

CRIMINAL CODE

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GENERAL PART

CHAPTER ONE BASIC PROVISIONS

No Criminal Offence or Punishment without Law

Article 1

No one shall be punished and no criminal sanction shall be imposed for an offence which did not constitute a criminal offence in law before it was committed, nor shall punishment or other criminal sanction not prescribed by law before the criminal offence was committed be imposed on anyone.

No Punishment without Culpability

Article 2

Punishment and admonitions shall only be imposed on offenders found culpable of criminal offences.

Basis and Limitations of Criminal-law Compulsion

Article 3

The protection of human beings and other fundamental social values constitute the basis and limitations for defining criminal offences, prescribing criminal sanctions, and their application, to a degree required for the suppression of those offences.

Criminal Sanctions and their General Purpose

Article 4

(1) Criminal sanctions are: punishment, admonitions, security measures and corrective measures.

(2) The general purpose of prescribing and imposing criminal sanctions is the suppression of acts which violate or endanger the values protected by criminal legislation.

(3) Criminal sanctions may not be imposed on persons who at the time of the commission of the offence had not reached fourteen years of age. Corrective measures and other criminal sanctions may be imposed on minors under conditions prescribed by other statute.

Chapter Two

APPLICABILITY OF CRIMINAL LEGISLATION OF THE REPUBLIC OF SERBIA

Temporal Applicability of Criminal Legislation

Article 5

(1) The law in force at the time of the commission of a criminal offence shall be applied to the offender.

(2) Where after the commission of a criminal offence the law was revised one or more times, that most lenient for the offender shall be applied.

(3) Persons committing offences prescribed by a law with a specific period of application shall be subject to the application of that law, irrespective of the time of their prosecution, unless provided for otherwise by that law.

Applicability of Criminal Legislation to the Territory of the Republic of Serbia

Article 6

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

(2) Criminal legislation of the Republic of Serbia shall also apply to anyone committing a criminal offence on a domestic vessel, irrespective of the location of that vessel at the time of commission of the offence.

(3) Criminal legislation of the Republic of Serbia shall also apply to anyone committing a criminal offence on a domestic civil aircraft while in flight, or on a domestic military aircraft, irrespective of the location of that aircraft at the time of commission of the criminal offence.

(4) Where in the cases referred to in paragraphs 1 to 3 of this Article criminal proceedings were instituted or concluded in a foreign state, criminal prosecution in Serbia shall be initiated only with the consent of the Republican Public Prosecutor.

(5) Criminal prosecution of foreign nationals in the cases referred to in paragraphs 1 to 3 of this Article may be ceded to a foreign state, under the condition of reciprocity.

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

Article 7

The criminal legislation of Serbia shall apply to anyone who commits in a foreign state the criminal offences referred to in Articles 305 to 316 and Articles 318 to 321 of this Code, or Article 223 of this Code, if the counterfeiting concerns domestic currency.

Applicability of Criminal Legislation of Serbia to Serbian Citizens Committing Criminal Offences Abroad

Article 8

(1) The criminal legislation of Serbia shall also apply to citizens of Serbia who commit other criminal offences in foreign states other than those referred to in Article 7 of this Code, if found on the territory of Serbia, or extradited to Serbia.

(2) Under the conditions referred to in paragraph 1 of this Article, the criminal legislation of Serbia shall also apply to offenders who became citizens of Serbia after the commission of their offences.

Applicability of Criminal Legislation of Serbia to Foreign Citizens Committing Criminal Offences in Foreign Countries

Article 9

(1) The criminal legislation of Serbia shall also apply to foreign citizens who commit outside the territory of Serbia criminal offences against Serbia or its citizens even other than those referred to in Article 7 of this Code, if found on the territory of Serbia, or extradited to Serbia.

(2) The criminal legislation of Serbia shall also apply to foreign citizens who commit in foreign countries criminal offences against a foreign country or a foreign citizen which are under the law of the country where they were committed punishable by a term of imprisonment of five years or a more severe penalty, if found on the territory of Serbia and are not extradited to a foreign state. Unless specified otherwise by this Code, in such cases the court shall not impose penalties more severe than those prescribed by the law of the state in which the criminal offence was committed.

Special Requirements for Criminal Prosecution for Criminal Offences Committed in Foreign Countries

Article 10

(1) In the cases referred to in Articles 8 and 9 of this Code, criminal prosecution shall not be undertaken in the following cases:

- 1) if the offender has served in full the sentence to which he was convicted abroad;
- 2) if the offender was acquitted abroad by a final judgement, or the statute of limitations has expired, or the offender was pardoned;
- 3) if an offender of unsound mind was subjected to a relevant security measure abroad;
- 4) where under a foreign statute criminal prosecution requires an application by an aggrieved person, and no such application was submitted.

(2) In cases referred to in Articles 8 and 9 of this Code, criminal prosecution shall only be undertaken when the criminal offences are also punishable by the law of the country where they were committed. Where in the cases referred to in Articles 8 and 9 paragraph 1 of this Code under the law of the country where the act was committed it does not constitute a punishable offence, criminal prosecution shall be initiated only with the consent of the Republican Public Prosecutor.

(3) In the case referred to in Article 9 paragraph 2 of this Code the act committed was at the time of its commission deemed a criminal offence according to the general principles of law recognised in international law, criminal prosecution may be initiated in Serbia with the consent of the Republican Public Prosecutor, irrespective of the law of the country where the criminal offence was committed.

Inclusion of Time Spent in Pre-trial Detention and Sentences Served in Foreign States

Article 11

Detention, all other deprivation of liberty in connection with criminal offences, deprivation of liberty during an extradition procedure, as well as sentences served pursuant to judgements of foreign or international criminal courts, shall be included as time served in sentences pronounced by domestic courts for the same criminal offence, and where the sentences are not of the same type, the inclusion shall be effected according to the court's assessment.

Liability of Legal Persons for Criminal Offences

Article 12

Liability of legal persons for criminal offences and punishment of legal persons are regulated by specific statute.

Applicability of the General Part of this Code

Article 13

The provisions of the General part of this Code shall be applicable to all criminal offences provided by this Code or other statute.

Chapter Three

CRIMINAL OFFENCE

1. General provisions on Criminal Offence

Criminal Offence

Article 14

(1) A criminal offence is an offence defined by law as a criminal offence, which is unlawful, and committed with guilty mind.

(2) There is no criminal offence where there is no wrongdoing or culpability, notwithstanding the existence of all attributes of a criminal offence defined by law.

Commission of a Criminal Offence by Omission

Article 15

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

(2) A criminal offence defined by law as commission can also be committed by omission where the offender was by the failure to perform an obligation created the attributes of that criminal offence.

Time of Commission of a Criminal Offence

Article 16

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

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

Location of Commission of a Criminal Offence

Article 17

(1) A criminal offence is committed both at the location where the offender was acting or was obliged to act, and at the location where the consequences of the act occurred in full or in part.

(2) An attempted criminal offence is deemed committed both in the location where the offender acted and in the location where consequences of his intent should or could have occurred.

(3) An accomplice has committed a criminal offence also in the location where he acted in complicity.

Offences of Minor Significance

Article 18

(1) Offences which, although carrying the attributes of a criminal offence represent offences of minor significance, are not criminal offences.

(2) Offences are of minor significance where the degree of the culpability of the offender is low, where the detrimental consequences either do not exist or are negligible, and where the general purpose of criminal sanctions does not require pronouncement of a criminal sanction.

(3) The provisions of paragraphs 1 and 2 of this Article may be applied to criminal offences punishable by terms of imprisonment of up to five years or fines.

Legitimate Self-defence

Article 19

(1) Acts committed in legitimate self-defence are not criminal offences.

(2) Legitimate self-defence is a defence which is absolutely necessary for the committer to repel a concurrent unlawful attack on his person or the person of another.

(3) Committers who exceeded the limitations of legitimate self-defence may have their penalties mitigated. Where a committer exceeded the limitations of legitimate self-defence owing to extreme provocation or fright caused by the attack, punishment may be remitted.

Extreme Necessity

Article 20

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

(2) Extreme necessity exists where an act is committed for the purpose of the committer averting from his person or the person of another a concurrent unprovoked danger which could not be otherwise repelled, provided that in so doing the harm done is not greater than the harm threatened.

(3) Committers who caused the danger themselves, but by negligence, or exceeded the limitations of extreme necessity, may have their penalties mitigated. Where a committer

exceeded the limitations of extreme necessity under particularly mitigating circumstances, punishment may be remitted.

(4) Extreme necessity does not exist where the committer was in duty bound to expose himself to the danger which threatened.

Force and Threat

Article 21

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

(2) Where a criminal offence has been committed under force which is not irresistible or under a threat, the perpetrator's penalty may be mitigated.

(3) In the case referred to in paragraph 1 of this Article, a person who applied irresistible force shall be deemed the perpetrator of the criminal offence.

Culpability

Article 22

(1) Culpability exists where the perpetrator was at the time of commission of the offence of sane mind and acting with intent, and was aware, or should or could have been aware, that his action was prohibited.

(2) Culpability in the commission of a criminal offence also exists where the perpetrator acted in negligence, where explicitly provided for by law.

Mental Incompetency

Article 23

(1) There is no criminal offence where the action was committed in a state of mental incompetency.

(2) Perpetrators incapable of understanding the significance of the action or could not control their actions due to mental illness, temporary mental disorders, mental retardation or other serious mental disorder are mentally incompetent.

(3) Perpetrators of criminal offences whose capacity to understand the significance of their action or ability to control their action were significantly reduced due to one of the states referred to in paragraph 2 of this Article (significantly diminished mental competency) may have their punishment mitigated.

Self-induced Mental Incompetency

Article 24

(1) The culpability of criminal offenders who by using alcoholic beverages, narcotic drugs or in other way induced such a state of mind in which they could not understand the significance of their acts or control their actions shall be determined taking into consideration the time directly preceding such inducement.

(2) Punishment of offenders who in the circumstances referred to in paragraph 1 of this Article committed criminal offences in a state of significantly diminished mental competency shall not be mitigated on that basis.

Intent

Article 25

Criminal offences are committed with intent where the perpetrators were aware of their act and wanted to commit it, or where perpetrators were aware of their capacity to commit the act and consented to that commission.

Negligence

Article 26

Criminal offences are committed by negligence where the perpetrators were aware that by their action they could commit an offence, but recklessly assumed that it would not occur or that they would be capable of preventing it, or where they were not aware that by their action they could commit an offence, although owing to the circumstance in which in which it was committed and according to their personal properties they were obliged to be and could have been aware of such a possibility.

Liability for More Serious Consequences

Article 27

Where a criminal offence has produced a graver consequence owing to which the law prescribes more severe penalties, such penalties may be imposed if the consequence is attributable to the negligence of the perpetrator, as well as where the perpetrator acted with intent, if the elements of a different criminal offence were not established by that intent.

Mistake of Fact

Article 28

(1) An act shall not be deemed a criminal offence if it was performed out of an irremovable mistake of fact.

(2) Mistakes of fact are irremovable where the committer was not obliged to, and could not have avoided, misapprehension in respect of a factual circumstance which represents the elements of a criminal offence, or in respect of a factual circumstance which would, had it really existed, have rendered the act permissible.

(3) Where a perpetrator's mistake was the result of factual negligence, a criminal offence committed by negligence shall exist, where the law provides for such a criminal offence.

Mistake of Law

Article 29

(1) An act shall not be deemed a criminal offence if it was performed out of an irremovable mistake of law.

(2) A legal mistake is irremovable where the committer was not obliged to and could not have known that his act was prohibited.

(3) The punishment of offenders who did not know that their actions were prohibited, but were obliged to know and could have known, may be mitigated.

2. Attempted Criminal Offence

Attempt

Article 30

(1) Whoever commences the perpetration of a criminal offence with intent, but does not complete it, shall be punished for an attempted criminal offence punishable by law with terms of imprisonment of five years or longer, and for attempted commission of other criminal offences only where the law explicitly provides for sanctions for such attempts.

(2) Perpetrators shall be punished for attempted criminal offences with the penalties prescribed for the criminal offence, or a mitigated penalty.

Inappropriate Attempt

Article 31

Offenders attempting to commit criminal offences using inappropriate means or against inappropriate objects may have their punishment remitted.

Voluntary Abandonment

Article 32

(1) Offenders who attempted to commit criminal offences but of their own free will abandoned further commission, or prevented the occurrence of consequences, may have their punishment remitted.

(2) The provision of paragraph 1 of this Article shall not be applied where offenders had not completed commission of the criminal offence owing to circumstances preventing or significantly hindering commission of the criminal offence, or because they had assumed the existence of such circumstances.

(3) Accessories, instigators or aiders and abettors who of their own free will prevented the commission of a criminal offence may also have their punishment remitted.

(4) Where in the case referred to in paragraphs 1 and 3 the offender had completed a different criminal offence not included in the criminal offence whose commission he abandoned, the offender's punishment for the second criminal offence cannot be remitted on the same basis.

3. Co-perpetration

Article 33

Where several persons jointly commit a criminal offence by taking part in the commission with intent or by negligence, or substantively contribute to the commission of a criminal offence by carrying out another action with intent and based on a joint decision, each of shall be punished with the penalty prescribed for that offence.

Instigation

Article 34

(1) Whoever with intent instigates another to commit a criminal offence shall be punished with the penalty prescribed for that criminal offence.

(2) Whoever with intent instigates another to commit a criminal offence whose attempt is punishable by law, but the offence is not attempted, shall be punished as if for an attempted criminal offence.

Aiding and Abetting

Article 35

(1) Whoever with intent aids another in the commission of a criminal offence shall be punished with the penalty prescribed for that criminal offence, or a mitigated penalty.

(2) The following, in particular, shall be deemed as aiding and abetting in the commission of a criminal offence: providing instructions or advice on how to commit the criminal offence, placing at the disposal of the perpetrator the necessary means to commit the criminal offence, creating the necessary conditions or removing obstacles for the commission of the criminal offence, issuing prior promises to conceal the commission of the criminal offence, the offender, evidence of the criminal offence, and items acquired by the commission of the criminal offence.

Limits of Culpability and Penalisation of Accomplices

Article 36

(1) Accomplices are culpable for criminal offences committed within the limits of their intent or negligence, and instigators and aiders and abettors in the limits of their intent.

(2) The grounds precluding culpability of the perpetrator (Articles 23, 28 and 29 of this Code) do not preclude a criminal offence of accomplices, instigators or aiders and abettors who have culpability.

(3) Personal relations, characteristics and circumstances owing to which the law allows remission of punishment, or which affect the sentence pronounced, may be taken into consideration only for those perpetrators, accomplices, instigators or aiders and abettors who possess such relations, characteristics and circumstances.

(4) Personal relations, characteristics and circumstances which represent an essential element of the criminal offence do not need to exist with instigators or aiders and abettors. Such instigators or aiders and abettors may have their penalties mitigated.

4. Punishment of Instigators and Aiders and Abettors for Attempts

Attempts and Lighter Offences

Article 37

(1) Where a criminal offence remains as an attempt, instigators or aiders and abettors shall be punished for the attempt.

(2) Where perpetrators committed a lighter criminal offence than that which the instigation and aiding and abetting concerned, and which would have been encompassed in it, instigators and aiders and abettors shall be punished for the criminal offence committed.

(3) The provision of paragraph 2 of this Article shall not be applied if the instigator would be given a more severe penalty by the application of Article 34 paragraph 2 of this Code.

5. Specific Provisions on Criminal Offences Committed through the Press or Other Public Information Media

Culpability of Editors

Article 38

(1) The author of the information which led to the perpetration of a criminal offence committed by the publication of that information in a newspaper, on radio and TV and other public information medium shall be deemed the perpetrator of the criminal offence.

(2) Exceptionally from the provision of paragraph 1 of this Article, the responsible editor, or the person deputising for the editor at the time of publication of information leading to a criminal offence, shall be deemed the perpetrator of the criminal offence committed through newspapers, radio, TV, and other public information media:

- 1) Where the identity of the author remains unknown by the conclusion of the trial in a first-instance court;

- 2) Where the information was published without the consent of the author;
- 3) If at the time of publication of the information there had existed factual or legal obstacles for the prosecution of the author, which continue to exist.

(3) There shall be no culpability of the responsible editor, or person deputising for the responsible editor, if that person had been in an irremovable misapprehension in respect of any of the circumstances referred to in paragraph 2 items 1 to 3 of this Article.

