

Upućivanje i prebacivanje oružanih grupa ljudi, oružja i municije na teritoriju Bosne i Hercegovine  
Član 165.

Ko na teritoriju Bosne i Hercegovine upućuje ili prebacuje oružane grupe ljudi, teroriste, špijune, diverzante, oružje, eksploziv, otrove, opremu, municiju ili drugi materijal, radi

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

učinjenja krivičnih djela iz ove glave ovog zakona, kaznit će se kaznom zatvora od jedne do deset godina.

Unošenje opasnih materija u Bosnu i Hercegovinu

Član 166.

(1) Ko protivno propisima Bosne i Hercegovine unese u Bosnu i Hercegovinu za život ili zdravlje ljudi štetne radioaktivne ili druge opasne materije ili otpatke, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Ko zloupotrebom svog položaja ili ovlaštenja protivno propisima omogućiti da se u Bosnu i Hercegovinu unesu za život ili zdravlje ljudi štetne radioaktivne ili druge opasne materije ili otpaci, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Ubistvo predstavnika najviših institucija Bosne i Hercegovine

Član 167.

Ko u namjeri ugrožavanja ustavnog poretka Bosne i Hercegovine ili sigurnosti Bosne i Hercegovine liši života službenu osobu institucija Bosne i Hercegovine pri vršenju njene službe, ili člana Predsjedništva Bosne i Hercegovine, predsjedavajućeg Vijeća ministara Bosne i Hercegovine, predsjednika domova Parlamentarne skupštine Bosne i Hercegovine, predsjednika Ustavnog suda Bosne i Hercegovine, predsjednika Suda Bosne i Hercegovine ili glavnog tužitelja Bosne i Hercegovine kada nisu na dužnosti, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

Otmica predstavnika najviših institucija Bosne i Hercegovine

Član 168.

(1) Ko u namjeri ugrožavanja ustavnog poretka Bosne i Hercegovine ili sigurnosti Bosne i Hercegovine protupravno zatvori, drži zatvorenu ili na drugi način oduzme ili ograniči slobodu kretanja službenoj osobi institucija Bosne i Hercegovine pri vršenju njene službe, s ciljem da nju ili nekoga drugoga prisili da što izvrši, ne izvrši ili trpi, kaznit će kaznom zatvora od najmanje tri godine.

(2) Ko u namjeri ugrožavanja ustavnog poretka Bosne i Hercegovine ili sigurnosti Bosne i Hercegovine protupravno zatvori, drži zatvorenu ili na drugi način oduzme ili ograniči slobodu kretanja članu Predsjedništva Bosne i Hercegovine, predsjedavajućem Vijeća ministara Bosne i Hercegovine, predsjedniku domova Parlamentarne skupštine Bosne i Hercegovine, predsjedniku Ustavnog suda Bosne i Hercegovine, predsjedniku Suda Bosne i Hercegovine ili glavnom tužitelju Bosne i Hercegovine, kaznit će kaznom zatvora od najmanje pet godina.

Kažnjavanje za najteže oblike krivičnih djela

Član 169.

(1) Za krivično djelo iz člana 156. (Napad na ustavni

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*



poredak), 157. (Ugrožavanje teritorijalne cjeline), 161. (Podrivanje vojne i odbrambene moći), 162. (Oružana pobuna) i 163. (Špijunaža) ovog zakona, koje je imalo za posljedicu smrt jedne ili više osoba, ili je izazvalo opasnost za život ljudi, ili je praćeno teškim nasiljima i velikim razaranjima, učinitelj će se kazniti kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(2) Ako je pri učinjenju krivičnog djela iz stava 1. ovog člana učinitelj s umišljajem lišio života jednu ili više osoba, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

Osnivanje udruženja ili nabavljanje sredstava za učinjenje krivičnih djela iz ove glave ovog zakona

Član 170.

Ko osnuje udruženje u cilju učinjenja krivičnih djela iz ove glave ovog zakona, ili ko nabavi sredstva za učinjenje krivičnih djela iz ove glave ovog zakona, kaznit će se kaznom zatvora od jedne do deset godina.

## XVII GLAVA SEDAMNAESTA

### KRIVIČNA DJELA PROTIV ČOVJEČNOSTI I VRIJEDNOSTI ZAŠTIĆENIH MEĐUNARODNIM PRAVOM

Genocid

Član 171.

Ko u cilju da potpuno ili djelimično istrijebi nacionalnu, etničku, rasnu ili vjersku skupinu ljudi naredi učinjenje ili učini koje od ovih djela:

- a) ubijanje pripadnika skupine ljudi;
- b) nanošenje teške tjelesne ozljede ili duševne povrede pripadnicima skupine ljudi;
- c) smišljeno nametanje skupini ljudi ili zajednici takvih životnih uvjeta koji bi mogli posljediti njenim potpunim ili djelomičnim istrebljenjem;
- d) uvođenje mjera kojima je cilj sprječavanje rađanja unutar skupine ljudi;
- e) prisilno preseljenje djece iz te u drugu skupinu ljudi, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

Zločini protiv čovječnosti

Član 172.

(1) Ko, kao dio širokog ili sistematičnog napada usmjerenog bilo protiv kojeg civilnog stanovništva, znajući za takav napad, učini koje od ovih djela:

- a) lišenje druge osobe života (ubistvo);
- b) istrebljenje;
- c) odvođenje u ropstvo,
- d) deportacija ili prisilno preseljenje stanovništva;
- e) zatvaranje ili drugo teško oduzimanje fizičke slobode suprotno osnovnim pravilima međunarodnog prava;
- f) mučenje;
- g) prisiljavanje druge osobe upotrebom sile ili prijetnje direktnim napadom na njezin život ili tijelo ili na život ili tijelo njoj bliske osobe, na seksualni odnos ili s njim izjednačenu seksualnu radnju (silovanje), seksualno ropstvo, prisilnu

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

### **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,

prostituciju, prisilnu trudnoću, prisilnu sterilizaciju ili bilo koji drugi oblik teškog seksualnog nasilja;

h) progon bilo koje grupe ljudi ili kolektiva na političkoj, rasnoj, nacionalnoj, etničkoj, kulturnoj, vjerskoj, spolnoj ili drugoj osnovi koja je univerzalno prihvaćena kao nedopustiva po međunarodnom pravu, u vezi s bilo kojim krivičnim djelom iz ovog stava ovog člana, bilo kojim krivičnim djelom propisanim u ovom zakonom ili bilo kojim krivičnim djelom u nadležnosti Suda Bosne i Hercegovine;

i) prisilni nestanak osoba;

j) zločin aparthejda;

k) druga nečovječna djela slične prirode, učinjena u namjeri nanošenja velike patnje ili ozbiljne fizičke ili psihičke povrede ili narušenja zdravlja,

kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(2) U smislu stava 1. ovog člana sljedeći pojmovi imaju ovo značenje:

a) Napad usmjeren bilo protiv kojeg civilnog stanovništva jest ponašanje koje uključuje višestruko činjenje djela iz stava 1. ovog člana bilo protiv kojeg civilnog stanovništva na osnovi ili u cilju državne politike ili politike neke organizacije da se učini takav napad.

b) Istrebljenje uključuje namjerno nametanje takvih životnih uvjeta, a posebno uskraćivanje pristupa hrani i lijekovima, koji mogu posljediti uništenjem dijela stanovništva.

c) Odvođenje u ropstvo jest vršenje nad osobom bilo kojeg ili svih ovlašćenja inače vezanih za pravo svojine, uključujući vršenje takvog ovlašćenja pri trgovanju ljudima, posebno ženama i djecom.

d) Deportacija ili prisilno preseljenje stanovništva jest prisilno iseljenje osoba s teritorije na kojoj su zakonito prisutne protjerivanjem ili drugim mjerama prisile, bez osnova dopuštenih po međunarodnom pravu.

e) Mučenje jest namjerno nanošenje snažnog tjelesnog ili duševnog bola ili patnje osobi zadržanoj od strane optuženog ili pod nadzorom optuženog, izuzimajući bol ili patnju koja je posljedica isključivo izvršenja zakonitih sankcija.

f) Prisilna trudnoća jest nezakonito zatočeništvo žene kojoj je prisilno prouzrokovana trudnoća, s namjerom da se utiče na etnički sastav bilo kojeg stanovništva ili da se učine druge teške povrede međunarodnog prava.

g) Progon jest namjerno i teško, međunarodnom pravu suprotno uskraćivanje osnovnih prava, zbog pripadnosti skupini ljudi ili zajednici.

h) Prisilni nestanak osoba jest hapšenje, pritvaranje ili otimanje osoba, od strane ili s dopuštanjem, podrškom ili pristankom države ili političke organizacije, uz odbijanje da se prizna takvo lišenje slobode ili da se pruži informacija o sudbini ili o mjestu gdje se nalaze takve osobe, s namjerom da se uklone od zaštite zakona na duže vrijeme.

i) Zločin aparthejda su nečovječne radnje slične prirode radnjama iz stava 1. ovog člana, učinjene u kontekstu institucionaliziranog režima sistematskog potlačivanja i dominacije jedne rasne skupine nad bilo kojom drugom rasnom skupinom ili skupinama ljudi, učinjene s namjerom održavanja takvog režima.

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.

Ratni zločin protiv civilnog stanovništva  
Član 173.

(1) Ko kršeći pravila međunarodnog prava za vrijeme rata, oružanog sukoba ili okupacije naredi ili učini koje od ovih djela:

a) napad na civilno stanovništvo, naselje, pojedine civilne osobe ili osobe onesposobljene za borbu, a taj je napad posljedovao smrću, teškom tjelesnom ozljedom ili teškim narušenjem zdravlja ljudi;

b) napad bez izbora cilja kojim se pozljeđuje civilno stanovništvo;

c) ubijanja, namjerno nanošenje osobi snažnog tjelesnog ili duševnog bola ili patnje (mučenje), nečovječno postupanje, biološke, medicinske ili druge znanstvene eksperimente, uzimanje tkiva ili organa radi transplantacije, nanošenje velikih patnji ili povreda tjelesnog integriteta ili zdravlja;

d) raseljenje, preseljenje ili prisilno odnarodnjenje ili prevođenje na drugu vjeru;

e) prisiljavanje druge osobe upotrebom sile ili prijetnje direktnim napadom na njezin život ili tijelo ili na život ili tijelo njoj bliske osobe, na seksualni odnos ili s njim izjednačenu seksualnu radnju (silovanje), prisiljavanje na prostituciju, primjenjivanje mjera zastrašivanja i terora, uzimanje talaca, kolektivno kažnjavanje, protupravno odvođenje u koncentracione logore i druga protuzakonita zatvaranja, oduzimanje prava na pravično i nepristrano suđenje, prisiljavanje na službu u neprijateljskim oružanim snagama ili u neprijateljskoj obavještajnoj službi ili upravi;

f) prisiljavanje na prinudni rad, izgladnjivanje stanovništva, konfiskaciju imovine, pljačkanje imovine stanovništva, protupravno, samovoljno i vojnim potrebama neopravdano uništavanje ili prisvajanje imovine u velikim razmjerama, uzimanje nezakonite i nesrazmjerno velike kontribucije i rekvizicije, smanjenje vrijednosti domaće novčane jedinice ili protuzakonito izdavanje novca, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(2) Kaznom iz stava 1. ovog člana kaznit će se ko kršeći pravila međunarodnog prava za vrijeme rata, oružanog sukoba ili okupacije naredi ili učini koje od ovih djela:

a) napad na objekte posebno zaštićene međunarodnim pravom ili općeopasne objekte i postrojenja kao što su brane, nasipi i nuklearne elektrane;

b) napad bez izbora cilja na civilne objekte koji su pod posebnom zaštitom međunarodnog prava, nebranjena mjesta i demilitarizovane zone;

c) dugotrajno oštećenje prirodnog okoliša velikih srazmjera, koje može da šteti zdravlju ili opstanku stanovništva.

(3) Ko kršeći pravila međunarodnog prava za vrijeme rata, oružanog sukoba ili okupacije, kao okupator naredi ili učini preseljenje dijelova civilnog stanovništva svoje pripadnosti na okupiranu teritoriju, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

Ratni zločin protiv ranjenika i bolesnika  
Član 174.

Ko kršeći pravila međunarodnog prava za vrijeme rata ili oružanog sukoba, prema ranjenicima, bolesnicima, brodolomcima ili sanitetskom ili vjerskom osoblju naredi ili učini koje od ovih djela:

**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) lišenja drugih osoba života (ubistva), namjerna nanošenja osobama snažnog tjelesnog ili duševnog bola ili patnje (mučenja), nečovječno postupanje, biološke, medicinske ili druge znanstvene eksperimente, uzimanje tkiva ili organa radi transplantacije;

b) nanošenje velikih patnji ili ozljeda tijela ili povreda zdravlja;

c) protupravno, samovoljno, vojnim potrebama neopravdano uništavanje ili prisvajanje u velikim razmjerima materijala, sredstava sanitetskog transporta i zaliha sanitetskih ustanova ili jedinica, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

Ratni zločin protiv ratnih zarobljenika

Član 175.

Ko kršeći pravila međunarodnog prava, prema ratnim zarobljenicima naredi ili učini koje od ovih djela:

a) lišenja drugih osoba života (ubistva), namjerna nanošenja osobama snažnog tjelesnog ili duševnog bola ili patnje (mučenja), nečovječno postupanje, biološke, medicinske ili druge znanstvene eksperimente, uzimanje tkiva ili organa radi transplantacije;

b) nanošenje velikih patnji ili ozljeda tijela ili povreda zdravlja;

c) prisiljavanje na službu u neprijateljskim oružanim snagama ili lišavanje prava na pravično i nepristrano suđenje, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

Organiziranje grupe ljudi i podstrekavanje na učinjenje krivičnih djela genocida, zločina protiv čovječnosti i ratnih zločina

Član 176.

(1) Ko organizira grupu ljudi radi učinjenja krivičnih djela iz člana 171. (Genocid), 172. (Zločini protiv čovječnosti), 173. (Ratni zločin protiv civilnog stanovništva), 174. (Ratni zločin protiv ranjenika i bolesnika) i 175. (Ratni zločin protiv ratnih zarobljenika) ovog zakona, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(2) Ko postane pripadnik grupe ljudi iz stava 1. ovog člana, kaznit će se kaznom zatvora od jedne do deset godina.

(3) Pripadnik grupe ljudi iz stava 1. ovog člana koji otkrije grupu ljudi prije nego što je u njenom sastavu ili za nju učinio krivično djelo, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine, a može se i osloboditi od kazne.

(4) Ko poziva ili podstrekava na učinjenje krivičnih djela iz člana 171. do 175. ovog zakona, kaznit će se kaznom zatvora od jedne do deset godina.

Protupravno ubijanje i ranjavanje neprijatelja

Član 177.

(1) Ko kršeći pravila međunarodnog prava za vrijeme rata ili oružanog sukoba ubije ili rani neprijatelja koji je odložio oružje ili se bezuvjetno predao ili nema sredstava za odbranu, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ako je ubistvo iz stava 1. ovog člana učinjeno na svirep ili podmukao način, iz koristoljublja ili iz drugih niskih pobuda, ili

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

ako je ubijeno više osoba, učinitelj će se kazniti kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(3) Ko kršeći pravila međunarodnog prava za vrijeme rata ili oružanog sukoba naredi da u borbi ne smije biti preživjelih pripadnika neprijateljske vojske ili vodi borbu protiv neprijatelja na toj osnovi, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

Protupravno oduzimanje stvari od ubijenih i ranjenih na ratištu  
Član 178.

(1) Ko naredi da se protupravno oduzimaju stvari od ubijenih ili ranjenih na ratištu, ili ko učini takvo oduzimanje, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Ako je krivično djelo iz stava 1. ovog člana učinjeno na svirep način, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

Povrede zakona ili običaja rata  
Član 179.

(1) Ko za vrijeme rata ili oružanog sukoba naredi da se povrijede zakoni ili običaji rata ili ih sam povrijedi, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(2) Povrede zakona ili običaja rata iz stava 1. ovog člana uključuju:

- a) upotrebu bojnih otrova ili drugih ubojnih sredstava s ciljem izazivanja nepotrebne patnje;
- b) bezobzirno razaranje gradova, naselja ili sela ili pustošenje koje nije opravdano vojnim potrebama;
- c) napad ili bombardovanje bilo kojim sredstvima nebranjениh gradova, sela, nastambi ili zgrada;
- d) pljenidbu, uništavanje ili namjerno oštećenje ustanova namijenjenih vjerskim, dobrotvornim ili obrazovnim potrebama, nauci i umjetnosti, istorijskih spomenika i naučnih i umjetničkih djela;
- e) pljačku javne ili privatne imovine.

Individualna krivična odgovornost  
Član 180.

(1) Osoba koja planira, pokrene, naredi, učini ili podstrekava ili pomaže u planiranju, pripremanju ili učinjenju krivičnih djela iz člana 171. (Genocid), 172. (Zločini protiv čovječnosti), 173. (Ratni zločin protiv civilnog stanovništva), 174. (Ratni zločin protiv ranjenika i bolesnika), 175. (Ratni zločin protiv ratnih zarobljenika), 177. (Protupravno ubijanje i ranjavanje neprijatelja), 178. (Protupravno oduzimanje stvari od ubijenih i ranjenih na ratištu) i 179. (Povrede zakona ili običaja rata) ovog zakona, individualno je odgovorna za to krivično djelo. Službeni položaj bilo kojeg okrivljenog, bilo da se radi o šefu države ili vlade, ili o odgovornoj službenoj osobi vlade, ne oslobađa takvu osobu krivične odgovornosti niti utječe na ublažavanje kazne.

(2) Činjenica da je neko od krivičnih djela iz člana 171. do 175. i člana 177. do 179. ovog zakona učinjeno od strane podređenog, ne oslobađa njemu nadređenu osobu od krivične odgovornosti ukoliko je ta nedređena osoba znala ili je mogla znati da se njen podređeni sprema učiniti takvo djelo, odnosno da je već učinio takvo djelo, a nadređena osoba je propustila da preduzme nužne i razumne mjere da spriječi učinjenje krivičnog djela, odnosno da učinitelj tog djela bude kažnjen.

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) Činjenica da je neka osoba postupala po naređenju vlade ili neke njoj nadređene osobe, ne oslobađa je krivične odgovornosti, ali može utjecati na ublažavanje kazne ako sud smatra da to interesu pravičnosti zahtijevaju.

**Povreda parlamentara**  
Član 181.

Ko kršeći pravila međunarodnog prava za vrijeme rata ili oružanog sukoba vrijeđa, zlostavlja ili zadrži parlamentara ili njegovu pratnju ili im spriječi povratak, ili na drugi način povrijedi njihovu nepovredivost, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

**Neopravdano odgađanje povratka ratnih zarobljenika**  
Član 182.

Ko kršeći pravila međunarodnog prava, nakon završetka rata ili oružanog sukoba naredi ili izvrši neopravdano odgađanje povratka ratnih zarobljenika ili civilnih lica, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

**Uništavanje kulturnih, historijskih i religijskih spomenika**

Član 183.

(1) Ko kršeći pravila međunarodnog prava za vrijeme rata ili oružanog sukoba uništava kulturne, historijske ili religijske spomenike, građevine ili ustanove namijenjene nauci, umjetnosti, vaspitanju, humanitarnim ili religijskim ciljevima, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ako je krivičnim djelom iz stava 1. ovog člana uništen jasno prepoznatljiv objekt koji je kao kulturno i duhovno naslijeđe naroda pod posebnom zaštitom međunarodnog prava, učinitelj će se kazniti kaznom zatvora najmanje pet godina.

**Zloupotreba međunarodnih znakova**

Član 184.