Culpability of Publishers, Printers and Producers

Article 39

(1) In the presence of the requirements referred to in Article 38 of this Code, the following shall be deemed perpetrators:

- 1) publishers – for criminal offences committed by way of regular printed publications, and if there is no publisher or there exist factual or legal obstacles for his prosecution - a printer who had knowledge thereof.
- 2) producers - for criminal offences committed by way of compacts discs, gramophone records, magnetic audio tape or other audio media, film for public and private showings, slides, video-media or other media intended for a wider audience.

(2) Where the publisher, printer or producer is a legal person or state organ of authority, the person responsible for publication, printing or production shall be the perpetrator.

Application of the Provisions of Articles 38 and 39

Article 40

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

Protection of Sources of Information

Article 41

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

Chapter Four

PENALTIES

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

Purpose of Penalisation

Article 42

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

- 1) preventing an offender from committing criminal offences and deterring them from future commission of criminal offences;
- 2) deterring others from commission of criminal offences;
- 3) expressing social condemnation of the criminal offence, enhancing moral strength and reinforcing the obligation to respect the law.

Types of Penalties

Article 43

The following sanctions may be pronounced to perpetrators of criminal offences:

- 1) imprisonment;
- 2) fines;
- 3) community service;
- 4) revocation of driver's licences.

Principal and Secondary Penalties

Article 44

- (1) Imprisonment may be pronounced only as a principal sanction.
- (2) Fines, community service and revocation of driver's licences may be pronounced both as principal and as secondary sanctions.
- (3) Where several sanctions are prescribed for a single criminal offence, only one may be pronounced as the principal sanction.

Imprisonment

Article 45

- (1) A custodial penalty may not be less than thirty days or more than twenty years.
- (2) The custodial penalty referred to in paragraph 1 of this Article is pronounced in round years and months, and if under six months, then also in days.
- (3) Terms of imprisonment from thirty to forty years' duration may exceptionally be pronounced for the most serious criminal offences or the most serious forms of criminal offences together with the penalty referred to in paragraph 1 of this Article. Custodial penalties of between thirty and forty years are pronounced in round years.
- (4) Terms of imprisonment from thirty to forty years may not be pronounced to persons who at the time of commission of the criminal offence were under twenty-one years of age.
- (5) In respect of convicted person punished with a term of imprisonment of up to one year, the court may impose that the sentenced be served by the person not leaving the premises where he lives, except under the terms prescribed by the law governing the enforcement of criminal sanctions.
- (6) In respect of convicted persons serving their custodial sentences under the terms specified in paragraph 5 of this Article, who once in a duration of twelve hours, or twice in a duration of six hours each, wilfully leave premises where they live, shall be ordered by the court to serve the rest of their sentences in a prison.
- (7) In determining the enforcement of the custodial sentences specified in paragraph 5 of this Article, the court shall afford particular consideration to technological possibilities of enforcement, as well as other circumstances of the importance for determining the sentence.
- (8) Persons convicted in connection with criminal offences against marriage and the family, who live with the aggrieved in the same household, may not be subject to the enforcement of the custodial sentence specified in paragraph 5 of this Article.

Conditional Release

Article 46

- (1) The court may conditionally release convicted persons who have served two-thirds of their prison sentences if in the course of serving the prison sentence they have improved in such a manner that it would be reasonable to assume that they will behave well while at liberty, and, in particular, that they will refrain from committing new criminal offences until the expiry of the prison sentences imposed. In deliberating whether to conditionally release convicted persons, consideration shall be given to their conduct during service of their sentences, performance of work tasks, relative to their abilities, and other circumstances indicating that the purpose of punishment has been achieved. (2) In its decision on conditional release, the court may order the convicted person to fulfil obligations envisaged by provisions of criminal law.

(3)) In the case referred to in paragraph 1 of this Article, unless conditional release is revoked, it shall be considered that the convicted person has served his sentence.

Revocation of Conditional Release

Article 47

(1) The court shall revoke conditional release where convicted persons while on conditional release commit one or more criminal offences punishable by custodial sentences of six months or longer.

(2) The court may revoke conditional release, where convicted persons while on conditional release commit one or more criminal offences punishable by custodial sentences of up to six months, or does not fulfil one of the obligations ordered by the court in accordance with Article 46 paragraph 2 of this Code. In determining whether to revoke conditional release, the court shall particularly take into consideration whether criminal offences are related, their motives, and other circumstances indicating that revocation of conditional release is justified.

(3) The provisions of paragraphs 1 and 2 of this Article shall also apply when the person conditionally released is tried for a criminal offence committed prior to conditional release.

(4) When the court revokes conditional release it shall pronounce a penalty by applying provisions of Articles 60 and 62, paragraph 2 of this Code, taking the previously pronounced sentence as already established. The part of the sentence served by the convicted person for the preceding conviction shall be calculated into the new sentence, whilst time spent on conditional release shall not be included.

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

(6) In the cases referred to in paragraphs 1 to 3 of this Article, conditional release may be revoked not later than two years from the date the conditional release expired.

General Provisions on Fines

Article 48

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

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

Fines in Daily Amounts

Article 49

- (1) Fines in daily amounts shall be determined by first defining the number of daily amounts, and then the daily amount itself. The final amount of the fine shall be calculated by the court by multiplying the determined number of daily amounts with the value of one daily amount.
- (2) The number of daily amounts may not be less than ten, nor more than three hundred and sixty. The number of daily amounts for the committed criminal offence shall be determined in accordance with the general rules for determining penalties (Article 54).
- (3) The daily amount of a fine is determined by dividing the difference between the income and necessary expenditures of the perpetrator during the preceding year by the number of days in the year. A single daily amount may not be under five hundred dinars, or more than fifty thousand dinars.
- (4) For the purpose of determining the daily amount the court may request information from banks and other financial institutions, state organs of authority and legal persons, who are obliged to submit the requested information, and may not invoke protection of business or other secrets.
- (5) If it is not possible to obtain credible information on the income and expenses of the perpetrator, or if he does not generate any income, but owns property or holds property rights, the court shall determine the daily amount of the fine as a rough estimate based on available information..
- (6) The number of daily amounts is determined within the following ranges:
 - 1) up to sixty daily amounts for criminal offences punishable by terms of imprisonment of up to three months;
 - 2) from thirty to one hundred and twenty daily amounts for criminal offences punishable by imprisonment of up to six months;
 - 3) from sixty to one hundred and eighty daily amounts for criminal offences punishable by terms of imprisonment of up to one year;
 - 4) from one hundred and twenty to two hundred and forty daily amounts for criminal offences punishable by terms of imprisonment of up to two years;
 - 5) at least one hundred and eighty daily amounts for criminal offences punishable by terms of imprisonment of up to three years;
 - 6) within the prescribed amount for criminal offences where a fine is prescribed as the only penalty.

Fines in Particular Amounts

Article 50

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

(2) Fines may not be under ten thousand dinars. Fines may not exceed one million dinars, and in the case of criminal offences committed for gain, may not exceed ten million dinars.

(3) Fines as principal penalties are pronounced in the following amounts:

- 1) up to one hundred thousand dinars for criminal offences punishable by a term of imprisonment of up to three months;
- 2) from twenty thousand to two hundred thousand dinars for criminal offences punishable by terms of imprisonment of up to six months;
- 3) from thirty thousand to three hundred thousand dinars for criminal offences punishable by terms of imprisonment of up to one year;
- 4) from fifty thousand to five hundred thousand dinars for criminal offences punishable by terms of imprisonment of up to two years;
- 5) at least one hundred thousand dinars for criminal offences punishable by terms of imprisonment of up to three years;
- 6) within the prescribed amount for criminal offences where a fine is prescribed as the only penalty.

Enforcement of Fines

Article 51

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

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

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

pays the remaining amount of the fine, enforcement of the prison sentence shall be stayed.

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

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

Community service

Article 52

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

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

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

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

(5) Where the convicted person fails to perform several, or all, the hours of community service, the court shall replace this penalty by a term of imprisonment by calculating every eight hours of community service as one day of imprisonment. (6) If the offender fulfils his obligations in respect of community service, the court may reduce the pronounced duration of community service by one-quarter.

Revocation of Driver's Licenses

Article 53

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

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

(3) The penalty referred to in paragraph 1 of this Article may be pronounced as secondary punishment together with a term of imprisonment, or a fine, and may be

imposed as principal punishment for criminal offences punishable by imprisonment of up to two years or a fine. Revocation of a driver's licence may not be ordered together with the security measure of a ban on operating a motor vehicle.

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

2. Determination of Sentence

General Principles on Sentencing

Article 54

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

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

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

Repeat Offence

Article 55

The court may, in determining a penalty for perpetrators of criminal offences committed after serving sentences, after pardons, after prescription of penalties, or after remission of penalties, upon expiry of period for revocation of a conditional conviction or admonition by the court, take such circumstance as aggravating, and shall give particular consideration to the seriousness of the preceding offences, whether the previous offence was of the same kind as the latter, whether both offences were committed from same motives, the circumstances under which the offences were committed and the time elapsed from the previous conviction or pronounced punishment, pardon or prescription of penalties, remission of penalties or of the expiry of the time limit for revocation of previous conditional conviction or a pronounced admonition by the court.

Mitigation of Penalty

Article 56

The court may pronounce to a perpetrator of a criminal offence a penalty which is below the limit prescribed by law or a mitigated penalty, where:

- 1) the law provides for mitigation of penalty;
- 2) the law provides for remission from punishment of the offender, but the court decides not to remit;
- 3) the court finds that particularly mitigating circumstances exist and determines that the purpose of punishment may be achieved by a mitigated penalty.

Limits of mitigation

Article 57

(1) Where there exist the requirements for mitigating penalties referred to in Article 56 of this Code, the court shall mitigate the penalty within the following limits:

- 1) where the lowest statutory penalty for the criminal offence is imprisonment of ten or more years, the sentence may be reduced up to seven years' imprisonment;
- 2) where the lowest statutory penalty for the criminal offence is imprisonment of five years, the sentence may be reduced up to three years' imprisonment;
- 3) where the lowest statutory penalty for the criminal offence is imprisonment of three years, the sentence may be reduced up to one year's imprisonment;
- 4) where the lowest statutory penalty for the criminal offence is imprisonment of two years, the sentence may be reduced up to six months' imprisonment;
- 5) where the lowest statutory penalty for the criminal offence is imprisonment of one year, the sentence may be reduced up to three months' imprisonment;
- 6) where the lowest statutory penalty for the criminal offence is imprisonment of below one year in duration, the sentence may be reduced up to thirty days' imprisonment;
- 7) where the statutory penalty for the criminal offence is a custodial penalty of an unspecified minimum, instead of imprisonment the court may order a fine or community service;

8) where the statutory penalty for the criminal offence is a fine of a specified minimum, the penalty may be mitigated up to ten daily amounts, i.e, ten thousand dinars.

(2) Exceptionally from paragraph 1 of this Article, penalties for criminal offences referred to in Article 134 paragraphs 2 and 3, Articles 178, 179 and 180, Article 214 paragraphs 2 and 3, Article 246 paragraphs 1 and 3, Article 350 paragraphs 3 and 4, and Article 388 of this Code, may not be mitigated.

(3) Exceptionally from paragraph 1 of this Article, penalties for offenders who had already been convicted for the same criminal offence may not be mitigated.

(4) Where the court is authorised to remit a sentence, it may mitigate an offender's penalty without the limitations stipulated in paragraphs 1 to 3 of this Article.

Remission of Punishment

Article 58

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

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

(3) The court may also remit from punishment perpetrators of criminal offences punishable by terms of imprisonment of up to five years, if after the commission of the criminal offence, and before learning that they were detected, they offset the consequences of the offence or provide compensation for the damage caused by the criminal offence.

Settlement of Offenders and Victims

Article 59

(1) The court may remit from punishment perpetrators of criminal offences punishable by up to three years' imprisonment or fines if the offenders fulfil all their obligations from agreements reached with aggrieved parties.

Joinder of Criminal Offences

Article 60

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

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

- 1) if a term of imprisonment of thirty to forty years has been determined for one of the criminal offences in joinder, only such sentence shall be pronounced;
- 2) if the court has determined imprisonment for criminal offences in joinder, it shall increase the most severe punishment, provided that the single sentence does not attain the sum of cumulative sentences, or exceed twenty years' imprisonment;
- 3) if prison sentences of maximum three years are prescribed for all criminal offences in joinder, the single sentence may not exceed ten years' imprisonment;
- 4) if only fines are determined for criminal offences in joinder, the court shall pronounce a single fine in the amount of the cumulative sum of determined fines, provided it does not exceed eighteen million dinars, and where the court determined particular amounts (Article 50), the fine may not exceed one million, or ten million dinars where one or more offences were committed for gain;
- 5) if only community service is stipulated for criminal offences in joinder, the court shall pronounce a single penalty of community service, provided it does not exceed three hundred and sixty hours, and the time period within which community service is performed should not exceed six months.
- 6) if imprisonment is provided for some criminal offences in joinder and a fine for others, the court shall pronounce a single custodial sentence and a single fine pursuant to provisions of items 2 through 4 of this paragraph.

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

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

Continuing offence

Article 61

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

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

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

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

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

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

(7) The offence referred to in paragraph 1 of this Article may be punishable by a penalty more severe than that stipulated by statute. The penalty pronounced may not exceed a double measure of the statutory penalty, nor may it exceed twenty years' imprisonment.

(8) Exceptionally from paragraph 7 of this Article, where the offence referred to in paragraph 1 of this Article may be punishable by thirty to forty years' imprisonment, a penalty longer than forty years in duration may not be pronounced.

Selection of Type and Range of Penalties for Convicted Persons

Article 62

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

(2) For a criminal offence committed in the course of serving a prison sentence or juvenile detention, the court shall pronounce a sentence to the offender, irrespective of previously pronounced sentence, if by application of the provisions of Article 60 of this

Code and owing to the seriousness of the criminal offence and the remaining part of the earlier sentence, the purpose of punishment cannot be achieved

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

Crediting Time Spent in Detention and Earlier Penalties

Article 63

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

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

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

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

Chapter Five CAUTIONARY MEASURES

1. Suspended Sentences and Judicial Admonition

Purpose of Suspended Sentences and Judicial Admonition

Article 64

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

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

Suspended Sentence

Article 65

(1) By pronouncing a suspended sentence the court concurrently issues a penalty to a perpetrator of a criminal offence, and determines that it shall not be enforced, if during a period determined by the court, which may not be less than one year and more than five years (the probationary period), the convicted person does not commit a new criminal offence.

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

(3) Security measures ordered together with conditional sentences shall be enforced

Requirements for Pronouncing Suspended Sentences

Article 66

(1) A suspended sentence may be pronounced where a custodial penalty in a duration of less than two years has been determined for the perpetrator of a criminal offence.

(2) For criminal offences punishable by terms of imprisonment of ten years or more, the sentence may not be conditional.

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

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

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

Revocation of Suspended Sentence due to New Criminal Offence

Article 67

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

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

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

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

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

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

Article 68

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

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

*Revocation of Suspended Sentence due to Failure to Meet
Particular Obligations*

Article 69

If by suspended sentence the convicted person is ordered to fulfil particular obligations referred to in Article 65 paragraph 2 hereof, and he fails to fulfil such obligation within the

period set in the judgement, the court may extend the deadline during the period of probation, or may revoke the suspended sentence and order the penalty determined in the suspended sentence. If the court establishes that the convicted person is unable to fulfil the obligation on justifiable grounds, it may release him from such obligation or replace it by another appropriate obligation provided by law.

Time-limits for Revocation of a Suspended Sentence

Article 70

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

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

(3) If after pronouncement of a suspended sentence it is established that the convicted person committed the criminal offence before being conditionally sentenced, due to which there would be no grounds for pronouncing a suspended sentence, the suspended sentence may be revoked no later than one year after the date of the expiry of the probationary period.

Suspended Sentence with Protective Supervision

Article 71

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

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

(3) If the court establishes during the course of protective supervision that the purpose of this measure has been achieved, it may terminate protective supervision before the expiry of the specified time period.

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

Requirements for Ordering Protective Supervision

Article 72

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

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

Protective Supervision

Article 73

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

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

Selecting Measures of Protective Supervision

Article 74

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

Duration of Protective Supervision

Article 75

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

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

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

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

Consequences of Failure to Fulfil Protective Supervision Requirements

Article 76

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

Judicial Admonition

Article 77

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

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

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

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

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

Chapter Six SECURITY MEASURES

Purpose of Security Measures

Article 78

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

Types of Security Measures

Article 79

(1) The following security measures may be ordered to offenders:

- 1) compulsory psychiatric treatment and confinement in a medical institution;
- 2) compulsory psychiatric treatment while at liberty;
- 3) compulsory drug addiction treatment;
- 4) compulsory alcohol addiction treatment;
- 5) prohibition from practising a profession, activity or duty;
- 6) prohibition to operate a motor vehicle;
- 7) confiscation of objects;
- 8) expulsion of a foreign nationals from the country;

9) publication of the judgement.