(1) Ko zloupotrijebi ili neovlašćeno nosi zastavu ili znak Organizacije ujedinjenih naroda, ili znakove ili zastave Crvenog križa ili znakove koji njima odgovaraju, ili druge priznate međunarodne znakove kojima se obilježavaju određeni objekti radi zaštite od vojnih djelovanja, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Ko krivično djelo iz stava 1. ovog člana učini za vrijeme ratnog stanja ili neposredne ratne opasnosti, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

**Zasnivanje ropskog odnosa i prijevoz osoba u ropskom odnosu**  
Član 185.

(1) Ko kršeći pravila međunarodnog prava stavi drugog u ropški ili njemu sličan odnos ili ga drži u takvom odnosu, kupi, proda, preda drugoj osobi ili posreduje u kupovini, prodaji ili predaji takve osobe ili podstrekava drugog da proda svoju slobodu ili slobodu osobe koju izdržava ili se o njoj stara, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ko kršeći pravila međunarodnog prava kupi, proda, preda drugoj osobi ili posreduje u kupovini, prodaji ili predaji djeteta ili maloljetnika radi usvajanja, transplantacije organa, eksploatacije

(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

radom ili u druge protupravne svrhe,  
kaznit će se kaznom zatvora najmanje pet godina.

(3) Ko kršeći pravila međunarodnog prava prevozi osobe koje se nalaze u ropskom ili njemu sličnom odnosu, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

#### Trgovina ljudima Član 186.

(1) Ko učestvuje u vrbovanju, prebacivanju, davanju utočišta ili prihvatu osoba, prijeteći ili koristeći silu ili druge oblike prinude, otmicu, prijevaru, obmanu, zloupotrebu vlasti ili tuđe nemoći, ili davanje ili primanje isplata ili povlastica, kako bi se pribavio pristanak osobe koja kontroliše drugu osobu, u cilju eksploatacije osobe, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ko krivično djelo iz stava 1. ovog člana učini prema maloljetniku, kaznit će se kaznom zatvora najmanje pet godina.

(3) Ko organizuje grupu ljudi s ciljem učinjenja krivičnog djela iz stava 1. i 2. ovog člana, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(4) Ko iz nehata olakša učinjenje krivičnog djela iz stava 1. do 3. ovog člana, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(5) Eksploatacija iz stava 1. ovog člana posebno uključuje iskorištavanje drugih putem prostitucije ili drugih oblika seksualne eksploatacije, prinudni rad ili pružanje usluga, ropstvo ili postupke slične ropstvu, služenje pod prinudom ili uklanjanje organa radi transplantacije.

#### Međunarodno vrbovanje radi prostitucije

##### Član 187.

(1) Ko vrbuje, namamljuje ili navodi drugog na pružanje seksualnih usluga radi zarade u nekoj državi, izuzimajući državu u kojoj ta osoba ima prebivalište ili čiji je državljanin, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Ko uz korištenje sile ili pod prijetnjom sile ili prijevarom, prisiljava ili navodi drugog na odlazak u državu u kojoj nema prebivalište ili čiji nije državljanin, radi pružanja seksualnih usluga za novac, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(3) Ako je krivično djelo iz stavka 1. i 2. ovog člana učinjeno prema djetetu ili maloljetniku, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

(4) Činjenica da se vrbovana, namamljena, potaknuta, prisiljena ili zavedena osoba već bavila prostitucijom, ne utječe na postojanje krivičnog djela.

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.

Nezakonito uskraćivanje identifikacijskih dokumenata  
Član 188.

Ko nezakonito uskrati drugom njegovu identifikacijska dokumenta ili pasoš, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Krijumčarenje osoba

Član 189.

Ko se radi sticanja finansijske ili materijalne koristi bavi nedozvoljenim prebacivanjem drugih osoba preko državne granice ili omogućiti drugom nedozvoljeni prelazak granice, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

Mučenje i drugi oblici surovog, nečovječnog i ponižavajućeg postupanja

Član 190.

Službena ili druga osoba koja djelujući na podstrek ili uz izričitu ili prećutnu saglasnost javnog dužnosnika, nanese drugome fizičku ili duševnu bol ili tešku fizičku ili duševnu patnju, s ciljem da dobije od njega ili od treće osobe informaciju ili priznanje, ili da se kazni za krivično djelo koje je počinio ili se sumnja da je počinio on ili treća osoba, ili koji ga zastrašuje ili ga prisiljava bilo iz kojeg drugog razloga zasnovanog bilo na kojoj vrsti diskriminacije, kaznit će se kaznom zatvora od jedne do deset godina.

Uzimanje talaca

Član 191.

(1) Ko drugoga zatvori, drži zatvorenog ili mu na drugi način oduzme ili ograniči slobodu kretanja, ili ga drži i prijeti da će ga ubiti, povrijediti ili nadalje zadržavati kao taoca, u cilju da primora neku državu ili međunarodnu međuvladinu organizaciju da nešto izvrši ili ne izvrši, kao izričiti ili prešutni uvjet za oslobađanje taoca, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ako je usljed krivičnog djela iz stava 1. ovog člana nastupila smrt otete osobe, učinitelj će se kazniti kaznom zatvora najmanje pet godina.

(3) Ako je pri učinjenju krivičnog djela iz stava 1. ovog člana učinitelj otetu osobu s umišljajem lišio života, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

Ugrožavanje osoba pod međunarodnopravnom zaštitom  
Član 192.

(1) Ko osobu pod međunarodnopravnom zaštitom liši života, zatvori, drži zatvorenu ili joj na drugi način oduzme ili ograniči slobodu kretanja, u cilju da nju ili neku drugu osobu primora da nešto izvrši ili ne izvrši, ili ko učini neko drugo nasilje prema osobi pod međunarodnopravnom zaštitom ili protiv njezine slobode, ili napadne njezine službene prostorije, privatni smještaj ili prijevozno sredstvo, a takav bi napad mogao ugroziti njezinu osobu ili slobodu, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ako je usljed krivičnog djela iz stava 1. ovog člana

### **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,



nastupila smrt jedne ili više osoba, učinitelj će se kazniti kaznom zatvora najmanje pet godina.

(3) Ako je pri učinjenju krivičnog djela iz stava 1. ovog člana učinitelj neku osobu s umišljajem lišio života, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(4) Ko ugrozi sigurnost osobe iz stava 1. ovog člana ozbiljnom prijetnjom da će napasti nju, njezine službene prostorije, privatni stan ili prijevozno sredstvo, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Neovlašteni promet oružjem i vojnom opremom  
Član 193.

(1) Ko uvozi, izvozi, prevozi ili posreduje u prometu oružja ili vojne opreme bez dozvole propisane zakonom Bosne i Hercegovine, ili ko daje krive podatke ili propusti prikazati činjenice u postupku davanja dozvole u skladu sa zakonom Bosne i Hercegovine, ili ko propusti u skladu sa zakonom Bosne i Hercegovine registrirati ugovor u vezi oružja ili vojne opreme, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ko organizira grupu ljudi u cilju učinjenja krivičnog djela iz stava 1. ovog člana, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(3) Ko učini krivilno djelo iz člana 1. ovog zakona iz nehata, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Neovlašteno pribavljanje i raspolaganje nuklearnim materijalom  
Član 194.

(1) Ko nuklearni materijal neovlašteno pribavlja, posjeduje, koristi, prevozi, skladišti, mijenja, odlaže ili rasprostranjuje, ili ko nuklearni materijal silom ili prijetnjom direktnog napada na život ili tijelo druge osobe ili bilo na koji drugi protupravan način otuđi u cilju da ga protupravno prisvoji, ili u istom cilju protupravno prisvoji nuklearni materijal koji mu je povjeren, ili u istom cilju dođe do nuklearnog materijala dovodeći nekoga u zabludu lažnim prikazivanjem ili prikriivanjem činjenica ili ga održavajući u zabludi, ili silom, prijetnjom ili bilo koji drugim načinom zastrašivanja zahtijeva nuklearni materijal, ili prijeti njegovom upotrebom radi prouzrokovanja smrti ili ozbiljne povrede ljudi ili ozbiljne imovinske štete, ili daje takav materijal drugoj osobi ili joj omogućuje da dođe u posjed takvog materijala, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ko krivičnim djelom iz stava 1. ovog člana izazove opasnost za život ljudi ili opasnost većih razmjera za imovinu, kaznit će se kaznom zatvora najmanje jednu godinu.

(3) Kaznom iz stava 2. ovog člana kaznit će se ko u cilju da primora neku državu ili međunarodnu organizaciju ili fizičku ili pravnu osobu da nešto izvrši ili ne izvrši, prijeti upotrebom nuklearnog materijala radi ugrožavanja života ljudi ili imovine većih razmjera.

(4) Ako usljed krivičnog djela iz stavka 1. i 2. ovog člana nastupi smrt jedne ili više osoba ili imovinska šteta velikih razmjera,

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

učinitelj će se kazniti kaznom zatvora najmanje tri godine.

(5) Ko učini krivično djelo iz stava 2. ovog člana iz nehata, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(6) Ako je usljed krivičnog djela iz stava 5. ovog člana nastupila smrt jedne ili više osoba ili šteta velikih razmjera, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

Neovlašteni promet opojnim drogama

Član 195.

(1) Ko neovlašteno vrši međunarodnu prodaju ili prijenos ili nudi na prodaju ili radi prodaje kupuje, drži, prevozi ili prenosi, ili posreduje u međunarodnoj prodaji ili kupovini, šalje, isporučuje, uvozi, izvozi ili na drugi način neovlašteno stavlja u međunarodni promet supstance ili preparate koji su propisom proglašeni opojnim drogama, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ko organizira grupu ljudi radi učinjenja krivičnog djela iz stava 1. ovog člana, ili ko postane članom takve organizirane grupe ljudi, kaznit će se kaznom zatvora najmanje tri godine.

(3) Ko u međunarodnoj transakciji neovlašteno pravi, nabavlja, posreduje ili daje na upotrebu opremu, materijal ili supstancu znajući da će biti upotrijebljeni za proizvodnju opojnih droga, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(4) Opojne droge i sredstva za njihovu proizvodnju oduzet će se.

Piratstvo

Član 196.