10) restraining orders prohibiting physical proximity and communication with aggrieved parties;

11) bans on attending specific sports events.

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

Ordering Security Measures

Article 80

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

(2) Compulsory psychiatric treatment and confinement in a medical institution and compulsory psychiatric treatment while at liberty shall be imposed as an individual sanction on a mentally incompetent criminal offender. In addition to these measures, bans on practising certain professions, activities or duties, bans on operating motor vehicles, and confiscation of objects, may also be ordered.

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

(4) Compulsory drug addiction treatment, compulsory alcohol addiction treatment, bans on practising particular professions, activities or duties, bans on operating motor vehicles, confiscation of objects, and publication of judgements may be ordered where penalties have been pronounced, sentences suspended, or judicial cautions or remissions of punishment of an offender have been ordered.

(5) Expulsions of a foreigner from the country and bans on attending certain sports events may be ordered if a sentence has been pronounced against an offender, or a suspended sentence.

(6) Restraining orders prohibiting physical proximity and communication with aggrieved parties may be ordered where an offender has been ordered to pay a fine, perform community service, have his a driver's licence revoked or has been pronounced a suspended sentence.

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

Compulsory Psychiatric Treatment and Confinement in a Health-Care Institution

Article 81

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

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

(3) The court shall discontinue the measure referred to in paragraphs 1 and 2 of this Article when it determines that the need for treatment and confinement of the offender in a medical institution no longer exist.

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

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

Compulsory Psychiatric Treatment at Liberty

Article 82

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

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

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

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

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

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

Compulsory Treatment of Narcotics Addicts

Article 83

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

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

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

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

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

(6) Where the offender does not submit to treatment while at liberty without justified grounds, the court shall order enforcement of the measure in an appropriate health-care or other specialised institution.

Compulsory Alcohol Addiction Treatment

Article 84

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

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

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

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

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

Bans on Practicing Professions, Activities and Duties

Article 85

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

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

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

Ban on Operating a Motor Vehicle

Article 86

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

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

(3) The court may order the measure referred to in paragraph 1 of this Article if it finds that the gravity of the committed offence, the circumstances under which the offence was committed or previous violations of traffic regulations by the offender indicate that it

would be dangerous to allow such person to operate a motor vehicle of a certain type or category.

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

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

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

(7) The law may stipulate mandatory bans on operating motor vehicles.

Seizure of Objects

Article 87

(1) The measure of seizure of objects may be ordered in respect of objects used or intended for use in the commission of a criminal offence or resulting from the commission of a criminal offence, where there is a danger that a certain object will be re-used to commit a criminal offence, or if so required by the interests of general reasons or morality.

(2) The application of this security measure does not affect third parties' right to seek indemnification in connection with the seizure of objects from criminal offenders..

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

Expulsion of Foreign Nationals from the Country

Article 88

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

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

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

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

Publication of the Judgement

Article 89

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

(2) The law may provide for mandatory publication of judgements. In such cases the court shall determine the media where the judgements are to be published and whether in full or in excerpt.

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

Prohibiting Proximity and Communication with Victim

Article 89a

(1) The court may prohibit an offender from coming in proximity of a victim within a specified distance, prohibit access to the area around the residence or place of the victim and prohibit further harassment, or further communication with the victim, if it may reasonably be deemed that further conduct of such actions by the offender a threat to the victim.

(2) The measure referred to in paragraph 1 of this article may not exceed three years in duration.

(3) Time spent in detention, as well as all other deprivations of liberty in connection with the criminal offence shall not be credited to the duration of the measure referred to in paragraph of this Article.

(4) The measure referred to in paragraph 1 of this Article may be revoked before the expiry of its determined duration, if the grounds on which it was ordered no longer exist.

Prohibition of Attending Certain Sports

Article 89b

(1) The court may prohibit criminal offenders from attending certain sports events, where it would be necessary to protect general security.

(2) Under the measure referred to in paragraph 1 of this Article, the criminal offender has duty to contact personally an official in the local police administration or a police station immediately prior to the scheduled start of the certain sports events, in the area where

the offender is at that time, and to remain on their premises for the duration of the sports event.

(3) The court shall determine the duration of the measure referred to in paragraph 1 of this Article, which may not be less than one year or more than five years, from the date the ruling becomes final, with the proviso that time spent in prison is not credited to the duration of the measure.

(4) Where a suspended sentence is pronounced by the court, it shall order that sentence revoked if the offender violates the ban on attending certain sports events, i.e., if the offender fails to perform the duty referred to in paragraph 2 of this Article.

(5) Where after serving a custodial sentence an offender violates the ban on attending certain sports events, i.e., fails to perform the duty referred to in paragraph 2 of this Article, the court which ordered the measure referred to in paragraph 1 of this Article may punish him with a term of imprisonment of from thirty days to three months.

(6) Mandatory bans on attending certain sports events may be determined by law.

Termination of Security Measures Pursuant to Court Decision

Article 90

(1) The court may issue a decision to discontinue the security measure of prohibition of practising professions, activities or duties and prohibition of operating motor vehicles after the expiry of three years from the date of their enforcement.

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

Chapter Seven CONFISCATION OF MATERIAL GAINS

Grounds for Confiscation of Material Gains

Article 91

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

(2) The gain referred to in paragraph 1 of this Article shall be seized under the conditions stipulated by this Code and by a decision of the court which determined the commission of a criminal offence.

Conditions and Manner of Seizing Material Gains

Article 92

(1) Money, valuables and all other material gains obtained by a criminal offence shall be seized from the offender, and if such seizure should not be possible, the offender shall be obligated to hand over another material goods corresponding to the value of the assets gained by the commission of the criminal offence, or pay a pecuniary amount commensurate with obtained material gain.

(2) Material gains obtained by a criminal offence shall also be seized from persons to whom they were transferred without compensation, or with compensation that was obviously disproportionate to their actual value.

(3) Where material gain is wrongfully obtained for another, such gain shall be seized.

Protection of Aggrieved Parties

Article 93

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

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

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

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

Chapter Eight **LEGAL CONSEQUENCES OF CONVICTION**

Ensuance of Legal Consequences of Conviction

Article 94

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

(2) No legal consequences of conviction may ensue when a fine has been ordered to the offender for a criminal offence, a suspended sentence – unless revoked, judicial admonition or when punishment of the offender is remitted.

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

Types of Legal Consequences of Conviction

Article 95

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

- 1) termination of public function;
- 2) termination of employment or termination of practising a particular profession or occupation;
- 3) forfeiture of particular permit or license issued by decision of a government authority or local self-government authority.

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

- 1) prohibition of appointment to particular public office;
- 2) prohibition to acquire particular title, profession or occupation or promotion in service;
- 3) prohibition of acquiring military officer ranks;
- 4) prohibition of acquiring certain permits and licenses issued by decisions of a government authority or local self-government authority.

Commencement and Duration of Legal Consequences of Conviction

Article 96

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

(2) In the event that after a judgement becomes final, pursuant to which legal consequences of conviction have commenced, such judgement is revised due to an

extraordinary legal remedy, the ensuance in or further continuation of legal consequences of conviction shall be harmonised with the new decision.

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

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

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

Chapter Nine

REHABILITATION, CESSATION OF LEGAL CONSEQUENCES OF CONVICTION AND DISCLOSURE OF DATA FROM CRIMINAL RECORDS

General Concept of Rehabilitation

Article 97

(1) Rehabilitation deletes conviction and terminates all legal consequences of this Code, and the convicted person shall be deemed to have no criminal record.

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

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

Legal Rehabilitation

Article 98

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

(2) Legal rehabilitation ensues if:

1) a person who has been convicted but the penalty remitted, or pronounced a judicial admonition, does not commit any new criminal offence within one year of the judgement becoming final;

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

3) a person sentenced to a fine, community service, revocation of driver's licence or a term of imprisonment of up to six months does not commit any new criminal offence within the period of three years after enforcement of the penalty, prescription of the penalty or its remission;

4) a person sentenced to imprisonment of six months to one year does not commit any new criminal offence within the period of five years after enforcement of the penalty, prescription of the penalty or its remission.

5) a person sentenced to imprisonment of one to three years does not commit any new criminal offence within the period of ten years after enforcement of the penalty, prescription of the penalty or its remission.

(3) There shall be no legal rehabilitation where the secondary penalty has not been enforced or where security measures are still in effect.

Judicial Rehabilitation

Article 99

(1) Judicial rehabilitation may be granted to a person sentenced to imprisonment of three to five years, if within the period of ten years after the serving of such sentence, prescription of the penalty, or remission, that person does not commit a new criminal offence.

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

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

Judicial Rehabilitation of Persons with Prior Convictions

Article 100

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

Termination of Legal Consequences of Conviction

Article 101

(1) Following the expiry of three years after the serving of a sentence, prescription of the penalty, or remission, the court may rule to terminate the legal consequences of conviction in respect of bans on acquiring specific rights, unless this has already occurred by virtue of rehabilitation.

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

Content and Disclosure of Data from Criminal Records

Article 102

(1) Criminal records contain personal data of the offender, data on the penalty, suspended sentence, judicial admonition, remission of punishment and pardon, and data on legal consequences of the conviction. Criminal records shall contain subsequent changes of data therein, information about serving of sentence as well as cancellation of records in respect of wrongful convictions.

(2) Data from criminal records may be disclosed only to a court, the public prosecutor and the police in respect of criminal proceedings conducted against a person with prior convictions, the body in charge of enforcing criminal sanctions and the body involved in the procedure of granting amnesty, pardon, rehabilitation or deciding on termination of legal consequences of conviction, and to social welfare authorities where so required to discharge duties under their competence. Criminal records data may also be given to other state authorities responsible for detecting and preventing the commission of criminal offences, where it is so prescribed by another law.

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

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

(5) Citizens may be issued, at their request, data on their convictions or the non-existence of convictions.

(6) Data on expunged convictions may not be divulged to anyone.

Chapter Ten PRESCRIPTION

Prescription of Criminal Prosecution

Article 103

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

- 1) twenty five years from the time of commission of a criminal offence punishable by law with imprisonment of from thirty to forty years;
- 2) twenty years from the time of commission of a criminal offence punishable by law with imprisonment of over fifteen years;
- 3) fifteen years from the time of commission of a criminal offence punishable by law with imprisonment of over ten years;
- 4) ten years from the time of commission of a criminal offence punishable by law to imprisonment of over five years;
- 5) five years from the time of commission of a criminal offence punishable by law with imprisonment of over three years;
- 6) three years from the time of commission of a criminal offence punishable by law with imprisonment of over one year;
- 7) two years from the time of commission of a criminal offence punishable by law with imprisonment of under one year, or a fine.

Course and Suspension of Prescription of Criminal Prosecution

Article 104

- (1) The prescription period for criminal prosecution shall run from the date of commission of the criminal offence. If the consequence of the criminal offence occurs subsequently, the prescription period shall run from the day the consequence occurred.
- (2) The prescription period for criminal prosecution shall not run during the period when the law prescribes that prosecution may not commence or continue.
- (3) The running of the prescription period for criminal prosecution shall be suspended by each procedural action undertaken to detect the criminal offence or to detect and prosecute the perpetrator for the commission of the offence.

(4) The running of the prescription period for criminal prosecution shall also be suspended when during the limitation period the perpetrator commits another similarly serious or more serious offence.

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

(6) Prescription of criminal prosecution shall come into effect in any case after the expiry of twice the time period required by law for prescription of criminal prosecution.

Prescription of Penalties

Article 105

(1) Unless prescribed otherwise in this Code, the pronounced penalty may not be enforced after the expiry of:

1) twenty-five years from conviction to a term imprisonment of from thirty to forty years;

2) twenty years from conviction to a term of imprisonment of over fifteen years;

3) fifteen years from conviction to a term of imprisonment of over ten years;

4) ten years from conviction to a term of imprisonment of over five years;

5) five years from conviction to a term of imprisonment of over three years;

6) three years from conviction to a term of imprisonment of over one year;

7) two years from conviction to a term of imprisonment of up to one year, a fine, community service, or revocation of driver's license.

Prescription of Secondary Penalties and Security Measures

Article 106

(1) Prescription of fines and revocations of driver's licenses, where ordered as secondary penalty, shall come into effect after the expiry of two years from the date the judgement ordering such penalties becomes final.

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

(3) Prescriptions of security measures of prohibition to practise a profession, business activity and duty, bans on operating motor vehicles and expulsion of foreigners from the country shall take effect after the expiry of the period for which these measures are

ordered.

Course and Suspension of Prescription of Penalty and Security Measure

Article 107

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

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

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

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

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

(6) Prescription of penalties shall in any case come into effect after the expiry of twice the time required by law for prescription of penalties.

(7) In the event of ensuance of the prescription referred to in paragraph 6 of this Article, the already commenced enforcement of the penalty shall be discontinued.

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

Criminal Offences and Enforcement of Penalty not subject to Prescription

Article 108

Criminal prosecution and enforcement of penalties are not subject to prescription for the criminal offences defined in Articles 370 through 375 of this Code, as well as criminal offences not subject to prescription under ratified international treaties.

Chapter Eleven AMNESTY AND PARDON

Amnesty

Article 109

(1) Persons subject to an amnesty act shall be released from prosecution and granted full or partial remission of punishment, replacement of the pronounced penalty by a

lighter penalty, granted rehabilitation or have some or all legal consequences of their conviction revoked.

(2) The following security measures may be revoked by an amnesty: prohibition to practise a profession, business activity or duty, prohibition to operate a motor vehicle, and expulsion of foreigners from the country.

Pardon

Article 110

(1) Pardons shall release particular persons from criminal prosecution and grant full or partial remission of punishment, replace the pronounced penalty by a lighter penalty or suspended sentence, grant rehabilitation, shorten the duration of legal consequences of conviction or repeal particular or all legal consequences of conviction.

(2) Pardons may repeal or order shorter duration of security measures of prohibition to practise a profession, business activity or duty, prohibition to operate a motor vehicle and expulsion of foreigners from the country.

Effect of Amnesty and Pardon to the Rights of Third Parties

Article 111

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

Chapter Twelve DEFINITIONS

The Meaning of Expressions used in this Code

Article 112

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

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

(3) An official is:

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

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

4) an official shall also be a person who is *de facto* assigned discharge of official duty or tasks;

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

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

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

(6) A military serviceperson shall mean a professional soldier (professional officer or non-commissioned officer, officer on contract, and private soldier on contract), a conscript soldier, a military academy cadet, a military school student, a person in military reserve while on active duty, as well as a civilian performing a particular military duty.

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

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

(9) A minor is a person over fourteen years of age but below eighteen years of age.

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

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

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

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

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

(15) Narcotic drugs are substances and preparations declared by statutory regulations as narcotic drugs.

(16) Movable are also defined as any energy produced or collected for emitting light, heat or motion, telephone pulses, as well as computer data and computer programmes.

(17) Computer data is every representation of facts, information or concepts in a form suitable for processing in a computer, including appropriate computer software necessary for the functioning of the computer system.

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

(19) A computer programme is a regulated set of orders serving to control computer operations, as well as solving specific tasks by means of a computer.

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

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

(22) An organised group is a group comprising a minimum of three persons acting in conspiracy to commit continuous or occasional criminal offences which does not have predefined roles for its members or a developed structure.

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

(24) The term hallmark shall also refer to foreign hallmarks.

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

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

(27) Files, letters, consignments and documents may also be in electronic form.

(28) A family member shall also mean former spouses and their children, next of kin, partners and their children, adopters and adoptees, and foster families.
A family member shall also mean siblings and their spouses, former spouses and their children and parents of former spouses if they live in the same household, as well as persons who have conceived or already have a child together, although they have never lived in the same family household.

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

offence.

(30) When an imperfect verb is used to express an act of criminal offence, it shall mean that the offence is committed whether the act was committed once, or more than once.

(31) The abbreviation "Serbia" shall mean the Republic of Serbia.

(32) Work of public importance is considered to be performing duties or profession that has an increased risk for the safety of a person who performs it, and refers to occupations that are of importance to public information, health care, education, public transport, legal and professional assistance before the court and other state authorities.

(33) A computer is every electronic device for automatic data processing and transfer of data by means of an operational programme.

(34) Computer systems comprise of one device, or group of interconnected or independent devices of which one or more of them, based on an operating programme, perform automatic processing of data.