(1) Član posade ili putnik na brodu ili u zrakoplovu, izuzev vojnog i javnog broda ili zrakoplova, koji s namjerom da sebi ili drugom pribavi imovinsku ili neimovinsku korist ili da drugom prouzrokuje kakvu štetu, na otvorenom moru ili na teritoriji koja nije pod vlašću nijedne države učini protupravno nasilje ili kakvu drugu prisilu protiv drugog broda ili zrakoplova ili protiv osobe ili stvari koji se nalaze na njima, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ako je usljed krivičnog djela iz stava 1. ovog člana nastupila smrt jedne ili više osoba, uništenje broda ili zrakoplova, ili drugo veliko razaranje, učinitelj će se kazniti kaznom zatvora najmanje pet godina.

(3) Ako je pri učinjenju krivičnog djela iz stava 1. ovog člana učinitelj s umišljajem lišio života jednu ili više osoba, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

Otmica zrakoplova ili broda

Član 197.

(1) Ko silom ili prijetnjom da će upotrijebiti silu, ili drugim

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

oblikom zastrašivanja, preuzme ili vrši kontrolu nad zrakoplovom koji se nalazi u letu, nad brodom ili plutajućim objektom bilo koje vrste, kaznit će se kaznom zatvora najmanje jednu godinu.

(2) Ako je usljed krivičnog djela iz stava 1. ovog člana nastupila smrt jedne ili više osoba, ili je prouzrokovano uništenje otegot zrakoplova, broda ili plutajućeg objekta, ili je nastupila druga imovinska šteta, učinitelj će se kazniti kaznom zatvora najmanje pet godina.

(3) Ako je pri učinjenju krivičnog djela iz stava 1. ovog člana učinitelj neku osobu s umišljajem lišio života, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

Ugrožavanje sigurnosti zračne ili morske plovidbe

Član 198.

(1) Ko izvrši nasilje prema osobi u zrakoplovu u letu, uništi službujući zrakoplov ili prouzrokuje štetu takvom zrakoplovu, unese ili prouzrokuje unošenje u službujući zrakoplov, bilo kojim sredstvima, eksplozivne ili druge naprave ili supstance prikladne uništiti ili oštetiti zrakoplov, uništi ili ošteti uređaje zračne plovidbe ili navigacionih instrumenata ili ometa njihov rad, daje lažna obavještenja u vezi s letom zrakoplova, propusti dužnost kontrole nad sigurnošću leta zrakoplova, ili učini drugo nasilje ugrožavajući sigurnost leta, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Kaznom iz stava 1. ovog člana kaznit će se ko izvrši nasilje prema osobi zaposlenoj na međunarodnom aerodromu, ili uništi ili ozbiljno ošteti aerodromske uređaje ili zrakoplov izvan službe, ili omete pružanje aerodromskih usluga.

(3) Kaznom iz stava 1. ovog člana kaznit će se ko izvrši nasilje prema osobi na brodu ili plutajućem objektu, uništi brod ili plutajući objekt ili prouzrokuje štetu brodu, plutajućem objektu ili njihovom teretu, unese ili prouzrokuje unošenje na brod ili plutajući objekt, bilo kojim sredstvima, eksplozivne ili druge naprave ili supstance prikladne da unište ili oštete brod, plutajući objekt ili njihov teret, uništi ili ošteti maritimne navigacione uređaje ili ometa njihov rad, daje lažna obavještenja o plovidbi broda ili stanju plutajućeg objekta, ili učini drugo nasilje ugrožavajući sigurnu navigaciju ili sigurnost plovidbe broda ili sigurnost plutajućeg objekta.

(4) Ako je pri učinjenju krivičnog djela iz stava 1. do 3. ovog člana neka osoba s umišljajem lišena života, učinitelj će se kazniti kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(5) Ako je usljed krivičnog djela iz stava 1. do 3. ovog člana nastupila smrt jedne ili više osoba, ili je prouzrokovana šteta velikih razmjera na zrakoplovu, brodu ili plutajućem objektu ili druga imovinska šteta velikih razmjera, učinitelj će se kazniti kaznom zatvora najmanje pet godina.

(6) Ko učini krivično djelo iz stava 1. do 3. ovog člana iz nehata, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

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) Ako je usljed krivičnog djela iz stava 6. ovog člana nastupila smrt jedne ili više osoba, ili je prouzrokovana šteta velikih razmjera na zrakoplovu, brodu ili plutajućem objektu ili druga imovinska šteta velikih razmjera, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

Uništenje i uklanjanje znakova koji služe sigurnosti zračnog saobraćaja  
Član 199.

Ko uništi, ošteti ili ukloni znak koji služi sigurnosti zračnog saobraćaja, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

Zloupotreba telekomunikacionih znakova  
Član 200.

Ko zlonamjerno ili bez potrebe otpravi međunarodno ugovoreni znak za pozivanje u pomoć ili znak da prijete opasnost, ili ko telekomunikacionim znakom obmane da postoji sigurnost, ili ko zloupotrijebi međunarodno ugovoreni telekomunikacioni znak, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Terorizam

Član 201.

(1) Ko počini teroristički čin s ciljem ozbiljnog zastrašivanja stanovništva ili prisiljavanja organa vlasti Bosne i Hercegovine, vlade druge zemlje ili međunarodne organizacije, da što izvrši ili ne izvrši, ili s ciljem ozbiljne destabilizacije ili uništavanja osnovnih političkih, ustavnih, privrednih ili društvenih struktura Bosne i Hercegovine, druge zemlje ili međunarodne organizacije, kaznit će kaznom zatvora najmanje tri godine.

(2) Ako je usljed krivičnog djela iz stava 1. ovog člana nastupila smrt jedne ili više osoba, učinitelj će se kazniti kaznom zatvora najmanje pet godina.

(3) Ako je pri učinjenju krivičnog djela iz stava 1. ovog člana učinitelj neku osobu s umišljajem lišio života, kaznit će se kaznom zatvora najmanje deset godina ili kaznom dugotrajnog zatvora.

(4) Teroristički čin, u smislu ovog člana, podrazumijeva koju od sljedećih namjernih radnji, koja s obzirom na svoju prirodu ili kontekst može ozbiljno oštetiti državu ili međunarodnu organizaciju:

- a) napad na život osobe koji može prouzrokovati njezinu smrt;
- b) napad na fizički integritet osobe;
- c) protupravno zatvaranje, držanje zatvorenom ili na drugi način oduzimanje ili ograničavanje slobode kretanja druge osobe, s ciljem da nju ili nekoga drugoga prisili da što izvrši, ne izvrši ili trpi (otmica) ili uzimanje talaca;
- d) nanošenje velike štete objektima Bosne i Hercegovine, vlade druge države ili javnim objektima, transportnom sistemu, objektima infrastrukture uključujući informacijski sistem, fiksnoj platformi koja se nalazi u kontinentalnom pojasu, javnom mjestu ili privatnoj imovini, za koju štetu je vjerovatno da će ugroziti ljudski život ili dovesti do znatne privredne štete;
- e) otmica zrakoplova, broda ili drugog sredstva javnog saobraćaja ili za prevoz roba;
- f) proizvodnja, posjedovanje, sticanje, prevoz,

(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,

snabdijevanje, korištenje ili osposobljavanje za korištenje oružja, eksplozivna, nuklearnog, biološkog ili hemijskog oružja ili radioaktivnog materijala, kao i istraživanje i razvoj biološkog i hemijskog oružja ili radioaktivnog materijala;

g) ispuštanje opasnih materija ili izazivanje požara, eksplozija ili poplava s posljedicom ugrožavanja ljudskih života;

h) ometanje ili zaustavljanje snabdijevanja vodom, električnom energijom ili drugim osnovnim prirodnim resursom s posljedicom ugrožavanja ljudskih života;

i) prijetnja učinjenjem kojeg djela iz tačke a. do h. ovog stava.

#### Finansiranje terorističkih aktivnosti Član 202.

Ko bilo na koji način, neposredno ili posredno, daje ili prikuplja sredstva s ciljem da se upotrijebe ili znajući da će se upotijebiti, u cjelini ili djelimično, za učinjenje:

- a) krivičnog djela iz člana 191. (Uzimanje talaca), 192. (Ugrožavanje osoba pod međunarodnom pravnom zaštitom), 194. (Neovlašteno pribavljanje i raspolaganje nuklearnim materijalom), 196. (Piratstvo), 197. (Otmica zrakoplova ili broda), 198. (Ugrožavanje sigurnosti zračne ili morske plovidbe), 199. (Uništenje i uklanjanje znakova koji služe sigurnosti zračnog saobraćaja), 200. (Zloupotreba telekomunikacionih znakova) i 201. (Terorizam) ovog zakona;
- b) za svako drugo krivično djelo koje može prouzrokovati smrt ili težu tjelesnu povredu civilne osobe ili osobe koja aktivno ne učestvuje u neprijateljstvima u oružanom sukobu, kada je svrha takvog djela, po njegovoj prirodi ili kontekstu, zastrašivanje stanovništva ili prisiljavanje organa vlasti Bosne i Hercegovine ili drugih vlasti ili međunarodne organizacije da što izvrši ili ne izvrši,
- kaznit će se kaznom zatvora od jedne do deset godina.

#### Neizvršavanje naredbi i presuda međunarodnog krivičnog suda

#### Član 203.

Službena osoba u institucijama Bosne i Hercegovine, institucijama entiteta i institucijama Brčko Distrikta Bosne i Hercegovine, koja odbije postupiti po naredbi međunarodnog krivičnog suda da se liši slobode ili pritvori ili izruči međunarodnom krivičnom sudu osoba protiv koje je pokrenut postupak pred međunarodnim krivičnim sudom, ili na drugi način onemogućava izvršenje te naredbe, ili koja odbije izvršenje pravosnažne i izvršne presude međunarodnog krivičnog suda ili na drugi način onemogućava izvršenje takve presude,

kaznit će se kaznom zatvora od jedne do deset godina.