(35) An organised criminal group is a group that exists for a certain amount of time, comprised of three or more persons acting in conspiracy to commit one or more criminal offences punishable with imprisonment of four or more years, to acquire direct or indirect financial or other material gain or to achieve and maintain influence on the economy or other important state structures.

(36) Property is considered to be goods of every kind, tangible or intangible, movable or immovable, whose value can or cannot be estimated, and any form of instrument which proves a right or an interest in relation to such goods. Income or other benefits that originate, directly or indirectly, from criminal offences, as well as goods into which they has been converted or with which they have been merged, is also deemed property.

SPECIAL PART

Chapter Thirteen

CRIMINAL OFFENCES AGAINST LIFE AND LIMB

Murder

Article 113

Whoever deprives another of life shall be punished by a term of imprisonment of between five and fifteen years' duration.

Aggravated Murder

Article 114

Whoever:

- 1) causes the death of another in a cruel or insidious manner;
- 2) causes the death of another by callous violent behaviour;
- 3) causes the death of another and in doing so wilfully endangers the life of another person;
- 4) causes the death of another during the commission of a robbery or compound larceny,
- 5) causes the death of another for gain, in order to commit or conceal another offence, from callous revenge or other base motives;
- 6) causes the death of a public official or serviceman during the performance of their official duties;
- 7) causes the death of a judge, public prosecutor, deputy public prosecutor or a police officer in connection with the discharge of their duties;
- 8) causes the death of persons performing duties in the public interest in connection with the discharge of their duties;
- 9) causes the death of a child or a pregnant woman;
- 10) causes the death of a member of his family whom he previously abused;
- 11) wilfully causes the death of more than one person, but not in the form of manslaughter, infanticide or mercy killing, or in a heat of passion.

shall be punished with a term of imprisonment of at least ten years or from thirty to forty years.

Manslaughter in the Heat of Passion

Article 115

Whoever causes the death of another while brought into a sudden heat of passion, through no fault of his own, by an attack, physical abuse or serious verbal abuse committed by the person killed, shall be punished with imprisonment of from one to eight years.

Infanticide

Article 116

A mother who causes the death of her child at birth or immediately after delivery, while in a state of disorder caused by delivery, shall be punished with imprisonment of from six months to five years.

Mercy Killing

Article 117

Whoever causes the death of an adult person out of mercy due to the serious state of health of such person and at a serious and explicit request by that person, shall be punished with imprisonment of from six months to five years.

Negligent Homicide

Article 118

Whoever causes death of another by negligence, shall be punished with imprisonment of from six months to five years.

Incitement to Suicide and Aiding in Suicide

Article 119

(1) Whoever incites another to suicide or helps in the commission of the suicide and it is committed or attempted, shall be punished with imprisonment of from six months to five years.

(2) Whoever assists another in committing suicide under provisions of Article 117 of this Code, and this is committed or attempted, shall be punished with imprisonment of from three months to three years.

(3) Whoever commits the act referred to in paragraph 1 of this Article against a juvenile or a person in a state of substantially diminished mental capacity, shall be punished with imprisonment of from two to ten years.

(4) If the act referred to in paragraph 1 of this Article is committed against a child or mentally incompetent person, the offender shall be punished in accordance with Article 114 of this Code.

(5) Whoever cruelly or inhumanely treats another who is in a position of subordination or dependency and due to such treatment the person commits or attempts suicide that may be attributed to negligence of the perpetrator, shall be punished with imprisonment of from six months to five years.

Illegal Termination of Pregnancy

Article 120

(1) Whoever contrary to regulations governing termination of pregnancy carries out an

abortion on a pregnant woman with her consent, commences an abortion or aids her in committing an abortion, shall be punished with imprisonment of from three months to three years.

(2) Whoever engages on a regular basis in acts referred to in paragraph 1 of this Article, shall be punished with imprisonment of from six months to five years.

(3) Whoever carries out or begins to carry out an abortion of a pregnant woman without her consent, or, if she is under sixteen years of age, without the approval of and without the written consent of her parent, adoptive parent or guardian, shall be punished with imprisonment of from one to eight years.

(4) If the act referred to in paragraphs 1 through 3 of this Article results in death, serious health impairment or other grave bodily harm of the woman subjected to abortion, the perpetrator shall be punished for the offence referred to in paragraphs 1 and 2 of this Article by imprisonment of one to seven years, and for the offence referred to in paragraph 3 of this Article by imprisonment of two to twelve years.

Serious Bodily Harm

Article 121

(1) Whoever causes to another serious injury or causes serious impairment of health, shall be punished with imprisonment of from six months to five years.

(2) Whoever causes to another serious injury or health impairment resulting in endangering of life of that person or destruction or permanent and considerable damage or weakening of a vital function of his body or an organ, or permanent serious health impairment or disfigurement, shall be punished with imprisonment of one to eight years.

(3) If acts referred to in paragraphs 1 and 2 of this Article result in the death of the injured person, the offender shall be punished with imprisonment of two to twelve years.

(4) Whoever commits the act referred to in paragraphs 1 and 2 of this Article from negligence, shall be punished with imprisonment of up to three years.

(5) Whoever commits the act specified in paragraphs 1 through 3 of this Article in the heat of passion, if brought in a sudden heat of passions through no fault of his own by physical assault, physical abuse or serious insult of the injured person, shall be punished for the offence referred to in paragraph 1 by imprisonment of up to three years, and for the offence referred to in paragraph 2 by imprisonment of from three months to four years, and for the offence referred to in para 3 by imprisonment of six months to five years.

(6) If the act referred to in paragraph 1 of this Article is committed against a minor, a pregnant women or a person who performs duties in public interest, the offender shall be punished with imprisonment of one to eight years, and for the act referred to in paragraph 2 of this Article, with imprisonment of two to twelve years, and for act referred to in paragraph 3 of this Article with imprisonment of five to fifteen years.

Light Bodily Injury

Article 122

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

Brawling

Article 123

Whoever participates in a brawl in which someone was deprived of life or another was caused serious bodily harm, shall be punished for the participation by a fine or imprisonment of up to three years.

Threatening with Dangerous Implements in Brawl or Quarrel

Article 124

- (1) Whoever in brawl or quarrel produces a weapon, a dangerous implement or other means capable of inflicting grievous bodily harm or causing serious health impairments, shall be punished with a fine or imprisonment of up to six months.
- (2) Whoever in a brawl or quarrel produces a weapon shall be punished with imprisonment of up to two years and a fine.

Endangerment

Article 125

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

years.

(4) If the act referred to in paragraphs 1 to 3 of this Article is committed against a minor or a pregnant women, the offender shall be punished for the act referred to in paragraph 1 of this Article with imprisonment of six months to five years, and for the act referred to in paragraph 2 of this Article with imprisonment of one to eight years, and for act referred to in paragraph 3 of this Article with imprisonment of two to twelve years.

Abandonment of a Helpless Person

Article 126

(1) Whoever abandons a helpless person entrusted to his care or whom he is obliged to care for, in life- or health-threatening circumstances, shall be punished with imprisonment of three months to three years.

(2) If the act specified in paragraph 1 of this Article results serious health impairment or other grievous bodily harm of the abandoned person, the offender shall be punished with imprisonment of one to five years.

(3) If the act specified in paragraph 1 of this Article results in death of the abandoned person, the offender shall be punished with imprisonment of one to eight years.

Failure to Render Assistance

Article 127

(1) Whoever fails to render aid to a person in a life-threatening situation although he could have done so without risk to himself or another, shall be punished with a fine or imprisonment of up to two years.

(2) If failure to render aid results in serious health impairment or other grievous bodily harm of the person in the life-threatening situation, the offender shall be punished with a fine or imprisonment of up to three years.

(3) If failure to render aid results in the death of the person in the life-threatening situation, the offender shall be punished with imprisonment of three months to five years.

Chapter Fourteen CRIMINAL OFFENCES AGAINST FREEDOMS AND RIGHTS OF MAN AND THE CITIZEN

Violations of Equality

Article 128

(1) Whoever denies or restricts the right of man and the citizen guaranteed by the Constitution, laws or other legislation or general acts or ratified international treaties, on

grounds of nationality or ethnicity, race or religion or due to absence of such affiliation or difference in political or other conviction, gender, language, education, social status, social origin, property or other personal characteristic, or exploiting such differences grants another privileges or benefits, shall be punished with imprisonment of up to three years.

(2) If the act referred to in paragraph 1 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment of three months to five years.

Violation of the Right to Use a Language or Alphabet

Article 129

Whoever contrary to the regulations governing the use of language and alphabet of peoples or members of national and ethnic groups living in Serbia denies or restricts to citizens the use of their mother tongue or alphabet when exercising their rights or addressing authorities or organisations, shall be punished with a fine or imprisonment of up to one year.

Violation of the Right to Expression of National or Ethnic Affiliation

Article 130

Whoever prevents another to express his national or ethnic affiliation or culture, shall be punished with a fine or imprisonment of up to one year.

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

(3) If the acts referred to in paragraphs 1 and 2 of this Article are committed by an official in discharge of duty, such person shall be punished with imprisonment up to three years.

Violation of the Freedom of Religion and Performing Religious Service

Article 131

(1) Whoever prevents or restricts another's freedom of religion or practising a religion, shall be punished with a fine or imprisonment of up to one year.

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

(3) Whoever coerces another to express his religious conviction, shall be punished with a fine or imprisonment up to one year.

(4) An official who commits the offences referred to in paragraphs 1 through 3 of this Article shall be punished with imprisonment of up to three years.

Unlawful Deprivation of Liberty

Article 132

- 1) Whoever unlawfully detains another, keeps him in custody or otherwise unlawfully deprives him of liberty or restricts his freedom of movement, shall be punished with imprisonment of up to three years.
- (2) If the offence referred to in paragraph 1 of this Article is committed by an official through abuse of position or authority, such person shall be punished with imprisonment of six months to five years.
- (3) If unlawful deprivation of liberty exceeds thirty days or is committed in a cruel manner or if such act results in serious impairment of health of the person unlawfully deprived of freedom or if other serious consequences occur,
the offender shall be punished with imprisonment of one to eight years.
- (4) If the offences referred to in paragraphs 1 and 3 of this Article result in death of the person unlawfully deprived of liberty, the offender shall be punished with imprisonment of from two to twelve years.
- (5) An attempt of the offence referred to in paragraph 1 of this Article is punishable.

Violation of Freedom of Movement and Residence

Article 133

- (1) Whoever denies or restricts freedom of movement or residence in the territory of Serbia to the citizen of Serbia, shall be punished with a fine or imprisonment of up to one year.
- (2) If the offence referred to in paragraph 1 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment of up to three years.

Abduction

Article 134

- (1) Whoever by use of force, threat, deceit or otherwise removes or holds another with the intent to extort money or other property gain from that person or another or to coerce that person or another to do or refrain from doing something or to endure,
shall be punished with imprisonment from two to ten years.
- (2) Whoever threatens the abducted person for the purpose of accomplishing the aim of abduction with murder or grievous bodily harm, shall be punished with imprisonment from three to twelve years.
- (3) If the abducted person is held more than ten days or treated in cruel manner or his health is seriously impaired or other serious consequences resulted or whoever commits the offence referred to in paragraph 1 of this Article against a juvenile,
shall be punished with imprisonment of three to fifteen years.

(4) If the offence referred to in paragraphs 1, 2 and 3 of this Article results in the death of the abducted person or the offence is committed by an organised group, the offender shall be punished with imprisonment of five to eighteen years.

(5) If the criminal offence referred to in paragraph 5 of this Article is committed by a criminal group, the offender(s) shall be punished with imprisonment of at least five years.

Coercion

Article 135

(1) Whoever by using force or a threat coerces another to do, refrain from doing, or endure something, shall be punished with imprisonment of up to three years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article in a cruel manner or by threat of murder or grievous bodily harm or abduction, shall be punished with imprisonment of six months to five years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article result in grievous bodily harm or other serious consequences, the offender(s) shall be punished with imprisonment of from one to ten years.

(4) If the offence referred to in paragraphs 1 and 2 of this Article results in the death of the person under coercion or if it is committed by a group, the offender(s) shall be punished with imprisonment of from three to twelve years.

(5) If the offence referred to in paragraphs 1 and 2 of this Article was committed by an organised criminal group, the offender(s) shall be punished with imprisonment of from five to fifteen years.

Extortion of Confession

Article 136

(1) Whoever acting in an official capacity uses force or threat or other inadmissible means or inadmissible manner with the intent to extort a confession or another statement from an accused, a witness, an expert witness or other person, shall be punished with imprisonment of three months to five years.

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

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

Maltreatment and Torture

Article 137

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

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

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

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

(3) If the offence referred to in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty, such person shall be punished for the offence in paragraph 1 by imprisonment from three months to three years, and for the offence referred to in paragraph 2 of this Article by imprisonment of one to eight years.

Endangerment of Safety

Article 138

(1) Whoever endangers the safety of another by threat of attack against the life or limb of such person or a person close to him, shall be punished with a fine or imprisonment of up to one year.

(2) Whoever commits the offence referred to in paragraph 1 of this Article against several persons, or if the offence causes alarm among citizens or other serious consequences, shall be punished with imprisonment of three months to three years.

(3) Whoever commits the offence referred to in paragraph 1 of this Article, in connection with the jobs they perform, against the following: the President of the Republic, National Deputies, the Prime Minister, Government members, judges of the Constitutional Court, judges, public prosecutors or public prosecutors and persons performing activities in the public interest in the area of public information, shall be punished with imprisonment of one year to eight years.

Infringement of Inviolability of Home

Article 139

(1) Whoever without permission breaks into another's flat/house or another's closed premises or at the request of an official does not exit from such flat/house or premises, shall be punished with a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment of up to three years.

(3) Attempts to commit the offence referred to in paragraphs 1 and 2 of this Article shall be punished.

Illegal Searches

Article 140

An official who in the discharge of duty illegally conducts a search of a flat/house, premises or persons, shall be punished with imprisonment of up to three years.

Unauthorised Disclosure of Secrets

Article 141

(1) Lawyers, physicians or other persons who disclose without permission secrets that had come to their knowledge during the performance of their professional duties, shall be punished with a fine or imprisonment of up to one year.

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

Violation of Privacy of Letter and other Communications

Article 142

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

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

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on anyone communicating to a third person the contents of another's closed letter, telegram or other sealed communication acquired by violating the confidentiality of the latter's communication, or making use of such contents.

(3) If the offence referred to in paragraphs 1 and 2 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment from six months to three years.

Unauthorised Electronic Surveillance and Recording

Article 143

(1) Whoever using special equipment intercepts or records conversations, statement or announcements that are not intended for him, shall be punished with a fine or imprisonment of from three months to three years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on anyone making it possible for an uninvited person to be informed about the conversation, statements or announcements obtained by unauthorised electronic surveillance or audio recording.

(3) if the offence referred to in paragraphs 1 and 2 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment of from six months to five years.

Unauthorised Photography

Article 144

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

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

(2) If the offence referred to in paragraph 1 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment of up to three years.

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

Article 145

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

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

(2) If the offence referred to in paragraph 1 of this Article is committed by an official in the discharge of duty, such person shall be punished by imprisonment of up to three years.

Unauthorised Collection of Personal Data

Article 146

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

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

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on anyone who in contravention of the law collects personal data on citizens and uses data so collected.

(3) If the offence referred to in paragraph 1 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment of up to three years.

Violation of the Right to Legal Remedy

Article 147

(1) Whoever prevents another from exercising the right to submit a plea, petition, complaint, appeal, objection, other legal remedy or other submission, shall be punished with a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment of from three months to three years.

Violation of Freedom of Speech and Public Appearance

Article 148

(1) Whoever unlawfully denies or restricts freedom of speech or public appearance of another, shall be punished with a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment of up to three years.

Prevention of Printing and Distribution of Printed Materials and Broadcasting

Article 149

(1) Whoever without authorisation prevents or hinders the printing, recording, sale or distribution of books, magazines, newspapers, audio and video cassettes or other similar printed or recorded materials,
shall be punished with a fine or imprisonment of up to one year.

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

(3) If the offence referred to in paragraph 1 of this Article is committed by an official in the discharge of duty,
such person shall be punished with imprisonment of up to three years.

Prevention of Publication of Retort and Correction

Article 150

Whoever contrary to a final court decision refuses or prevents publication of retort or correction of a published incorrect fact or information which violates someone's right or interest, shall be punished with a fine or imprisonment of up to one year.

Prevention of Public Assembly

Article 151

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

criminal offence are present,
shall be punished with a fine or imprisonment of up to two years.

(2) If the offence referred to in paragraph 1 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment of three months to three years.