#### XVIII GLAVA OSAMNAESTA KRIVIČNA DJELA PROTIV PRIVREDE I JEDINSTVA TRŽIŠTA TE KRIVIČNA DJELA IZ OBLASTI CARINA

#### Povređa ravnopravnosti u vršenju privredne djelatnosti

#### Član 204.

Ko zloupotrebom svog službenog ili uticajnog položaja ili ovlaštenja u institucijama Bosne i Hercegovine ograniči slobodno kretanje ljudi, roba, usluga i kapitala, između entiteta ili između entiteta i Brčko Distrikta Bosne i Hercegovine, uskrati ili ograniči

- 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 CHAPTER EIGHTEEN

#### 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

pravo privrednog društva ili druge pravne osobe da se na teritoriji drugog entiteta ili Brčko Distrikta Bosne i Hercegovine bavi prometom robe i usluga, ili stavi privredno društvo ili drugu pravnu osobu u neravnopravan položaj prema drugim pravnim osobama u pogledu uvjeta za rad ili za vršenje prometa robe i usluga, ili ograniči slobodnu razmjenu robe i usluga između entiteta i Brčko Distrikta Bosne i Hercegovine, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Krivotvorenje novca

Član 205.

(1) Ko načini lažan novac s ciljem da ga stavi u opticaj kao pravi, ili ko preinači pravi novac s ciljem da ga stavi u opticaj, ili ko lažan novac stavi u opticaj, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Kaznom iz stava 1. ovog člana kaznit će se ko pribavlja lažan novac s ciljem da ga stavi u opticaj kao pravi.

(3) Ako je usljed krivičnog djela iz stava 1. i 2. ovog člana došlo do poremećaja u privredi Bosne i Hercegovine, učinitelj će se kazniti kaznom zatvora najmanje pet godina.

(4) Ko lažan novac koji je primio kao pravi stavi u opticaj, ili ko zna da je lažan novac načinjen ili da je lažan novac stavljen u opticaj, pa to ne prijavi, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine.

(5) Lažan novac će se oduzeti.

Krivotvorenje vrijednosnih papira

Član 206.

(1) Ko načini lažne vrijednosne papire izdate na osnovu propisa Bosne i Hercegovine s ciljem da ih stavi u opticaj kao prave, ili ko preinači takve prave vrijednosne papire s ciljem da ih stavi u opticaj, ili ko stavi takve lažne vrijednosne papire u opticaj, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ako je usljed krivičnog djela iz stava 1. ovog člana došlo do poremećaja u privredi Bosne i Hercegovine, učinitelj će se kazniti kaznom zatvora najmanje pet godina.

(3) Lažni vrijednosni papiri će se oduzeti.

Krivotvorenje znakova za vrijednost

Član 207.

(1) Ko načini lažne taksene ili poštanske marke ili druge znakove za vrijednost izdate na osnovu propisa Bosne i Hercegovine, ili ko preinači koji od takvih pravih znakova za vrijednost s ciljem da ih upotrijebi kao prave ili da ih drugom da na upotrebu, ili ko takve lažne znakove za vrijednost upotrijebi kao prave ili ih s tim ciljem pribavi, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Ako su znakovi za vrijednost iz stava 1. ovog člana veće vrijednosti, učinitelj će se kazniti kaznom zatvora od šest mjeseci do pet godina.

(3) Ko odstranjenjem žiga kojim se znakovi iz stava 1. ovog člana poništavaju ili kojim drugim načinom u svrhu ponovne

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

upotrebe ide za tim da takvim znakovima da izgled kao da nisu upotrijebljeni, ili ko takve upotrijebljene znakove za vrijednost upotrijebi ili proda kao da važe, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(4) Lažni znakovi za vrijednost će se oduzeti.

Krivotvorenje znakova za obilježavanje robe, mjera i tegova  
Član 208.

(1) Ko s ciljem da ih upotrijebi kao prave, načini lažne pečate, žigove, marke ili druge znakove za obilježavanje domaće ili strane robe, kojima se žigoše zlato, srebro, stoka, drvo ili neka druga roba, ili ko s istim ciljem takve prave znakove preinači, ili ko takve lažne znakove upotrijebi kao prave, a takvo djelo ugrožava zajednički ekonomski prostor Bosne i Hercegovine, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Kaznom iz stava 1. ovog člana kaznit će se ko krivotvori mjere ili tegove, ugrožavajući zajednički ekonomski prostor Bosne i Hercegovine.

(3) Lažni znakovi, mjere i tegovi će se oduzeti.

Pranje novca

Član 209.

(1) Ko novac ili imovinu za koju zna da su pribavljeni učinjenjem krivičnog djela primi, zamijeni, drži, njima raspolaže, upotrijebi u privrednom ili drugom poslovanju, ili na drugi način prikrije ili pokuša prikriti, a takav je novac ili imovina veće vrijednosti ili to djelo ugrožava zajednički ekonomski prostor Bosne i Hercegovine ili ima štetne posljedice za djelatnosti ili finansiranje institucija Bosne i Hercegovine, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Ako vrijednost novca ili imovinske koristi iz stava 1. ovog člana prelazi iznos od 50.000 KM, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

(3) Ako je pri učinjenju krivičnog djela iz stava 1. i 2. ovog člana učinitelj postupio nehatno u odnosu na okolnost da su novac ili imovinska korist pribavljeni krivičnim djelom, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(4) Novac i imovinska korist iz stava 1. do 3. ovog člana će se oduzeti.

Porezna utaja  
Član 210.

(1) Ko izbjegne plaćanje davanja propisanih poreznim zakonodavstvom Bosne i Hercegovine ili doprinosa socijalnog osiguranja, ne dajući zahtjevane podatke ili dajući lažne podatke o svojim stečenim oporezivim prihodima ili o drugim činjenicama koje su od uticaja na utvrđivanje iznosa ovakvih obaveza, a iznos obaveze čije se plaćanje izbjegava prelazi iznos od 10.000 KM, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Ko učini krivično djelo iz stava 1. ovog člana, a iznos obaveze čije se plaćanje izbjegava prelazi 50.000 KM, kaznit će se kaznom zatvora od jedne do deset godina.

(3) Ko učini krivično djelo iz stava 1. ovog člana, a iznos

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

obaveze čije se plaćanje izbjegava prelazi 200.000 KM, kaznit će se kaznom zatvora najmanje tri godine.

**Neplaćanje poreza**  
Član 211.

Osoba koja ne plati poreske obaveze u skladu s poreznim zakonodavstvom Bosne i Hercegovine, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

**Nedopuštena trgovina**

Član 212.

(1) Ko neovlašteno prodaje, kupuje ili vrši razmjenu robe ili predmeta čiji je promet zabranjen ili ograničen propisima Bosne i Hercegovine ili međunarodnim pravom, ako takvim djelom nije učinjeno drugo krivično djelo za koje je propisana teža kazna, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Roba i predmeti iz stava 1. ovog člana oduzet će se.

**Nedopuštena proizvodnja**

Član 213.

(1) Ko proizvede ili preradi robu čija je proizvodnja ili prerađivanje zabranjeno propisima Bosne i Hercegovine ili međunarodnim pravom, ako takvim djelom nije učinjeno drugo krivično djelo za koje je propisana teža kazna, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine.

(2) Roba iz stava 1. ovog člana i sredstva za njenu proizvodnju ili preradbu će se oduzeti.

**Krijumčarenje**  
Član 214.

(1) Ko preko carinske linije prenese robu veće vrijednosti, izbjegavajući mjere carinske kontrole, ili ko se izbjegavajući mjere carinske kontrole bavi prenošenjem robe preko carinske linije, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Ko bez odgovarajućeg odobrenja, izbjegavajući mjere carinske kontrole, preko carinske linije prenese robu čiji je uvoz ili izvoz zabranjen, ograničen ili zahtijeva posebno odobrenje ili dozvolu nadležnog organa, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(3) Ako su krivičnim djelom iz stava 1. i 2. ovog člana preko carinske linije preneseni predmeti, roba ili supstance koji su opasni po život ili zdravlje ljudi ili predstavljaju opasnost za javnu sigurnost, ili je to krivično djelo učinjeno upotrebom oružja, sile ili prijetnje, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

(4) Roba iz stava 1. do 3. ovog člana će se oduzeti.

(5) Prijevozno sredstvo čija su tajna ili skrovišta mjesta iskorištena za prijenos robe iz stava 1. do 3. ovog člana, ili koje je namijenjeno za učinjenje krivičnog djela iz stava 1. do 3. ovog člana, oduzet će se ako je vlasnik ili korisnik vozila to znao ili je mogao ili bio dužan znati.

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



Organiziranje grupe ljudi ili udruženja za krijumčarenje ili rasturanje neocarinjene robe

Član 215.

(1) Ko organizira grupu ljudi ili drugo udruženje za organizirano krijumčarenje, ili mrežu preprodavača ili posrednika za prodaju ili za rasturanje neocarinjene robe, kaznit će se kaznom zatvora najmanje tri godine.

(2) Ko postane član grupe ljudi ili udruženja iz stava 1. ovog člana, kaznit će se kaznom zatvora najmanje jednu godinu.

Carinska prijevara

Član 216.

(1) Ko u namjeri da on ili ko drugi izbjegne plaćanje carine ili drugih dadžbina koje se plaćaju prigodom uvoza robe a čiji iznos prelazi 5.000 KM, načini ili podnese carinskom organu krivotvorenu carinsku ispravu, uvjerenje ili drugi dokument koji je lažan, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Ako obaveza iz stava 1. ovog člana prelazi iznos od 20.000 KM, učinitelj će se kazniti kaznom zatvora od jedne do deset godina,

(3) Ako obaveza iz stava 1. ovog člana prelazi iznos od 80.000 KM, učinitelj će se kazniti kaznom zatvora najmanje tri godine.

## XIX GLAVA DEVETNAESTA

### KRIVIČNA DJELA KORUPCIJE I KRIVIČNA DJELA PROTIV SLUŽBENE I DRUGE ODGOVORNE DUŽNOSTI

Primanje dara i drugih oblika koristi

Član 217.

(1) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine uključujući i stranu službenu osobu, koja zahtijeva ili primi dar ili kakvu drugu korist ili koja primi obećanje dara ili kakve koristi, da u okviru svojeg ovlaštenja izvrši što ne bi smjela izvršiti ili da ne izvrši što bi morala izvršiti, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine uključujući i stranu službenu osobu, koja zahtijeva ili primi dar ili kakvu korist, ili koja primi obećanje dara ili kakve koristi, da u okviru svojeg ovlaštenja izvrši što bi morala izvršiti ili da ne izvrši što ne bi smjela izvršiti, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(3) Kaznom iz stava 2. ovog člana kaznit će se službena ili odgovorna osoba u institucijama Bosne i Hercegovine uključujući i stranu službenu osobu, koja poslije vršenja ili nevršenja iz stava 1. i 2. ovog člana, a u vezi s tim, zahtijeva ili primi dar ili kakvu drugu korist.

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 CHAPTER NINETEEN

### **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) Primljeni dar ili imovinska korist oduzet će se.

Davanje dara i drugih oblika koristi  
Član 218.

(1) Ko službenoj ili odgovornoj osobi u institucijama Bosne i Hercegovine uključujući i stranu službenu osobu, učini ili obeća dar ili kakvu drugu korist, da u okviru svojeg ovlaštenja izvrši što ne bi smjela izvršiti ili da ne izvrši što bi morala izvršiti, ili ko posreduje pri ovakvom podmićivanju službene ili odgovorne osobe, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Ko službenoj ili odgovornoj osobi u institucijama Bosne i Hercegovine uključujući i stranu službenu osobu, učini ili obeća dar ili kakvu drugu korist da u okviru svojeg ovlaštenja izvrši što bi morala izvršiti ili da ne izvrši što ne bi smjela izvršiti, ili ko posreduje pri ovakvom podmićivanju službene ili odgovorne osobe, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(3) Učinitelj krivičnog djela iz stava 1. i 2. ovog člana koji je dao mito na zahtjev službene ili odgovorne osobe u institucijama Bosne i Hercegovine uključujući i stranu službenu osobu, i prijavio krivično djelo prije njegovog otkrivanja ili prije saznanja da je djelo otkriveno, može se osloboditi od kazne.

(4) Primljeni dar ili imovinska korist oduzet će se, a u slučaju iz stava 3. ovog člana može se vratiti osobi koja je dala mito.

Protuzakonito posredovanje

Član 219.

(1) Ko primi nagradu ili kakvu drugu korist da korištenjem svog službenog ili uticajnog položaja u institucijama Bosne i Hercegovine posreduje da se izvrši ili ne izvrši neka službena radnja, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Ko koristeći svoj službeni ili uticajni položaj u institucijama Bosne i Hercegovine posreduje da se izvrši službena radnja koja se ne bi smjela izvršiti ili da se ne izvrši službena radnja koja bi se morala izvršiti, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(3) Ako je za učinjenje krivičnog djela iz stava 2. ovog člana primljena nagrada ili kakva druga korist, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

Zloupotreba položaja ili ovlaštenja

Član 220.

(1) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine, koja iskorištavanjem svog službenog položaja ili ovlaštenja, prekoračivši granice svog službenog ovlaštenja ili ne izvršivši svoje službene dužnosti, pribavi sebi ili drugom kakvu korist, drugom nanese kakvu štetu ili teže povrijedi prava drugog, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Ako je krivičnim djelom iz stava 1. ovog člana pribavljena imovinska korist u iznosu koji prelazi 10.000 KM,

(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 to 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

učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

(3) Ako je krivičnim djelom iz stava 1. ovog člana pribavljena imovinska korist u iznosu koji prelazi 50.000 KM, učinitelj će se kazniti kaznom zatvora najmanje tri godine.

Pronevjera u službi

Član 221.

(1) Ko s ciljem da sebi ili drugom pribavi protupravnu imovinsku korist prisvoji novac, vrijednosne papire ili druge pokretne stvari koje su mu povjerene u službi ili uopće na položaju u institucijama Bosne i Hercegovine, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Ako je krivičnim djelom iz stava 1. ovog člana pribavljena imovinska korist u iznosu koji prelazi 10.000 KM, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

(3) Ako je krivičnim djelom iz stava 1. ovog člana pribavljena imovinska korist u iznosu koji prelazi 50.000 KM, učinitelj će se kazniti kaznom zatvora najmanje tri godine.

Prijevarena u službi

Član 222.

(1) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja s ciljem da sebi ili drugom pribavi protupravnu imovinsku korist, podnošenjem lažnih obračuna ili na drugi način dovede u zabludu ovlaštenu osobu da izvrši nezakonitu isplatu, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Ako je krivičnim djelom iz stava 1. ovog člana pribavljena imovinska korist u iznosu koji prelazi 10.000 KM, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

(3) Ako je krivičnim djelom iz stava 1. ovog člana pribavljena imovinska korist u iznosu koji prelazi 50.000 KM, učinitelj će se kazniti kaznom zatvora najmanje tri godine.

Posluga u službi

Član 223.

Ko se neovlašteno posluži novcem, vrijednosnim papirom ili drugim pokretnim stvarima koje su mu povjerene u službi ili uopće na radu u institucijama Bosne i Hercegovine, ili te stvari drugom neovlašteno da na poslugu, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Nesavjestan rad u službi

Član 224.

(1) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja svjesnim kršenjem zakona, drugih propisa ili općeg akta ili propuštanjem dužnosti nadzora, očigledno nesavjesno postupi u vršenju dužnosti, pa usljed toga nastupi teža povreda prava drugog ili imovinska šteta koja prelazi iznos od 1.000 KM, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Ako je usljed krivičnog djela iz stava 1. ovog člana došlo do teške povrede prava drugog ili je nastupila imovinska šteta koja prelazi iznos od 10.000 KM,

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

učinitelj će se kazniti kaznom zatvora od šest mjeseci do pet godina.

Odavanje službene tajne

Član 225.

(1) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja neovlašteno drugom priopći, preda ili na drugi način učini dostupnim podatke koji predstavljaju službenu tajnu, ili koja pribavlja takve podatke s ciljem da ih preda neovlaštenoj osobi, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Kaznom iz stava 1. ovog člana kaznit će se i osoba koja s ciljem da neovlašteno upotrijebi takve podatke nezakonito iskoristi podatke koji se čuvaju kao službena tajna institucije Bosne i Hercegovine ili osoba koja bez odobrenja te podatke objavi.

(3) Ako je krivično djelo iz stava 1. ovog člana učinjeno iz koristoljublja ili u pogledu naročito povjerljivih podataka, ili radi objavljivanja ili korištenja podataka izvan Bosne i Hercegovine, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

(4) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja učini krivično djelo iz stava 1. ovog člana iz nehata, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(5) Nema krivičnog djela iz stava 2. ovog člana, ako ko objavi ili posreduje u objavljivanju službene tajne institucije Bosne i Hercegovine, čija je sadržina suprotna ustavnom poretku Bosne i Hercegovine, s ciljem da javnosti otkrije nepravilnosti u organizovanju, djelovanju i vođenju službe, ako objavljivanje nema ozbiljne štetne posljedice za Bosnu i Hercegovinu.

(6) Odredbe stava 1. do 4. ovog člana primijenit će se i prema osobi koja je odala službenu tajnu pošto joj je prestalo svojstvo službene ili odgovorne osobe u institucijama Bosne i Hercegovine.

Krivotvorenje službene isprave

Član 226.

(1) Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja u službenu ili poslovnu ispravu, knjigu ili spis unese neistinite podatke ili ne unese kakav važan podatak, ili svojim potpisom, odnosno službenim pečatom ovjeri službenu ili poslovnu ispravu, knjigu ili spis s neistinitim sadržajem, ili koja svojim potpisom, odnosno službenim pečatom omogući pravljenje takve isprave, knjige ili spisa s neistinitim sadržajem, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Kaznom iz stava 1. ovog člana kaznit će se i službena ili odgovorna osoba koja neistinitu službenu ili poslovnu ispravu, knjigu ili spis upotrijebi u službi ili poslovanju kao da su istiniti, ili koja službenu ili poslovnu ispravu, knjigu ili spis uništi, prikrije, u većoj mjeri ošteti ili na drugi način učini neupotrebljivom.

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.

Protuzakonita naplata i isplata

Član 227.

Službena ili odgovorna osoba u institucijama Bosne i Hercegovine koja od drugog naplati nešto što drugi nije dužan da plati, ili naplati više nego što je dužan da plati, ili koja pri isplati ili predaji kakvih stvari manje isplati, odnosno preda, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

Protuzakonito oslobodenje osobe lišene slobode

Član 228.

Službena osoba u institucijama Bosne i Hercegovine koja protuzakonito oslobodi osobu lišenu slobode koja joj je povjerena na čuvanje, ili joj pomogne da pobjegne, ili joj omogućava nedopuštenu vezu ili prepisku radi pripremanja bijegstva, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Protuzakonito prisvajanje stvari pri pretresanju ili izvršenju

Član 229.

Službena osoba u institucijama Bosne i Hercegovine koja pri pretresanju stana, prostorija ili osoba, ili pri izvršenju oduzme pokretnu stvar s ciljem da njenim prisvajanjem pribavi sebi ili drugom protupravnu imovinsku korist, kaznit će se kaznom zatvora od jedne do deset godina.

## XX GLAVA DVADESETA

### KRIVIČNA DJELA PROTIV PRAVOSUĐA

Neprijavljivanje krivičnog djela ili učinitelja

Član 230.

(1) Ko zna za učinitelja krivičnog djela za koje se po zakonu Bosne i Hercegovine može izreći kazna dugotrajnog zatvora, ili ko samo zna da je takvo djelo učinjeno, pa to ne prijavi, iako od takve prijave ovisi blagovremeno otkrivanje učinitelja ili krivičnog djela, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Kaznom iz stava 1. ovog člana kaznit će se službena ili odgovorna osoba koja ne prijavi krivično djelo za koje je saznala u vršenju svoje dužnosti, ako se za to krivično djelo po zakonu Bosne i Hercegovine može izreći kazna zatvora pet godina ili teža kazna.

(3) Za krivično djelo iz stava 1. i 2. ovog člana neće se kazniti osoba kojoj je učinitelj bračni partner, osoba koja živi s njim u vanbračnoj zajednici, srodnik po krvi u pravoj liniji, brat ili sestra, usvojitelj ili usvojenik i njihov bračni partner ili osoba s kojom žive u vanbračnoj zajednici, ili koja je branitelj, ljekar ili vjerski ispovjednik učinitelja.