Prevention of Political, Trade Union and Other Association and Activity

Article 152

(1) Whoever by wilful violation of law or other unlawful manner prevents or disturbs political, trade union or other alliance or activity of citizens or activity of their political, trade union or other organisations, shall be punished with a fine or imprisonment of up to two years.

(2) If the offence referred to in paragraph 1 of this Article is committed by an official in the discharge of duty, such person shall be punished with imprisonment of three months to three years.

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

Article 153

(1) Prosecution of offences referred to in Articles 139 paragraph 1, 142 paragraph 1, 143 paragraphs 1 and 2, 144 paragraph 1, 145 paragraph 1, 146 paragraphs 1 and 2, 146 paragraphs 1 and 2, and 147 paragraph 1 of this Code shall be conducted by means of private legal action.

(2) Prosecution for offences referred to in Articles 141, 149 paragraphs 1 and 2, 150, 151 paragraph 1, and 152 paragraph 1, of this Code are undertaken on the basis of a complaint.

Chapter Fifteen **KRIVIČNA DELA PROTIV IZBORNIH PRAVA**

Violation of Passive Electoral Rights

Article 154

Whoever by violating of law or in other unlawful way prevents or hinders a person's passive electoral right shall be punished with a fine or imprisonment of up to one year.

Violation of Active Electoral Rights

Article 155

(1) Whoever with intent to prevent another from exercising his right to vote unlawfully fails to register that person in the electoral roll, deletes his name from the roll or otherwise unlawfully prevents or obstructs him from casting his ballot, shall be punished with a fine or imprisonment of up to one year.

(2) Whoever by use of force or threat coerces another at an election, an impeachment vote or a referendum to exercise, or not to exercise, his electoral right or to vote for or against a particular candidate or proposal, shall be punished with imprisonment of three months to three years.

Giving and Taking Bribes in Connection with Voting

Article 156

(1) Whoever offers, gives or promises rewards, gifts or other benefits to another in order to vote or not to vote in elections or referenda for or against a particular person or issue, shall be punished with a fine or imprisonment of up to three years.

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

(3) If the offence referred to in paragraph 1 of this Article is committed by a member of an electoral committee or other person acting in official capacity in respect of voting, such person shall be punished with imprisonment of three months to five years.

(4) Gifts or other benefits shall be seized.

Abuse of Electoral Rights

Article 157

(1) Whoever at elections or at a referendum votes instead of another person under his name or votes more than once at the same election or uses more than one ballot, shall be punished with a fine or imprisonment of up to one year.

(2) A member of an electoral committee who makes possible for another to commit any of the offences referred to in paragraph 1 of this Article, shall be punished with a fine or imprisonment of up to two years.

Compiling Inaccurate Electoral Rolls

Article 158

Whoever with the intention of influencing the results of an election or a referendum compiles an inaccurate electoral roll shall be punished with a fine or a term of imprisonment of up to three years.

Prevention of Voting

Article 159

(1) Whoever by using force, a threat or other unlawful means prevents the holding of a vote at a polling station, shall be punished with imprisonment of up to three years.

(2) Whoever obstructs voting by causing a disorder at the polling station causing the voting to be suspended, shall be punished with a fine or imprisonment of up to two years.

Violating Electoral Secrecy

Article 160

(1) Whoever at elections or referenda violates the secrecy of the vote, shall be punished with a fine or imprisonment of up to six months.

(2) If the offence referred to in paragraph 1 of this Article is committed by a member of the electoral committee or other person acting in an official capacity in respect of voting, such person shall be punished with a fine or imprisonment of up to two years.

Falsifying Election Results

Article 161

A member of a body administering an election or referendum or other person acting in official capacity in respect of voting, who by adding or removing ballot papers or adding and subtracting votes during the counting or otherwise alters the number of ballot papers or votes, or publishes false results of the voting, shall be punished with a fine or imprisonment of from six months to five years.

Destruction of Electoral Documentation

Article 162

(1) Whoever destroys, damages, removes or conceals a ballot or other document at an election or referendum, shall be punished with a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article is committed by a member of the electoral committee or other person acting in an official capacity in respect of voting, such person shall be punished with imprisonment of three months to three years.

Chapter Sixteen

CRIMINAL OFFENCES AGAINST LABOUR RIGHTS

Violation of Labour Rights and Social Security Rights

Article 163

Whoever wilfully fails to comply with law or other regulations, collective agreement and other general acts on labour rights and on special health and safety regulations at work

for young persons, women and disabled persons, or on social insurance rights and thereby deprives or restricts another's guaranteed right,

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

Violation of the Right to Employment and Rights during Unemployment

Article 164

Whoever by deliberately violating regulations or in other unlawful manner deprives or restricts a citizen's right to free employment under equal conditions on the territory of Serbia,

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

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

Violation of Management Rights

Article 165

(1) Whoever by force, threat, deliberate violation of regulations or in other unlawful manner prevents or obstructs the decision-making of managing bodies or a member of a managing body to participate in the work and decision-making of such body, shall be punished with a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article is committed by an official or a responsible officer by abuse of office or authority, such person shall be punished with a fine or imprisonment of up to two years.

Violation of the Right to Strikes

Article 166

(1) Whoever by force, threat or in other unlawful manner prevents or obstructs employees to, in accordance with the law, organise a strike, participate in a strike or otherwise exercise their right to strike, shall be punished with a fine or imprisonment of up to two years.

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

Abuse of the Right to Strikes

Article 167

Whoever organises or leads a strike in a way contrary to the law or other regulations and thereby endangers human life and health or property to a significant degree, or if grave consequences result there from, unless there also exist elements of another criminal offence,

shall be punished with imprisonment of up to three years.

Abuse of the Right to Social Security Benefits

Article 168

Whoever by malingering or self-inducing an illness or disability for work or otherwise unlawfully becomes eligible for a certain right to social security benefit to which he would otherwise not be entitled pursuant to law or other regulations or general acts, shall be punished with a fine or imprisonment of up to one year.

Failure to Observe Health and Safety Measures

Article 169

(1) Persons responsible for health and safety measures at work who knowingly fail to observe the law or other regulations or general acts on health and safety at work, thereby endangering the lives and health of employees, shall be punished with a fine or imprisonment of up to one year.

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

Chapter Seventeen CRIMINAL OFFENCES AGAINST HONOUR AND REPUTATION

Insult

Article 170

(1) Whoever insults another person, shall be punished with a fine ranging from thirty to one hundred daily amounts or a fine ranging from forty thousand to two hundred thousand dinars.

(2) If the offence referred to in paragraph 1 of this Article is committed through the press, radio, television or other information medium or at a public gathering, the offender shall be punished with a fine ranging from eighty to two hundred and forty daily amounts or a fine ranging from one hundred and fifty thousand to four hundred and fifty thousand dinars.

(3) If the insulted person returns the insult, the court may punish or remit punishment of

both parties, or one party.

(4) There shall be no punishment of the perpetrator for offences referred to in paragraphs 1 through 3 of this Article if the statement was given within the framework of serious critique in a scientific, literary or art work, in the discharge of official duty, the performance of the journalistic profession, political activity, in defence of a right or defence of justifiable interests, if it is evident from the manner of expression or other circumstances that it was not done with intent to disparage.

Defamation

Article 171

(1) Whoever expresses or disseminates untruths regarding another person that may harm his honour or reputation, shall be punished with a fine ranging from thirty to one hundred and twenty daily amounts or a fine ranging from twenty thousand to two hundred thousand dinars.

(2) If the offence referred to in paragraph 1 of this Article is committed through the press, radio, television or other media or at a public gathering, the offender shall be punished with a fine of from sixty to one hundred and eighty daily amounts or a fine ranging from and thirty thousand to three hundred thousand dinars.

(3) If the expressed or disseminated untruths have resulted in serious consequences for the injured party, the offender shall be punished with a fine ranging from sixty to one hundred daily amounts or a fine ranging from and thirty thousand to three hundred thousand dinars.

Disclosure of Information on Personal and Family Life

Article 172

(1) Whoever relates or disseminates information on another's personal or family life that may harm that person's honour or reputation, shall be punished with a fine or imprisonment of up to six months.

(2) If the offence referred to in paragraph 1 of this Article is committed through press, radio, television or other medium or at a public gathering, the offender shall be punished with a fine or imprisonment of up to one year.

(3) If what is related or disseminated resulted or could have resulted in serious consequences for the injured party, the offender shall be punished with imprisonment of up to three years.

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

(5) The veracity or falseness of related or disseminated information from the personal or family life of a person may not be evidenced, except in cases referred to in paragraph 4 of this Article.

Injuring the Reputation of Serbia

Article 173

Whoever publicly exposes to ridicule Serbia, its flag, coat of arms or national anthem, shall be punished with a fine or a term of imprisonment of up to three months.

Injury to Reputation due to Racial, Religious, Ethnic or Other Affiliation

Article 174

Whoever publicly exposes to ridicule a person or a group of people in connection with their affiliation with a certain race, colour, religion, nationality, ethnic origin or other personal characteristic, shall be punished with a fine or a term of imprisonment of up to one year.

Injury to Reputation of a Foreign State or International Organisation

Article 175

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

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on anyone publicly exposing to ridicule the United Nations Organisation, the International Red Cross of other international organisation in which Serbia is a member.

Immunity from Prosecution for Criminal Offences Referred to in Articles 173 to 175.

Article 176

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

Prosecution of Criminal Offences against Honour and Reputation

Article 177

(1) Prosecution for offences referred to in Articles 170 through 172 of this Code is instituted on the basis of a private action.

(2) Where offences referred to in Articles 170 through 172 of this Code are committed against a deceased person, prosecution is instituted on the basis of private action of the spouse of the deceased or person cohabiting with the deceased, a lineal descendant, an adoptive parent, an adopted child, or the deceased person's sibling.

(3) Prosecution for criminal offence referred to in Article 175 of this Code is undertaken with the approval of the Republic Public Prosecutor.

Chapter Eighteen

CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM

Rape

Article 178

(1) Whoever by using of force or a threat of direct attack against at person's body or the body of another forces that person to copulation or an equivalent act, shall be punished with imprisonment of from three to twelve years.

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

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted in grievous bodily harm to the person against whom the offence was committed, or if the offence is committed by more than one person, or in a particularly cruel or particularly humiliating manner, or against a juvenile, or the act resulted in pregnancy, the offender shall be punished with imprisonment of from five to fifteen years.

(4) If the offence referred to in paragraphs 1 and 2 of this Article results in the death of the person against whom it was committed or is committed against a child, the offender shall be punished with imprisonment of a minimum of ten years.

Copulation with a Helpless Person

Article 179

(1) Whoever copulates with another or commits an equivalent act by taking advantage of such person's mental illness, mental retardation or other mental disorder, incapacity or some other state of that person due to which the person is incapable of resistance, shall be punished with imprisonment of two to ten years.

(2) If the helpless person suffers serious bodily harm due to the offence referred to in paragraph 1 of this Article, or the offence has been committed by several persons, or in a particularly cruel or humiliating manner, or against a juvenile, or if the act resulted in pregnancy, the perpetrator shall be punished with imprisonment of five to fifteen years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article results in death of the person against whom it was committed, or was committed against a child, the offender shall be punished with imprisonment of a minimum of ten years.

Copulation with a Child

Article 180

(1) Whoever copulates with a child or commits an equivalent act against that child shall be punished with imprisonment from three to twelve years.

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

(3) If the offence referred to in paragraphs 1 and 2 resulted in the death of the child, the offender shall be punished with imprisonment of a minimum of ten years.

(4) Offenders shall not be punished for the offence referred to in paragraph 1 of this Article if there is no significant difference between the offender and the child in respect of their mental and physical level of development.

Sexual Intercourse through Abuse of Position

Article 181

(1) Whoever by abuse of position induces to copulation or an equivalent act a person who is in a subordinate or dependant position, shall be punished with imprisonment of three months to three years.

(2) Teachers, educators, guardians, adoptive parents, stepfathers, stepmothers or other persons who by abusing their position or authority copulate with a child or commit an equivalent act against a juvenile entrusted to them for instruction, education, guardianship or care, shall be punished with imprisonment of from one to ten years.

(3) If the offence referred to in paragraph 2 of this Article is committed against a child, the offender shall be punished with imprisonment of three to twelve years.

(4) If the offence referred to in paragraphs 1 through 3 of this Article resulted in pregnancy, the offender shall be punished for the offence referred to in paragraph 1 by imprisonment of from six months to five years, and for the offence referred to in paragraph 2 by imprisonment of from two to twelve years, and for the offence referred to in paragraph 3 by imprisonment of from three to fifteen years.

(5) If the offence referred to in paragraph 3 of this Article results in the death of the child, the offender shall be punished with imprisonment of a minimum of ten years.

Prohibited Sexual Acts

Article 182

(1) Whoever under conditions referred to in Article 178 paragraphs 1 and 2, Article 179 paragraph 1, Article 181 paragraphs 1 through 3 of this Code commits some other sexual act, shall be punished with a fine or imprisonment of up to three years.

(2) Whoever under the conditions referred to in Article 180 paragraph 1 of this Code commits another form of sexual act, shall be punished with imprisonment of from six months to five years.

(3) If the offence referred to in Article 180 paragraphs 1 and 2 of this Article results in grievous bodily harm to the person against whom the act was committed, or if the act is committed by several persons or in a particularly cruel or degrading manner, the offender shall be punished with imprisonment of from two to ten years.

(4) If the offence referred to in paragraphs 1, 2 and 3 of this Article results in death of the person against whom the act is committed, the offender shall be punished with imprisonment from of a minimum of five years.

Procurement of Sexual Services

Article 183

(1) Whoever procures a juvenile for performing copulation, an equivalent act, or other sexual act, shall be punished with imprisonment of one year to eight years, and a fine.

(2) Whoever makes possible the performance of copulation or an equivalent act or other sexual act with a juvenile shall be punished with imprisonment of from six months to five years, and a fine.

Mediation in Prostitution

Article 184

(1) Whoever causes or induces another person to prostitution or participates in handing over a person to another for the purpose of prostitution, or who by means of the information media or otherwise promotes or advertises prostitution, shall be punished with a fine or imprisonment of from six months to five years, an a fine.

(2) If the offence referred to in paragraph 1 of this Article is committed against a minor, the offender shall be punished with imprisonment from one to ten years, and a fine.

Exhibition, Procurement and Possession of Pornographic Materials and Exploiting Juveniles for Pornography

Article 185

(1) Whoever sells, shows or publicly displays or otherwise makes available texts, images, audio-visual or other items of pornographic content to a juvenile or shows to a juvenile a pornographic performance, shall be punished with a fine or imprisonment of up to six months.

(2) Whoever exploits a juvenile to produce photographs, audio-visual or other items of pornographic content or for a pornographic performance, shall be punished with imprisonment from six months to five years.

(3) Where the offence referred to in paragraphs 1 and 2 of this Article was committed against a child, the offender shall be punished for the offence referred to in paragraph 1 with imprisonment of from six months to three years, and for the offence referred to in paragraph 2 of this Article with imprisonment of from one to eight years.

(4) Whoever obtains for themselves, possesses, sells, exhibits privately or publicly, or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from the abuse of juveniles, shall be punished with imprisonment of between three months and five years.

(5) Items referred to in paragraphs 1 through 4 of this Article shall be confiscated.

Incitement of Minors to Attend Sexual Acts

Article 185a

(1) Whoever incites minors to attend a rape, an act of copulation, or an equivalent act or some other sexual act, shall be punished with imprisonment of six months to five years and with a fine.

(2) If the offence referred to in paragraph 1 of this Article is committed by the use of force or threat, or against the child, the offender shall be punished with imprisonment of one to eight years.

Abuse of Computer Networks or other Technical Communication Means for Committing Criminal Offences against Sexual Freedom of Juveniles

Article 185b

(1) Whoever with intent to commit criminal offences referred to in Article 178 paragraph 4, Article 179 paragraph 3, Article 180 paragraphs 1 and 2, Article 181 paragraphs 2 and 3, Article 182 paragraph 1, Article 183 paragraph 2, Article 184 paragraph 3, Article 185 paragraph 2 and Article 185a of this Code, uses computer networks or other communication means to make appointments with juveniles, and appears at the place of the appointment, shall be punished with imprisonment of from six months to five years, and with a fine.

(2) Whoever commits any of the criminal offences referred to in paragraph 1 of this article against the child, shall be punished with imprisonment of from one to eight years.

Prosecution for Criminal Offence against Sexual Freedom

Article 186

Prosecution in connection with criminal offences referred to in Articles 178 and 179 of this Code committed against a spouse, and in connection with the criminal offence referred to in Article 182 paragraph 1, is effected on the basis of a motion.