Neprijavljivanje osobe koja je optužena od strane međunarodnog krivičnog suda

Član 231.

(1) Ko, znajući za optužnicu i znajući gdje se kreće ili nalazi osoba optužena od strane međunarodnog krivičnog suda, ne prijavi kretanje ili mjesto gdje se ta osoba nalazi, iako blagovremen

## 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 CHAPTER TWENTY

### 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

pronalazak te osobe ovisi o takvoj prijavi, kaznit će se kaznom zatvora do tri godine.

(2) Za krivično djelo iz stava 1. ovog člana neće se kazniti osoba kojoj je učinitelj bračni partner, osoba koja živi s njim u vanbračnoj zajednici, srodnik po krvi u pravoj liniji, brat ili sestra, usvojitelj ili usvojenik i njihov bračni partner ili osoba s kojom žive u vanbračnoj zajednici, ili koja je branitelj, ljekar ili vjerski ispovjednik učinitelja.

Pomoć učinitelju poslije učinjenog krivičnog djela  
Član 232.

(1) Ko krije učinitelja krivičnog djela propisanog zakonom Bosne i Hercegovine ili mu prikrivanjem oruđa, tragova ili na drugi način pomaže da ne bude otkriven, ili ko krije osobu osuđenu po zakonu Bosne i Hercegovine ili poduzima što drugo čime se ide za tim da se ne izvrši izrečena kazna, mjera sigurnosti ili odgojna zavodska mjera propisana zakonom Bosne i Hercegovine, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine.

(2) Ko pruži pomoć učinitelju krivičnog djela za koje se po zakonu Bosne i Hercegovine može izreći kazna zatvora tri godine ili teža kazna, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(3) Ko pruži pomoć učinitelju krivičnog djela za koje je zakonom Bosne i Hercegovine propisana kazna dugotrajnog zatvora, kaznit će se kaznom zatvora od jedne do deset godina.

(4) Kazna izrečena za krivično djelo iz stava 1. ovog člana ne može biti teža ni po vrsti ni po visini od kazne izrečene za krivično djelo u pogledu kojeg je pružena pomoć.

(5) Za krivično djelo iz stava 1. do 3. ovog člana neće se kazniti osoba kojoj je učinitelj bračni partner, osoba koja živi s njim u vanbračnoj zajednici, srodnik po krvi u pravoj liniji, brat ili sestra, usvojitelj ili usvojenik ili njihov bračni partner ili osoba s kojom žive u vanbračnoj zajednici, ili koja je branitelj, ljekar ili vjerski ispovjednik učinitelja.

Pomoć osobi optuženoj od strane međunarodnog krivičnog suda  
Član 233.

(1) Ko pruži pomoć ili krije osobu optuženu od strane međunarodnog krivičnog suda ili joj pomogne da ne bude otkrivena, kaznit će se kaznom zatvora do tri godine.

(2) Za krivično djelo iz stavka 1. ovoga člana neće se kazniti osoba kojoj je učinitelj bračni partner, osoba koja živi s njim u vanbračnoj zajednici, srodnik po krvi u pravoj liniji, brat ili sestra, usvojitelj ili usvojenik i njihov bračni partner ili osoba s kojom žive u vanbračnoj zajednici, ili koja je branitelj, ljekar ili vjerski ispovjednik učinitelja.

Lažno prijavljivanje  
Član 234.

(1) Ko prijavi neku određenu osobu da je učinila krivično djelo propisano zakonom Bosne i Hercegovine, a zna da ta osoba nije učinitelj, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Kaznom iz stava 1. ovog člana kaznit će se ko podmetanjem tragova krivičnog djela ili na drugi način izazove

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

pokretanje krivičnog postupka zbog krivičnog djela propisanog zakonom Bosne i Hercegovine protiv osobe za koju zna da nije učinitelj.

(3) Ko sam sebe prijavi da je učinio krivično djelo propisano zakonom Bosne i Hercegovine, iako ga nije učinio, kaznit će se novčanom kaznom ili kaznom zatvora do šest mjeseci.

(4) Kaznom iz stava 3. ovog člana kaznit će se ko prijavi da je učinjeno krivično djelo propisano zakonom Bosne i Hercegovine, iako zna da to djelo nije učinjeno.

Davanje lažnog iskaza

Član 235.

(1) Svjedok, vještak, prevoditelj ili tumač koji u sudskom, prekršajnom, upravnom ili disciplinskom postupku pred institucijama Bosne i Hercegovine da lažan iskaz, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Kaznom iz stava 1. ovog člana kaznit će se stranka koja prilikom izvođenja dokaza saslušanjem stranaka u parničnom ili upravnom postupku pred institucijama Bosne i Hercegovine, da lažan iskaz, a na tom je iskazu zasnovana odluka donesena u tom postupku.

(3) Ako je lažan iskaz dat u krivičnom postupku, učinitelj će se kazniti kaznom zatvora od šest mjeseci do pet godina.

(4) Ako su usljed krivičnog djela iz stava 3. ovog člana nastupile osobito teške posljedice za okrivljenog, učinitelj će se kazniti kaznom zatvora od jedne do deset godina.

(5) Ako učinitelj dobrovoljno opozove svoj lažan iskaz prije nego što je donesena konačna odluka, kaznit će se novčanom kaznom ili kaznom zatvora do šest mjeseci, a može se i osloboditi od kazne.

Sprječavanje dokazivanja

Član 236.

(1) Ko svjedoka ili vještaka u sudskom, prekršajnom, upravnom ili disciplinskom postupku pred institucijama Bosne i Hercegovine, silom, prijetnjom ili drugim oblikom prisile, ili obećanjem dara ili kakve druge koristi navede na lažan iskaz, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Ko s ciljem da spriječi ili znatno oteža dokazivanje u sudskom, prekršajnom, upravnom ili disciplinskom postupku pred institucijama Bosne i Hercegovine, sakrije, ošteti, uništi ili učini neupotrebljivim tuđi predmet ili ispravu koja služi dokazivanju, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

Povreda tajnosti postupka

Član 237.

Ko neovlašteno otkrije ono što je saznao u sudskom, prekršajnom ili u upravnom postupku pred institucijama Bosne i Hercegovine, a što se po zakonu ne smije objaviti ili je odlukom Suda Bosne i Hercegovine ili nadležne institucije Bosne i Hercegovine proglašeno kao tajna, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine.

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.

Kršenje zakona od strane sudije

Član 238.

Sudija Ustavnog suda Bosne i Hercegovine, Suda Bosne i Hercegovine ili Doma za ljudska prava, koji s ciljem da drugom pribavi kakvu korist ili da mu nanese kakvu štetu, donese nezakonitu odluku ili na drugi način prekrši zakon u vršenju svoje službene dužnosti, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Neizvršenje odluke Ustavnog suda Bosne i Hercegovine, Suda Bosne i Hercegovine ili Doma za ljudska prava

Član 239.

Službena osoba u institucijama Bosne i Hercegovine, institucijama entiteta ili institucijama Brčko Distrikta Bosne i Hercegovine, koja odbije da izvrši konačnu i izvršnu odluku Ustavnog suda Bosne i Hercegovine, Suda Bosne i Hercegovine ili Doma za ljudska prava, ili sprječava da se takva odluka izvrši, ili na drugi način onemogućava njeno izvršenje, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Odavanje identiteta zaštićenog svjedoka

Član 240.

Sudija Suda Bosne i Hercegovine ili druga službena osoba koja je učestvovala u saslušanju zaštićenog svjedoka u krivičnom postupku koji se vodi po zakonu Bosne i Hercegovine, koja učini dostupnim neovlaštenoj osobi podatke o identitetu zaštićenog svjedoka, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Ometanje rada pravosuđa

Član 241.

(1) Ko koristi fizičku silu, prijetnju, zastrašivanje ili obećava, nudi ili daje nedopuštenu korist, kako bi naveo na davanje lažnog iskaza ili spriječio davanje iskaza ili izvođenje dokaza u krivičnom postupku koji se vodi po zakonu Bosne i Hercegovine, kaznit će se kaznom zatvora od jedne do deset godina.

(2) Ko koristi fizičku silu, prijetnju ili zastrašivanje kako bi spriječio sudiju, tužitelja ili službenu osobu organa za provođenje zakona da vrše službenu dužnost u vezi s krivičnim postupkom koji se vodi po zakonu Bosne i Hercegovine, kaznit će se kaznom zatvora od jedne do deset godina.

## XXI GLAVA DVADESET I PRVA

### KRIVIČNA DJELA POVREDE AUTORSKIH PRAVA

Zloupotreba autorskih prava

Član 242.

(1) Osoba koja pod svojim imenom ili pod imenom drugoga, objavi, prikaže, izvede, prenese ili na drugi način saopći javnosti tuđe djelo koje se u skladu sa zakonom Bosne i Hercegovine smatra autorskim djelom ili dozvoli da se to učini, kaznit će novčanom kaznom ili kaznom zatvora do tri godine.

(2) Kaznom iz stava 1. ovog člana kaznit će se ko bez navođenja imena ili pseudonima autora objavi, prikaže, izvede, prenese ili na drugi način saopći javnosti tuđe djelo iz stava 1.

### 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 CHAPTER TWENTY – ONE

### 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



ovog člana na kojem je označeno ime ili pseudonim autora, ili na nedozvoljen način unese dijelove tuđeg djela iz stava 1. ovog člana u svoje autorsko djelo ili dozvoli da se to učini.

(3) Osoba koja uništi, izobličiti, nagrdi ili na drugi način bez odobrenja autora, izmijeni tuđe djelo iz stava 1. ovog člana, kaznit će novčanom kaznom ili kaznom zatvora do tri godine.

(4) Kaznom iz stava 1. ovog člana kaznit će se ko bez navođenja imena ili pseudonima umjetnika izvođača, osim ako umjetnik izvođač želi ostati anonimno, objavi, prikaže, prenese ili na drugi način saopći javnosti njegovu izvedbu.

(5) Kaznom iz stava 3. ovog člana kaznit će se ko uništi, izobličiti, nagrdi, sakati ili na drugi način bez odobrenja umjetnika izvođača, izmijeni snimljenu izvedbu umjetnika izvođača.