Chapter Nineteen CRIMINAL OFFENCES AGAINST MARRIAGE AND FAMILY

Bigamy

Article 187

(1) Whoever enters into a new marriage although already married shall be punished with a fine or imprisonment of up to two years.

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

Articles 188 and 189

(Erased)

Cohabitation with Minors

Article 190

(1) An adult cohabiting with a minor shall be punished with imprisonment of up to three years.

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

(3) If the offence referred to in paragraph 2 of this Article is committed for gain, the offender shall be punished with imprisonment of from six months to five years.

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

Detainment of Juveniles

Article 191

(1) Whoever unlawfully detains or takes a juvenile from a parent, adoptive parent, guardian or other person or institution entrusted with the care of the juvenile, or prevents

enforcement of a decision granting custody of a minor to a particular person, shall be punished with a fine or imprisonment of up to three years.

(2) Whoever prevents enforcement of the decision of a competent authority setting out the manner of maintaining of personal relationships of a juvenile with parent or other relation, shall be punished with a fine or imprisonment of up to two years.

(3) If the offence referred to in paragraph 1 of this Article is committed for gain or other base motives or the offence results in serious impairment of health, care or education of the juveniles, the offender shall be punished with imprisonment of from six months to five years.

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

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

Alteration of Family Status

Article 192

(1) Whoever by substitution, replacement or otherwise changes the family status of a child shall be punished with imprisonment of from six months to five years.

(2) Whoever by replacement or from negligence changes the family status of a child shall be punished with imprisonment of up to three months.

Neglecting and Abusing Juveniles

Article 193

(1) A parent, adoptive parent, guardian or other person who by gross dereliction of their duty to provide for and bring up a juvenile neglects a juvenile they are obliged to take care of shall be punished with imprisonment of up to three years.

(2) A parent, adoptive parent, guardian or other person who abuses a juvenile or forces the juvenile to excessive labour or labour not commensurate with his age, or to mendacity, or for gain induces him to engage in other activities detrimental to his development, shall be punished with imprisonment of from three months to five years.

Domestic Violence

Article 194

(1) Whoever by use of violence, threat of attacks against life or limb, insolent or ruthless behaviour endangers the tranquillity, physical integrity or mental condition of a member of his family shall be punished with imprisonment of from three months to five years.

(2) If in committing the offence referred to in paragraph 1 of this Article weapons, dangerous implements or other means capable of inflicting serious bodily harm or seriously impairing health are used, the offender shall be punished with imprisonment from six months to five years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article results in grievous bodily harm or serious health impairment or if committed against a juvenile, the offender shall be punished with imprisonment of from two years to ten years.

(4) If the offence referred to in paragraphs 1, 2 and 3 of this Article results in death of a family member, the offender shall be punished with imprisonment of from three to fifteen years,

(5) Whoever violates a protective measure against domestic violence imposed by

the court in accordance with the law shall be punished with imprisonment of from three months to three years, and a fine.

Failure to Provide Maintenance

Article 195

(1) Whoever fails to provide support for a person whom he is required by law to support, in the amount and manner established by the final court decision or final settlement before a court or other competent authority, shall be fined or punished with a fine or imprisonment of up to two years.

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

(3) If the offence referred to in paragraph 1 of this Article resulted in serious consequences for the person maintained, the offender shall be punished with imprisonment of from three months to three years.

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

Violation of Family Duties

Article 196

(1) Whoever violates family duties prescribed by law and thereby leaves a family member who is unable to care for himself in dire circumstances shall be punished with imprisonment of from three months to three years.

(2) If the offence referred to in paragraph 1 of this Article resulted in serious health impairment of a family member, the offender shall be punished with imprisonment of from one to five years.

(3) If the offence referred to in paragraph 1 of this Article results in the death of a family member, the offender shall be punished with imprisonment of from one to eight years.

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

Incest

Article 197

An adult who engages in copulation or an equivalent sexual act with a juvenile relative by blood, or a juvenile sibling, shall be punished with imprisonment of from six months to five years.

Chapter Twenty

CRIMINAL OFFENCES AGAINST INTELLECTUAL PROPERTY

Violation of Moral Rights of Authors and Performers

Article 198

(1) Whoever under his name or the name of another publishes or puts into circulation copies of another's copyrighted work or performance or otherwise publicly presents another's copyrighted work or performance, in entirety or in part, shall be punished with a fine, or imprisonment of up to three years.

(2) Whoever without the author's permission alters or adapts another's copyrighted work or alters another's recorded performance, shall be punished with a fine, or imprisonment of up to one year.

(3) Whoever puts into circulation copies of another's copyrighted work or performance in a manner insulting the honour and reputation of the author or performer, shall be punished with a fine, or imprisonment of up to six months.

(4) The articles referred to in paragraphs 1 through 3 of this Article shall be seized.

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

Unauthorised Exploitation of Copyrighted Work or other Works Protected by Similar Rights

Article 199

(1) Whoever without authorisation publishes, records, copies or otherwise presents in public, in part or entirety, a copyrighted work, performance, phonogram, videogram, material intended for broadcasting, computer programme or data base, shall be punished with a fine or imprisonment of up to three years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on a person who puts into circulation or with intent to put into circulation keeps illegally multiplied or illegally circulated copies of copyrighted works, performances, phonograms, videograms, material intended for broadcasting, computer programmes or data bases.

(3) If the offence referred to in paragraphs 1 and 2 of this Article was committed with intent to acquire material gain for oneself or another, the offender shall be punished with imprisonment of from six months to five years.

(4) Whoever produces, imports, puts into circulation, sells, rents, advertises for sale or rent, or keeps for commercial purposes, equipment and devices whose basic or prevailing purpose is to remove, bypass or circumvent technological measures intended for prevention of violation of copyright and other similar rights, or who uses such equipment or devices with the aim of violating copyrights or other similar rights, shall be punished with a fine or imprisonment of up to three years.

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

Unauthorised Removal or Alteration of Electronic Information on Copyright and Similar Rights

Article 200

(1) Whoever without authorisation removes or alters electronic information on copyright or other similar right, or puts into circulation, imports, exports, broadcasts or otherwise presents in public a copyrighted work or other work protected by similar right, from which electronic information on rights was removed or altered without authorisation, shall be punished with a fine and imprisonment of up to three years.

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

Violation of Patent Rights

Article 201

(1) Whoever without authorisation produces, imports, exports, offers for circulation, puts into circulation, stores or uses for commercial operations a patented product or procedure shall be punished with a fine or imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 results in material gain or damage in an amount exceeding one million dinars, the offender shall be punished with imprisonment from one to eight years.

(3) Whoever without authorisation publishes or otherwise presents in public the essence of another's patent that has been applied for, before such patent is published in the manner prescribed by law, shall be punished with a fine or imprisonment of up to two years.

(4) Whoever without authorisation applies for a patent, or fails to give the inventor's name, or gives a false name, in the application, shall be punished with imprisonment from six months to five years.

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

Unauthorised Use of Another Person's Design

Article 202

(1) Whoever on his product in circulation uses without authorisation another person's design which has been applied for or protected, shall be punished with a fine or imprisonment of up to three years.

(2) Whoever without authorisation publishes or otherwise presents in public the essence of another's design before it has been published in the manner prescribed by law, shall be punished with a fine or imprisonment of up to one year.

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

Chapter Twenty-One OFFENCES AGAINST PROPERTY

Theft

Article 203

(1) Whoever appropriates another's movable item with intent to obtain unlawful material gain for himself or another by shall be punished with a fine or imprisonment of up to three years.

(2) The attempt of the offence referred to in paragraph 1 shall be penalised.

Aggravated Theft

Article 204

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

- 1) by forcing or breaking into closed buildings, apartments, rooms, safes, cabinets or other closed premises or by otherwise overcoming mechanical, electronic or other obstacles;
- 2) by a group;
- 3) in a particularly dangerous or brazen manner;
- 4) by someone having on his person a dangerous offensive or defensive weapon or implement;
- 5) during a fire, flood, earthquake or other disaster;
- 6) by taking advantage of the helplessness or other grave condition of a person;

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed to a perpetrator of the offence of theft if the value of stolen items exceeds the amount of four hundred and fifty thousand dinars or if the stolen object represents a cultural asset, an asset previously protected, or a natural asset.

(3) if the value of stolen goods exceeds one million dinars, the offender shall be punished with imprisonment of from two to ten years.

Theft with Elements of Robbery

Article 205

(1) Whoever caught in the act of theft (Article 203) and with intent to keep a stolen object uses force against a person or threat of direct attack against the life or limb, shall be punished with imprisonment of one to ten years.

(2) If the value of stolen goods exceeds one million and five hundred thousand dinars, the offender shall be punished with imprisonment of from two to twelve years.

(3) If the offence referred to in paragraphs 1 through 3 of this Article is committed by a group, or intentional serious bodily harm is inflicted to a person, the offender shall be punished with imprisonment of three to fifteen years,

(4) if the offence referred to in paragraphs 1 through 3 of this Article is committed by an organised criminal group, the offender shall be punished with imprisonment of at least five years.

Robbery

Article 206

(1) Whoever by use of force against a person or threat of direct attack upon the life or limb appropriates another's movable object with intent to acquire unlawful material gain for himself or another, shall be punished with imprisonment of two to ten years.

(2) Where the offence referred to in paragraphs 1 and 2 of this Article is committed by a group, or intentional bodily harm is inflicted on a person, or where the value of the appropriated goods exceeds the amount of one million five hundred thousand dinars, the offender shall be punished with imprisonment of three to fifteen years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article is committed by a group, the offender shall be punished with imprisonment of a minimum of five years.

(4) If the value of appropriated goods referred to in paragraph 1 of this Article does not exceed fifteen thousand dinars, and the intent of the offender was to acquire a small material gain, the offender shall be punished with imprisonment of up to three years.

(5) The attempt of the offence referred to in paragraph 4 of this Article shall be penalised.

Embezzlement

Article 207

(1) Whoever with intent to obtain for himself or another unlawful material gain, appropriates another's movable object entrusted to his care, shall be punished with a fine or imprisonment of up to two years and a fine.

(2) If the offence referred to in paragraph 1 of this Article is committed by a guardian, he shall be punished by imprisonment of three months to three years and a fine.

(3) If the value of embezzled goods exceeds the amount of four hundred and fifty thousand dinars, the offender shall be punished with imprisonment of six months to five years and a fine.

(4) If the value of embezzled goods exceeds the amount of one million five hundred thousand dinars, or the embezzled asset represents a cultural asset, or previously protected asset, the offender shall be punished with imprisonment of one to eight years and a fine.

(5) Whoever unlawfully appropriates another's movable asset which he had found or come upon by hapstance in order to obtain a material gain for himself or another, shall be punished with a fine or imprisonment of up to one year.

(6) Prosecution for offences referred to in paragraphs 1 and 5 of this Article, if the embezzled goods represent citizens' property, is instituted by a motion.

Fraud

Article 208

(1) Whoever with intent to acquire unlawful material gain for himself or another by false

presentation or concealment of facts deceives another or maintains such deception and thus induces such person to act or not to act, all to the detriment of his or another's property, shall be punished with imprisonment of six months to five years and a fine.

(2) Whoever commits the offence referred to in paragraph 1 of this Article only with intent to cause damage to another, shall be punished with imprisonment from six months, and a fine.

(3) If by the offence referred to in paragraph 1 and 2 of this Article material gain is acquired or damages caused exceeding four hundred and fifty thousand dinars in value, the offender shall be punished with imprisonment of one to eight years, and a fine.

(4) If by the offence referred to in paragraph 1 and 2 of this Article material gain is acquired or damages caused exceeding million five hundred thousand dinars in value, the offender shall be punished with imprisonment of two to ten years, and a fine.

Insurance Fraud

Article 208a

(1) Whoever with intent to acquire unlawful material gain for himself or another by false presentation or concealment of facts, false presentation of opinions and false statements, false estimates, submitting untruthful documentation, or deceives another person in another manner, or maintains such deception, related to insurance, and induces such person to act or not to act, all to the detriment of his or another's property, shall be punished with imprisonment of six months to five years and a fine.

(2) Whoever commits the offence referred to in paragraph 1 of this Article only with intent to cause damage to another shall be punished with a fine, or imprisonment of up to six months and a fine.

(3) If by the offence referred to in paragraphs 1 and 2 of this Article material gain is acquired or damages caused exceeding four hundred and fifty thousand dinars in value, the offender shall be punished with imprisonment of from one to eight years and a fine.

(4) If by the offence specified in paragraph 1 and 2 of this Article material gain is acquired or damages caused exceeding one million five hundred thousand dinars in value, the offender shall be punished with imprisonment of from two to ten years and a fine.

Obtaining and Using Loans and Other Benefits under False Pretences

Article 209

(1) Whoever by false presentation of facts or concealment of this Code obtains for himself or another a credit, subsidy or other benefit although not meeting the relevant requirements, shall be punished with a fine or imprisonment of up to two years.

(2) Whoever uses the obtained credit, subsidy or other benefit for purposes other than those for which the credit, subsidy or other benefit was granted, shall be punished with a fine or imprisonment of up to one year.

(3) The responsible officer in an enterprise or other business entity shall also be punished for the offence referred to in paragraphs 1 and 2 of this Article if the credit, subsidy or other benefit are obtained for the enterprise or business entity or if used by these entities for purposes other than those for which they were granted.

Minor theft, Embezzlement and Fraud

Article 210

(1) Whoever commits an act of petty theft, embezzlement or fraud, shall be punished with a fine or imprisonment of up to six months.

(2) A theft, embezzlement or fraud are deemed petty if the value of appropriated or embezzled object, or damages caused by fraud, do not exceed an amount of fifteen thousand dinars, and the perpetrator's intent was to acquire a small property gain or cause minor damage.

(3) Prosecution for offences referred to in paragraph 1 of this Article if committed against private property is instituted by private action.

Appropriation of Another's Asset

Article 211

(1) Whoever without intent to acquire material gain unlawfully appropriates another's movable asset shall be punished with a fine or imprisonment of up to six months.

(2) If the value of the appropriated asset exceeds the amount of one million five hundred thousand dinars or represents a cultural asset, the perpetrator shall be punished with imprisonment of three months to three years and fine.

(3) Prosecution for the offences referred to in paragraphs 1 and 2 of this Article, if the appropriated object is private property, is instituted by private action.

Destruction or Damage of Another's Asset

Article 212

(1) Whoever destroys, damages or otherwise makes unusable another's goods, protected environment of the unmovable cultural goods, or goods which enjoy previous protection, shall be punished with a fine or imprisonment of up to six months.

(2) If the offence referred to in paragraph 1 of this Article results in damages exceeding four hundred and fifty thousand dinars in value, the offender shall be punished with a fine or imprisonment of up to two years.

(3) If the offence referred to in paragraph 1 of this Article results in damages exceeding one million five hundred thousand dinars in value, or is committed against a cultural good, the offender shall be punished with imprisonment of six months to five years.

(4) Prosecution for the offences referred to in paragraphs 1 through 3 of this Article, if the damaged object is in private property, is instigated by private action.

Unauthorised Use of Another's Conveyance

Article 213

1) Whoever without the approval of an authorised person uses another's motor vehicle, shall be punished with a fine or imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article is committed by forcing or breaking into a motor vehicle, or by use of force or threat, the offender shall be punished with imprisonment of from six months to five years and a fine.

(3) An attempt of the offence referred to in paragraph 1 of this Article shall be penalised.

Extortion

Article 214

(1) Whoever with intent to acquire unlawful property gain for himself or another, by force or threat causes another person to act to the detriment of his or another's property, shall be punished with imprisonment of one to eight years.

(2) If by the offence referred to in paragraph 1 of this Article material gain exceeding four hundred and fifty thousand dinars in value is acquired, the offender shall be punished with imprisonment of from three to ten years.

(3) If by the offence referred to in paragraph 1 of this Article material gain exceeding one million five hundred thousand dinars in value is acquired, the offender shall be punished with imprisonment of three to twelve years.

(4) Whoever engages habitually in offences referred to in paragraphs 1 to 3 of this Article, or if the offence is committed by a group, shall be punished with imprisonment of three to fifteen years.

(5) If the offence referred to in paragraphs 1 to 3 of this Article is committed by an organised group, the offender shall be punished with imprisonment of from five to fifteen years.

Blackmail

Article 215

(1) Whoever with intent to acquire material gain for himself or another threatens a third

party to reveal something against such party or person close to him that would harm their honour or reputation and thereby forces such person to act or not to act, all to the detriment of his or another's property, shall be punished with imprisonment of six months to five years.

(2) If by the offence referred to in paragraph 1 of this Article material gain exceeding four hundred and fifty thousand dinars in value is acquired, the offender shall be punished with imprisonment of from one to eight years.

(3) If by the offence referred to in paragraph 1 of this Article material gain exceeding one million five hundred thousand dinars in value is acquired, the offender shall be punished with imprisonment of two to ten years.

(4) Whoever engages habitually in offences referred to in paragraphs 1 to 3 of this Article, or if the offence is committed by a group, shall be punished with imprisonment of from three to twelve years.

(5) If the offence referred to in paragraphs 1 to 3 of this Article is committed by an organised group, the offender shall be punished with imprisonment of from five to fifteen years.

Abuse of Trust

Article 216

(1) Whoever in representing the property interests of another person abuses the granted authorisation with intent to acquire gains for himself or other person, or to cause damages to the person on whose behalf he is acting as procurator, shall be punished with a fine or imprisonment of up to three years.

(2) If by the offence referred to in paragraph 1 of this Article material gain exceeding four hundred and fifty thousand dinars in value is acquired, the offender shall be punished with imprisonment of from one to six years.

(3) If by the offence referred to in paragraph 1 of this Article material gain exceeding one million five hundred thousand dinars in value is acquired, the offender shall be punished with imprisonment of from one to eight years.

(4) If the offence referred to in paragraphs 1 through 3 of this Article is committed by a guardian or attorney-at-law, he shall be punished for the offence referred to in paragraph 1 by imprisonment of from six months to five years, for the offence referred to in paragraph 2 by imprisonment of from one to eight years, and for the offence referred to in paragraph 3 by imprisonment of from two to ten years.

Usury

Article 217

(1) Whoever for loan of money or other consumables to another stipulates for himself disproportionate material gain by abusing another's difficult financial situation, difficult circumstances, necessity, rashness or insufficient capacity for judgement, shall be punished with imprisonment of up to three years and a fine.

(2) If the offences referred to in paragraph 1 of this Article resulted in serious consequences for the injured party or the offender acquired material gain exceeding four hundred and fifty thousand dinars in value, the offender shall be punished with imprisonment of from six months to five years and a fine.

(3) If the offences referred to in paragraph 1 of this Article resulted in acquiring material gain exceeding one million five hundred thousand dinars in value, or were committed by a group, the offender shall be punished with imprisonment of one to eight years and a fine.

(4) Prosecution of the offence referred to in paragraph 1 of this Article is undertaken by a motion.

Unlawful Occupation of Land

Article 218

1) Whoever unlawfully occupies another's land shall be punished with a fine or imprisonment of up to three years.

(2) If the occupied land comprises a part of a protected forest, national park or other land intended for a special purpose, the offender shall be punished with imprisonment of from three months to three years.

(3) Prosecution for the offence referred to in paragraph 1 of this Article is undertaken by a motion.

Unlawful Occupation of Premises

Article 219

(1) Whoever unlawfully occupies another person's building, flat, business or other premises, shall be punished with a fine or imprisonment of up to two years.

(2) If the court pronounces a suspended sentence for the offence referred to in paragraph 1 of this Article, it shall order the perpetrator to vacate and empty the unlawfully occupied premises within a set period of time.

(3) Prosecution for the offence referred to in paragraph 1 of this Article is instituted by a motion.

Construction Without Building Permit

Article 219a

(1) Where a person who is a contractor, or a responsible person in a legal person performs building construction or conducts reconstruction of an existing building without a building permit shall be punished with imprisonment of from six months to five years and a fine.

(2) A person who is an investor or a responsible person in a legal person which the investor of the object that is being built without a building permit shall be punished with imprisonment of from six months to five years and a fine.

(3) When a decision on suspension of construction is issued and person referred to in paragraphs 1 and 2 of this Article continues the building construction, he shall be punished with imprisonment of from one to eight years.

(4) If the person who is the responsible designer, or performs technical control, in contravention of regulations authorises a final report on a performed control citing no objections, or in contravention of regulations confirms by a seal on the master plan that the project is done in accordance with the site permit, shall be punished with imprisonment of from three months to five years and with fine.

Connection of Buildings Built without Permits to Utilities

Article 219b

Persons who perform connections, or responsible persons in legal persons who, in contravention of regulations on building construction, connect or allow the connection of a facility under construction or a completed facility, for which no building permit has been issued, to the electric power infrastructure, central-heating network, telecommunications network, the water-supply and sewage infrastructures and the road infrastructure, shall be punished with imprisonment of from three months to three years.

Infringement of Another's Right

Article 220

(1) Whoever with intent to prevent the exercise of a right to an asset disposes of, destroys, damages or abstracts his own asset to which another person has pledge rights or right of usufruct and thereby causes damage to such person, shall be punished with a fine or imprisonment of up to six months.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on whomever with intent to prevent settlement of creditor during enforcement procedure disposes of, destroys, damages or conceals parts of his property and thereby causes damage to the creditor.

(3) Prosecution for offences referred to in paragraphs 1 and 2 of this Article, where injured parties are private citizens, is instituted by private action.

Concealment

Article 221

(1) Whoever conceals, circulates, purchases, receives in pawn or otherwise obtains an object he knows was acquired by criminal offence or whatever was obtained for it by sale or exchange, shall be punished with a fine or imprisonment of up to three years, with the proviso that the penalty may not exceed the statutory penalty for the offence by whose commission the object was acquired.

(2) Whoever commits the offence referred to in paragraph 1 of this Article and could have been aware or should have been aware that the object was obtained by the commission of an offence, shall be punished with a fine or imprisonment of up to one year.

(3) Whoever with intent to acquire unlawful material gain for himself or another demands a reward for the return of item and could have been aware or should have been aware that the object was obtained by the commission of criminal offence, unless there exist elements of another more serious criminal offence, shall be punished with a fine and imprisonment up to two years.

(4) If the offender habitually engages in the criminal offence referred to in paragraphs 1 to 3 of this Article, or if the offence referred to in paragraph 1 of this Article is committed by a group, or where a cultural good of exceptional or great importance is involved, or a good enjoying prior protection, or the value of the concealed items exceeds one million and five hundred thousand dinars, shall be punished with imprisonment of from six months to five years.

Unauthorized Removal of Cultural Property Abroad

Article 221a

(1) Whoever takes abroad or exports cultural good or goods that enjoy prior protection, without the prior approval of an authorized authority, shall be punished with imprisonment of from six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed against cultural goods of exceptional or great importance, the offender shall be punished with imprisonment of from one to eight years.

Prosecution Where the Perpetrator is Closely Related to the Injured Party

Article 222

Prosecution for criminal offences referred to in Articles 203, 204, 208, 213, 216 paragraph 1 through 3 and 221 of this Code, if committed against a spouse, a person with whom the injured party is in cohabitation, a lineal relative by blood, a sibling, an adoptive parent or an adopted child, or other persons with whom the offender lives in a common household, is instituted by private action.

Chapter Twenty-Two

CRIMINAL OFFENCES AGAINST ECONOMIC INTERESTS

Counterfeiting Money

Article 223

(1) Whoever produces counterfeit money with intent to put it in circulation as genuine or who with same intent alters genuine money, shall be punished by imprisonment of from two to twelve years and a fine.

(2) Whoever procures counterfeit money with intent to circulate it as real or who puts counterfeit money in circulation, shall be punished by imprisonment of one to ten years and a fine.

(3) If by the offence referred to in paragraphs 1 and 2 of this Article counterfeit money is produced, altered, circulated or procured in an amount exceeding one million and five hundred thousand dinars and/or a corresponding amount in foreign currency, the offender shall be punished by imprisonment of five to fifteen years and a fine.

(4) Whoever in accepting counterfeit money as genuine, and upon learning that it is counterfeit, puts it in circulation, or whoever knows that counterfeit money is being produced or that counterfeit money is being put in circulation and fails to report it, shall be punished by fine or imprisonment of up to three years.

(5) The counterfeit money shall be impounded.

Counterfeiting Securities

Article 224

(1) Whoever produces forged securities or alters genuine securities with intent to use them as genuine, or to give them to another to use, or whoever uses such forged securities as genuine or procures them for such intent, shall be punished by imprisonment of eight years and a fine.

(2) If the total nominal value of forged securities referred to in paragraph 1 of this Article exceeds one million and five hundred thousand dinars, the offender shall be punished by imprisonment of from two to twelve years and a fine.

(3) Whoever receives forged securities as genuine and upon learning that these are forgeries puts them in circulation, shall be punished by fine or imprisonment of up to three years and a fine.

(4) nay forged securities shall be impounded.

Counterfeiting and Abuse of Payment Cards

Article 225

(1) Whoever fabricates a forged payment card or who alters a genuine payment card with intent to use as genuine or who uses such payment card as genuine, shall be punished by imprisonment from six months to five years and a fine.

(2) If the offender by commission of the offence referred to in paragraph 1 of this Article acquires an unlawful material gain through the use of the card, he shall be punished by imprisonment of one year to eight years and a fine.

(3) If the offender by commission of the offence referred to in paragraph 1 of this Article acquired an unlawful material gain exceeding one million and five hundred thousand dinars in value, he shall be punished by imprisonment of two to twelve years and a fine.

(4) The penalty referred to in paragraphs 2 and 3 of this Article shall be imposed also to whoever commits the offence through unauthorised use of another's card or of confidential data which uniquely identify the card in the financial system.

(5) Whoever obtains a forged payment card with intent to use it as genuine or whoever obtains information with intent to use for fabrication of forged payment cards, shall be punished by fine or imprisonment of up to five years.

(6) Forged payment cards shall be impounded.

Counterfeiting Tokens of Value

Article 226

1) Whoever fabricates or alters value tokens with intent to use them as genuine or to give them to another to use, or who uses such forged value tokens as genuine or obtains them to such end, shall be punished by imprisonment of up to three years.

(2) If the overall value of value tokens referred to in paragraph 1 of this Article exceeds one million and five hundred thousand dinars, the offender shall be punished by imprisonment of from one to eight years.

(3) Whoever by removing a stamp invalidating a value token or otherwise endeavours to give such value token an appearance as if unused in order to re-use them, or who re-uses already used value tokens or sells them as valid, shall be punished by fine or imprisonment of up to one year.

(4) Forged value tokens shall be seized.

Manufacturing, Procuring and Giving to Another Means for Counterfeiting

Article 227

(1) Whoever manufactures, acquires, sells or gives to another to use means for producing forged money or forged securities, shall be punished by imprisonment of six

months to five years and a fine.

(2) Whoever manufactures, acquires, sells or gives to another to use means for producing forged credit cards or forged value tokens, shall be punished by fine or imprisonment of up to three years.

(3) The means referred to in paragraphs 1 and 2 of this Article shall be impounded.

Issuance of Uncovered Checks and Use of Uncovered Payment Cards

Article 228

(1) Whoever uses a payment card without cover or uses a credit card for which he fails to provide cover within the contractual period, and thereby acquires for himself or another unlawful material gain exceeding ten thousand dinars, shall be punished by fine or imprisonment of up to three years.

(2) The penalty referred to in paragraph 1 of this Article shall be imposed also to whoever issues or puts in circulation a check, bill of exchange, acceptance order, any guarantee or other means of payment or means of securing payment, although aware that it is uncovered and thereby acquires for himself or another unlawful material gain exceeding ten thousand dinars.

(3) If the offence referred to in paragraphs 1 and 2 of this Article results in acquiring material gain exceeding one hundred thousand dinars in value, the offender shall be punished by imprisonment of one to ten years.

Tax Evasion

Article 229

(1) Whoever with intent to fully or partially avoid payment of taxes, contributions or other statutory dues, gives false information about legal income, assets and other facts relevant to determination of such obligations, or who with same intent, in case of mandatory reporting (filing of returns) fails to report lawful income, assets and other facts relevant to determination of such obligations, or who with same intent conceals information relevant for determination of aforementioned obligations, and the amount of obligation whose payment is avoided exceeds one hundred and fifty thousand dinars, shall be punished by imprisonment of up to three years and fine.

(2) If the amount of the liability referred to in paragraph 1 of this Article whose payment is avoided exceeds one million five hundred thousand dinars, the offender shall be punished by imprisonment of from one to eight years and a fine.

(3) If the amount of the liability referred to in paragraph 1 of this Article whose payment is avoided exceeds seven million five hundred thousand dinars, the offender shall be punished by imprisonment of from two to ten years and a fine.

Avoidance of Withholding Tax

Article 229a

(1) The responsible person in a tax-paying legal person and a tax-paying entrepreneur who with intent to avoid payment of taxes does not pay on the prescribed payment account of public revenue the amount calculated in the name of withholding tax, shall be punished by imprisonment of up to three years and a fine.

(2) If the calculated amount, and unpaid tax referred to in paragraph 1 of this article, exceeds one million and five hundred thousand dinars, the perpetrator shall be punished by imprisonment of from six months to five years and a fine.

(3) If the calculated amount and unpaid tax referred to in paragraph 1 of this Article exceeds seven million and five hundred thousand dinars, the perpetrator shall be punished by imprisonment of from one to ten years and a fine.

(4) In connection with the criminal offence referred to in paragraphs 1 to 3 this Article, a security measure prohibiting the exercise of the call, activities and duties of entrepreneurs and responsible persons in the taxpayer shall also be imposed on them for a period of one to five years.

Smuggling

Article 230

(1) Whoever takes goods across the customs line evading customs control measures or who takes goods across the customs line evading customs control while armed, as part of a group or by using force or threats, shall be punished by imprisonment of from six months to five years and a fine.

(2) Whoever engages in the sale, distribution or concealment of uncleared goods or organises a network of dealers or middlemen for distribution of such goods, shall be punished by imprisonment of from one to eight years and a fine.

(3) The goods that are the subject of the offence referred to in paragraphs 1 and 2 of this Article shall be seized.

(4) A vehicle or other means of transportation whose hidden or secret compartments were used for transportation of the goods which are subject of the offence referred to in paragraph 1 of this Article, or which is intended for committing such criminal offences, shall be impounded if the owner or user of such vehicle was aware or should have been aware or was obliged to be aware of this, and if the value of goods that are subject of the offence exceeds one-third of the value of such a vehicle at the time of the commission of the offence.

Money Laundering

Article 231

(1) Whoever converts or transfers property while aware that such property originates from a criminal offence, with intent to conceal or misrepresent the unlawful origin of the property, or conceals and misrepresents facts on the property while aware that such property originates from a criminal offence, or obtains, keeps or uses property with foreknowledge, at the moment of receiving, that such property originates from a criminal offence, shall be punished by imprisonment of from six months to five years and a fine.

(2) If the amount of money or property referred to in paragraphs 1 of this Article exceeds one million five hundred thousand dinars, the offender shall be punished by imprisonment of one to ten years and a fine.

(3) Whoever commits the criminal offence referred to in paragraph 1 and 2 of this Article with assets obtained by himself that originate from a criminal offence, shall be punished with the penalties prescribed in paragraph 1 and 2 of this Article.

(4) Whoever commits in a group criminal offences referred to in paragraph 1 and 2 of this Article, shall be punished with imprisonment of from two to twelve years and a fine.

(5) Whoever commits the offences referred to in paragraph 1 and 2 of this Article, and could have been aware or should have been aware that the money or assets represent proceeds from crime, shall be punished by imprisonment of up to three years.

(6) The responsible officer in a legal person who commits the offence referred to in paragraphs 1 through 3 and 5 of this Article shall be punished by the penalty stipulated for that offence, if aware, or should have been aware that the money or assets represents proceeds from crime.

(7) The money and property referred to in paragraphs 1 through 6 of this Article shall be seized.

Abuse of Monopolistic Position

Article 232

A responsible officer in an enterprise or other commercial entity which has the capacity of a legal person or an entrepreneur, who by abuse of monopolistic or dominant market position or by concluding monopolistic agreements cause market disruptions or place that entity into a more favourable position in relation to others, thus acquiring material gain for that entity or for another entity or causing damage to other business entities, consumers or users of services, shall be punished by imprisonment of from six months to five years and a fine.

Unauthorised Use of Another's Business Name and Other Special Marks of Goods and Services

Article 233

(1) Whoever with an intention to deceive buyers or users of services, uses another's company name, another's geographic mark of origin, another's hallmark or trademark or

another's special mark for goods or incorporates particular features of these marks into his firm, his stamp or trademark or into his special mark for goods, shall be punished by a fine or imprisonment of up to three years.

(2) Whoever for the purpose of sale in larger quantity or value obtains, produces, processes, puts into circulation, rents or stocks goods referred to in paragraph 1 of this Article or engages in extending services by using another's marks without authorisation, shall be punished by imprisonment of from six months to five years.