(6) Ako je učinjenjem krivičnog djela iz stava 1. do 5. ovog člana pribavljena znatna imovinska korist ili je prouzrokovana znatna šteta, a učinitelj je postupao s ciljem pribavljanja takve imovinske koristi ili prouzrokovanja takve štete, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

Nedozvoljeno korištenje autorskih prava

Član 243.

(1) Ko bez odobrenja autora ili drugog nositelja autorskog prava, odnosno osobe koja je ovlaštena dati odobrenje kada je odobrenje prema zakonu Bosne i Hercegovine potrebno, ili protivno njihovoj zabrani, fiksira na materijalnu podlogu, reproducira, umnoži, stavi u promet, iznajmi, uveze, prenese preko državne granice, prikaže, izvede, odašilje, prenese, učini dostupnim javnosti, prevede, prilagodi, obradi, preradi ili na drugi način upotrijebi autorsko djelo, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

(2) Kaznom iz stava 1. ovog člana kaznit će se ko bez odobrenja umjetnika izvođača, odnosno osobe koja je ovlaštena dati odobrenje, kada je prema odredbama zakona Bosne i Hercegovine ono potrebno ili protivno njihovoj zabrani, snimi, reproducira, umnoži, stavi u promet, iznajmi, uveze, prenese preko državne granice, prikaže, izvede, odašilje, prenese, učini dostupnim javnosti ili na drugi način upotrijebi izvedbu umjetnika izvođača.

(3) Kaznom iz stava 1. ovog člana kaznit će se ko u namjeri da omogućiti neovlaštenu upotrebu autorskog djela ili izvedbe umjetnika izvođača proizvede, uveze, prenese preko državne granice, stavi u promet, iznajmi, omogućiti drugome upotrebu ili korištenje bilo koje vrste opreme ili sredstva kojem je osnovna ili pretežna svrha omogućiti neovlaštenu otklanjanje ili osujećivanje kojeg tehničkog sredstva ili računarskog programa namijenjenog zaštiti prava autora ili umjetnika izvođača od neovlaštene upotrebe.

(4) Osoba kod koje se zateknu predmeti koji su bili namijenjeni ili upotrijebljeni za učinjenje, ili su nastali krivičnim djelom iz stavka 1. do 3. ovog člana, a koja je to znala ili mogla ili bila dužna znati, kaznit će se novčanom kaznom ili kaznom zatvora do šest mjeseci.

(5) Ako je učinjenjem krivičnog djela iz stavka 1. do 3. ovog člana pribavljena znatna imovinska korist ili je prouzrokovana znatna šteta, a učinitelj je postupao s ciljem pribavljanja takve

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

imovinske koristi ili prouzrokovanja takve štete, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(6) Predmeti koji su bili namijenjeni ili upotrijebljeni za učinjenje krivičnog djela, ili su nastali krivičnim djelom iz stava 1. do 3. ovog člana, oduzet će se i uništiti.

Nedozvoljeno korištenje prava proizvođača zvučne snimke

Član 244.

(1) Ko bez odobrenja proizvođača zvučne snimke, kada je odobrenje u skladu sa zakonom Bosne i Hercegovine potrebno, ili protivno njegovoj zabrani, emitira, umnoži izravno ili neizravno njegovu zvučnu snimku, neovlašteno stavi u promet, iznajmi, uveze, prenese preko državne granice ili učini dostupnom javnosti, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine.

(2) Kaznom iz stava 1. ovog člana kaznit će se ko bez odobrenja nositelja prava u vezi s radiodifuzijskim emisijama kada je prema zakonu Bosne i Hercegovine takvo odobrenje potrebno, ili protivno zabrani, re-emitira emisiju, ili snimi, umnoži ili stavi u promet snimku emisije.

(3) Ako je učinjenjem krivičnog djela iz stava 1. i 2. ovog člana pribavljena znatna imovinska korist ili je prouzrokovana znatna šteta, a učinitelj je postupao s ciljem pribavljanja takve imovinske koristi ili prouzrokovanja takve štete, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(4) Predmeti koji su bili namijenjeni ili upotrijebljeni za učinjenje krivičnog djela, ili su nastali krivičnim djelom iz stavka 1. do 3. ovog člana, oduzet će se i uništiti.

Nedozvoljeno korištenje prava radiodifuzije

Član 245.

(1) Ko bez odobrenja ovlaštenog distributera enkriptiranog satelitskog signala, proizvodi ili obavlja montažu, mijenja, uvozi, izvozi, prodaje, iznajmljuje ili na drugi način stavlja u promet materijalni ili nematerijalni uređaj ili sistem za dekodiranje takvog signala, ako zna ili mora znati da taj uređaj ili sistem pretežno služi za dekodiranje enkriptiranog satelitskog signala, kaznit će novčanom kaznom ili kaznom zatvora do tri godine.

(2) Ako je učinjenjem krivičnog djela iz stava 1. ovog člana pribavljena znatna imovinska korist ili je prouzrokovana znatna šteta, a učinitelj je postupao s ciljem pribavljanja takve imovinske koristi ili prouzrokovanja takve štete, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(3) Predmeti koji su bili namijenjeni ili upotrijebljeni za učinjenje krivičnog djela ili su nastali krivičnim djelom iz stavka 1. i 2. ovog člana, oduzet će se i uništiti.

Nedozvoljena distribucija satelitskog signala

Član 246.

(1) Ko prima enkriptirani satelitski signal koji je dekodiran bez odobrenja njegovog ovlaštenog distributera i obavlja daljnju distribuciju takvog signala, ako zna ili mora znati da je takav signal neovlašteno dekodiran, kaznit će se novčanom kaznom ili kaznom zatvora do šest mjeseci.

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) Ako je učinjenjem krivičnog djela iz stava 1. ovog člana pribavljena znatna imovinska korist ili je prouzrokovana znatna šteta, a učinitelj je postupao s ciljem pribavljanja takve imovinske koristi ili prozrokovanja takve štete, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

## XXII GLAVA DVADESET I DRUGA

### DOGOVOR, PRIPREMANJE, UDRUŽIVANJE I ORGANIZIRANI KRIMINAL

Dogovor za učinjenje krivičnih djela

Član 247.

Ko s drugim dogovori učinjenje krivičnog djela propisanog zakonom Bosne i Hercegovine za koje se može izreći kazna zatvora tri godine ili teža kazna, ako za dogovor učinjenja takvog pojedinog krivičnog djela nije propisana teža kazna, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine.

Pripremanje krivičnog djela

Član 248.

Ko nabavi ili pripremi sredstva ili ukloni prepreke ili poduzme kakvu drugu radnju koja stvara uvjete za neposredno učinjenje, ali nije dio učinjenja krivičnog djela propisanog zakonom Bosne i Hercegovine za koje se može izreći kazna zatvora tri godine ili teža kazna, ukoliko za pripremanje pojedinog krivičnog djela nije propisana teža kazna, kaznit će se novčanom kaznom ili kaznom zatvora do tri godine.

Udruživanje radi činjenja krivičnih djela

Član 249.

(1) Ko organizira grupu ljudi ili na drugi način udružuje tri ili više osoba u cilju učinjenja krivičnih djela propisanih zakonom Bosne i Hercegovine za koja se može izreći kazna zatvora tri godine ili teža kazna, ako za takvo organiziranje ili udruživanje radi učinjenja pojedinog krivičnog djela nije propisana teža kazna, kaznit će se kaznom zatvora od šest mjeseci do pet godina.

(2) Ko postane pripadnik grupe ljudi ili udruženja iz stava 1. ovog člana, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine.

(3) Pripadnik grupe ljudi koji otkrije grupu ili pripadnik udruženja koji otkrije udruženje prije nego što je u njihovom sastavu ili za njih učinio krivično djelo, može se osloboditi od kazne.

(4) Organizator koji otkrivanjem grupe ljudi ili udruženja ili na drugi način spriječi učinjenje krivičnog djela iz stava 1. ovog člana, kaznit će se novčanom kaznom ili kaznom zatvora do jedne godine, a može se i osloboditi od kazne.

Organizirani kriminal

Član 250.

(1) Ko učini krivično djelo propisano zakonom Bosne i Hercegovine kao pripadnik organizirane grupe kriminalaca, ako za

(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 CHAPTER TWENTY – TWO

### 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

pojedino krivično djelo nije propisana teža kazna, kaznit će se kaznom zatvora najmanje tri godine.

(2) Ko kao pripadnik organizirane grupe kriminalaca učini krivično djelo propisano zakonom Bosne i Hercegovine za koje se može izreći kazna zatvora tri godine ili teža kazna, ako za pojedino krivično djelo nije propisana teža kazna, kaznit će se kaznom zatvora najmanje pet godina.

(3) Ko organizira ili bilo kako rukovodi organiziranom grupom kriminalaca koja zajedničkim djelovanjem učini ili pokuša krivično djelo propisano zakonom Bosne i Hercegovine, kaznit će se kaznom zatvora najmanje deset godina ili dugotrajnim zatvorom.

(4) Ko postane pripadnik organizirane grupe kriminalaca koja zajedničkim djelovanjem učini ili pokuša krivično djelo propisano zakonom Bosne i Hercegovine, ako za pojedino krivično djelo nije propisana teža kazna, kaznit će se kaznom zatvora najmanje jednu godinu.

(5) Pripadnik organizirane grupe kriminalaca iz stava 1. do 4. ovog člana koji otkrije organiziranu grupu kriminalaca, može se osloboditi od kazne.

## XXIII GLAVA DVADESET I TREĆA PRIJELAZNE I ZAVRŠNE ODREDBE

Izvršenje krivičnih sankcija

Član 251.

Ministarstvo pravde Bosne i Hercegovine i nadležna ministarstva entiteta odnosno nadležni organ Brčko Distrikta Bosne i Hercegovine postići će sporazum u pogledu izvršenja krivičnih sankcija u institucijama u nadležnosti entita odnosno Distrikta, u roku od tri mjeseca od stupanja na snagu ovog zakona.

Stupanje na snagu ovog zakona

Član 253.

Ovaj zakon stupa na snagu 1. marta 2003. godine.

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 CHAPTER TWENTY - THREE 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.