(3) A perpetrator referred to in paragraph 2 of this Article who organised a network of resellers or middlemen or has acquired material gain exceeding one million and five hundred thousand dinars, shall be punished by imprisonment of from one to eight years.

(4) The items referred to in paragraphs 1 through 3 shall be seized.

Misfeasance in Commercial Operation

Article 234

(1) The responsible officer in an enterprise or other business entity who deliberately violates laws, other regulations or general acts on business activity, or who obviously conducts business activities unconscientiously and consequently from negligence causes damages to such enterprise or other business entity that exceeds four hundred and fifty thousand dinars, shall be punished by a fine or imprisonment of up to three years.

(2) If due to the offence referred to in paragraph 1 of this Article damage is caused that exceeds one million and five hundred thousand dinars or proceedings are instituted for compulsory settlement, or bankruptcy, the offender shall be punished by imprisonment of six months to five years.

Causing Bankruptcy

Article 235

(1) A responsible officer of an enterprise or other business entity having the capacity of a legal person who by mismanagement of assets or their disposal for a trifling amount, excessive borrowing, undertaking disproportionate obligations, concluding thoughtless contracts with individuals incapable of payment, missing timely collection of claims, destroying or concealing assets or by other acts contrary to conducting business with due diligence thereby causes bankruptcy and damage to another, shall be punished by imprisonment of six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed from negligence, the offender shall be punished by imprisonment of three months to three years.

Causing False Bankruptcy

Article 236

(1) A responsible officer in a company or another business entity who has the capacity of a legal person or an entrepreneur who, with the intention to evade paying liabilities of that entity causes bankruptcy of that entity by fictitious or actual decrease of assets, by:

1) concealing, fictitiously selling, selling below the market price or relinquishing without compensation all or part of the assets of the business entity;
2) concluding fictitious contracts on debt or recognising non-existent claims;
3) concealing, destroying or altering business books that the business entity is required by law to keep in such a way making it impossible to discern there from business results or state of assets or liabilities, or by fabricating false documents or otherwise presents the status whereby bankruptcy may be instituted, shall be punished by imprisonment of six months to five years.

(2) If the offence referred to in paragraph 1 of this Article results in serious consequences for the creditor, the offender shall be punished by imprisonment of from two to ten years.

Causing Damage to Creditors

Article 237

(1) A responsible officer of an enterprise or other business entity having the capacity of a legal person who, knowing that such entity is insolvent, by repaying a debt or in other way deliberately puts a creditor in a more favourable position and thereby causing significant detriment to another creditor, shall be punished by imprisonment of from three months to three years.

(2) The responsible officer referred to in paragraph 1 of this Article or an entrepreneur who, knowing that the entity is incapable of payment and with the intent to deceive or damage a creditor, recognises false claims, makes false contracts or otherwise fraudulently damages the creditor, shall be punished by imprisonment of from three months to five years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article result in damages to the creditor of large scale or if consequently compulsory settlement or bankruptcy is instituted against the injured party, the offender shall be punished by imprisonment of one to eight years.

Abuse of Authority in the Economy

Article 238

(1) A responsible officer of a company or other economic entity having the capacity of a legal person or entrepreneur who, with intent to acquire unlawful material gain for the legal person in which he is employed, for another legal person or another economic entity having the capacity of legal person:

1) establishes or keeps illicit financial, commodity or other value funds at home or abroad, or unlawfully prevents exercising of ownership rights of shareholders;

2) fabricates documents with false contents, false balance sheets, estimates or through interventions or concealing facts, falsely represents the status or movement of assets and business results, thereby misleading the managing authorities of the company or another legal person when taking decisions relative to management, or places the company or other legal person in a more favourable position when obtaining funds or other benefits that otherwise they would not be entitled to pursuant to regulations in force;

3) uses available assets contrary to their purpose;

4) otherwise grossly violates authorisation in respect of management, disposal and use of assets,

5) contrary to the will of shareholders fails to sign the prospectus for trading in the stock exchange, and by giving false information misleads buyers of shares in respect of the capital of the legal entity, shall be punished by imprisonment of three months to five years.

(2) If by the offence referred to in paragraph 1 of this Article material gain is acquired exceeding fifteen million dinars in value, the offender shall be punished by imprisonment of from two to twelve years.

(3) If by the offence specified in paragraph 1 of this Article material gain is acquired whose value exceeds fifteen million dinars, the offender shall be punished by a term of imprisonment of from two to twelve years.

Damaging Business Reputation and Credit Rating

Article 239

(1) Whoever with intent to impair another's business reputation or credit standing spreads untruths or falsely present his business activity, shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article results in serious consequences, the offender shall be punished by imprisonment of from three months to three years.

(3) Prosecution for offences referred to in paragraphs 1 and 2 of this Article is instigated by private action.

Disclosing a Business Secret

Article 240

(1) Whoever without authorisation communicates to another, hands over or in any other way makes available information representing a business secret or who obtains such information with the intent to transfer it to an unauthorised person, shall be punished by imprisonment of six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed for gain or in respect of particularly confidential information, the offender shall be punished by

imprisonment of from two to ten years and a fine.

(3) Whoever commits the offence referred to in paragraph 1 of this Article from negligence, shall be punished by imprisonment of up to three years.

(4) A business secret represents information and documents defined by law, other regulation or decision of competent authority issued pursuant to the law as a commercial secret whose disclosure would cause or could cause harmful consequences to the enterprise or another commercial entity.

Preventing Controls

Article 241

Whoever prevents a controlling authority from conducting inspections of business books or other documents or prevents inspection of objects, premises or other facilities, shall be punished by a fine or imprisonment of up to one year.

Unlawful Manufacture

Article 242

(1) Whoever without authorisation produces or processes goods whose production or processing requires a permit from a competent authority, shall be punished by fine or imprisonment of up to two years.

(2) Whoever produces or processes goods whose production or processing is prohibited, shall be punished by imprisonment of up to three years.

(3) The goods and means of production or processing shall be seized.

Unlawful Commerce

Article 243

(1) Whoever without a trading permit procures goods or other items in higher value with the objective of sale, or who without authorisation and to a substantial extent engages in trade or mediation in trade, or engages in representation of organisations in domestic or foreign trade of goods and services, shall be punished by fine or imprisonment of up to two years.

(2) Whoever engages in the sale of goods whose production he illegally organised shall be punished by imprisonment of three months to three years.

(3) The penalty referred to in paragraph 2 of this Article shall be imposed also on whoever unlawfully sells, buys or barter goods or objects whose circulation is prohibited or restricted.

(4) If the offender referred to in paragraph 1 through 3 of this Article organises a network of dealers or middlemen or acquired material gain exceeding four hundred and fifty thousand dinars, he shall be punished by imprisonment of from six months to five years.

(5) The goods and objects of unlawful trade shall be seized.

Deceiving Buyers

Article 244

Whoever with intent to deceive buyers puts into circulation products with designations that do not correspond to the content, type, origin or quality of the product or puts into circulation products that by their quantity and quality do not correspond to what is normally assumed for that type of product or puts into circulation products without designation of content, type, origin or quality of the product when such designation is statutory, or uses evidently misleading advertisement in circulation of the products, shall be punished by imprisonment of up to three years and a fine.

Counterfeiting Symbols for Marking Goods, Measures and Weights

Article 245

(1) Whoever with intent to use as genuine makes counterfeit stamps, seals, brands or other symbols for marking domestic or foreign products that are used for designating gold or other precious metals, wood, livestock or other goods or who with same intent alters such genuine symbols or who uses such altered or fake symbols as genuine, shall be punished by fine or imprisonment of up to three years

(2) Any counterfeit symbols, measures and weights shall be seized.

Chapter Twenty-Three OFFENCES AGAINST HUMAN HEALTH

Unlawful Production and Circulation of Narcotic Drugs

Article 246

(1) Whoever unlawfully produces, processes, sells or offers for sale, or whoever purchases, keeps or transports for sale, or who mediates in sale or buying or otherwise unlawfully puts into circulation substances or preparations that are declared narcotics, shall be punished by imprisonment of from three to twelve years.

(2) Whoever unlawfully has grown poppy seeds or psychoactive hemp or other plants used to manufacture narcotic drugs, shall be punished by imprisonment of from six months to five years.

(3) If the offence referred to in paragraph 1 of this Article is committed by a group, or if the offender has organized a network of dealers or middlemen, the offender shall be punished by imprisonment of five to fifteen years.

(4) If the offence referred to in paragraph 1 of this Article is committed by an organized criminal group, the offender shall be punished by imprisonment of a minimum of ten years.

(5) The offender referred to in paragraphs 1 through 4 of this Article who discloses from whom he obtained narcotics may be remitted from punishment.

(6) Whoever unlawfully manufactures, obtains, possesses or gives for use equipment, material and substances that are known to be intended for production of narcotics, shall be punished by imprisonment of six months to five years.

(7) All narcotics and means for production and processing shall be seized.

Unlawful Keeping of Narcotics

Article 246a

(1) Whoever unlawfully keeps for their own use small quantities of substances that are declared narcotics, shall be punished by a fine or imprisonment up to three years, or may be remitted from punishment.

(2) The offender referred to in paragraph 1 of this Article who reveals from whom he purchases narcotics may be remitted of punishment.

(3) The narcotics shall be seized.

Facilitating the Use of Narcotics

Article 247

(1) Whoever induces another person to take narcotics or gives him narcotics for his or another's use or places at disposal premises for taking of narcotics or otherwise enables another to take narcotics, shall be punished by imprisonment of six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed against a juvenile or several persons or has resulted in particularly serious consequences, the offender shall be punished by imprisonment of from two to ten years.

(3) If the offences referred to in paragraph 2 of this Article results in death of a person, the offender shall be punished by imprisonment of from three to fifteen years.

(4) For criminal offence referred to in paragraphs 1 and 2 of this Article, health-care workers who provide medical assistance to enable the use of narcotic drugs shall not be punished.

(3) The narcotics shall be seized.

Failure to Act Pursuant to Health Regulations During Epidemic

Article 248

Whoever during an epidemic of a dangerous contagious disease fails to act pursuant to regulations, decisions or orders setting forth measures for its suppression or prevention, shall be punished by a fine or imprisonment of up to three years.

Transmission of Contagious Diseases

Article 249

Whoever fails to act pursuant to regulations, decisions or orders for suppression or prevention of contagious disease and thereby a contagious disease is transmitted, shall be punished by imprisonment of up to three years.

Transmission of HIV Infections

Article 250

(1) Whoever knowingly endangers another with infection by the HIV virus shall be punished by imprisonment of up to two years.

(2) Whoever knowingly fails to observe regulations and measures relating to the prevention of the spread of HIV infections to other persons and thereby from negligence transmits an HIV infection to another person, shall be punished by imprisonment of one to five years.

(3) Whoever knowing that he/she is infected with HIV knowingly transmits the infection to another person shall be punished by imprisonment of from two to twelve years.

(4) If the offence referred to in paragraph 3 of this Article results in death of the infected person, the offender shall be punished by imprisonment of from three to fifteen years.

(5) If the offence referred to in paragraph 3 of this Article is the result of negligence, the offender shall be punished for the offence referred to in paragraph 3 of this Article by imprisonment of up to three years, and for the offence referred to in paragraph 4 of this Article by imprisonment of from six months to five years.

Medical Malpractice

Article 251

(1) A physician who in providing medical services uses an obviously inadequate medium or an obviously inappropriate treatment, or fails to observe appropriate standards of hygiene or obviously acts unconscientiously and thereby causes the deterioration of a person's health, shall be punished by imprisonment of three months to three years.

(2) The penalty referred to in paragraph 1 of this Article shall be imposed to other medical staff who in rendering medical assistance or care or performing other medical activities act in an obviously unconscientious manner thereby causing deterioration of a person's medical condition.

(3) If the offence referred to in paragraphs 1 and 2 of this Article is the result of negligence, the offender shall be punished by a fine or imprisonment of up to one year.

Illegal Conduct of Medical Experiments and Testing of Medicaments

Article 252

(1) Whoever conducts medical or similar experiments on humans in contravention of regulations shall be punished by imprisonment of from three months to five years.

(2) The penalty referred to in paragraph 1 of this Article shall be imposed also on whoever performs cloning of human beings or conducts experiments for that purpose.

(3) Whoever contrary to regulations conducts clinical testing of a medicament in contravention of regulations shall be punished by imprisonment of from three months to three years.

Failure to Provide Medical Assistance

Article 253

(1) A physician who in contravention of his duty refuses to render medical assistance to a person in need of such assistance and whose life is in immediate and present danger or is in danger of the onset of grave bodily harm or serious deterioration of health, shall be punished by fine or imprisonment of up to two years.

(2) If grave bodily harm or serious deterioration of health is suffered by the person to whom medical assistance was not provided due to the offence referred to in paragraph 1 of this Article, the offender shall be punished by imprisonment of from six months to five years.

(3) If the offence referred to in paragraph 1 of this Article results in the death of the person to whom medical assistance was not provided, the offender shall be punished by imprisonment of from one to eight years.

Practice of Fraudulent Medicine and Pharmaceutical Activities

Article 254

(1) Whoever without appropriate professional qualification engages in providing medical treatment or rendering other medical services shall be punished by a fine or imprisonment of up to two years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on anyone

who without appropriate professional qualifications engages in preparing or dispensing pharmaceuticals.

Malpractice in Preparing and Dispensing Medicaments

Article 255

(1) A person competent to issue medicaments for use in medical treatment who issues another medicament instead of the prescribed or requested medicament, where a replacement is not permitted, or who fails to prepare the medicament in prescribed proportions or quantity or who obviously proceeds unconscientiously in dispensing medicaments and thereby causes deterioration of a person's health, shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment of up to one year.

Production and Circulation of Harmful Products

Article 256

(1) Whoever produces for sale, sells or puts in circulation harmful foodstuffs, meals or drinks, medicaments or medical media or other harmful products, shall be punished by imprisonment of from six months to five years and a fine.

(2) Whoever releases into circulation harmful foodstuffs, meals or drinks, medicaments or medical media or other harmful products without inspection by an authorised official, where such inspection is provided by regulations, or puts them in circulation after the expiry of shelf-life, shall be punished by imprisonment of three years and a fine.

(3) If the offence referred to in paragraphs 1 and 2 are the result of negligence, the offender shall be punished by fine or imprisonment of up to one year.

(4) The items referred to in paragraphs 1 and 2 of this Article shall be seized.

Unconscientious Inspection of Foodstuffs

Article 257

(1) An authorised person who unconscientiously inspects livestock intended for slaughter, meat intended for food and other foodstuff or contrary to regulations fails to perform inspection and thereby enables release for circulation of meat and other foodstuff harmful to human health, shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article is the result of negligence, the offender shall be punished by a fine or imprisonment of up to one year.

Polluting Drinking Water and Foodstuffs

Article 258

(1) Whoever pollutes drinking water or foodstuffs with harmful substances shall be punished by imprisonment of from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is the result of negligence, the offender shall be punished by a fine or imprisonment of up to three years.

Serious Offences against Human Health

Article 259

(1) If due to offences referred to in Articles 249, 251 paragraphs 1 and 2, 252, 254, 255 paragraph 1, 256 paragraphs 1 and 2, 257 paragraph 1, and 258 paragraph 1 of this Code, a person sustains grievous bodily harm or serious health impairment, the offender shall be punished by imprisonment of from one to eight years.

(2) If the offences referred to in Articles 249, 251 paragraphs 1 and 2, 252, 254, 255 paragraph 1, 256 paragraphs 1 and 2, 257 paragraph 1, and 258 paragraph 1 of this Code result in the death of one or more persons, the offender shall be punished by imprisonment of two to twelve years.

(3) If the offences referred to in Articles 251 paragraph 3, 255 paragraph 2, 256 paragraph 3, 257 paragraph 2 and 258 paragraph 2 of this Code result in grievous bodily harm or serious health impairment of a person, the offender shall be punished by imprisonment of up to three years.

(4) If the offences referred to in Articles 251 paragraph 3, 255 paragraph 2, 256 paragraph 3, 257 paragraph 2, and 258 paragraph 2 of this Code result in death of a person, the offender shall be punished by imprisonment of from one to eight years.

Chapter Twenty-Four CRIMINAL OFFENCES AGAINST THE ENVIRONMENT

Environmental Pollution

Article 260

(1) Whoever by violating the regulations on protection, preservation and improvement of the environment pollutes the air, water or soil to substantial extent or over a wider area, shall be punished by imprisonment of from six months to five years and a fine.

(2) If the offence referred to in paragraph 1 of this Article is the result of negligence, the offender shall be punished by a fine or imprisonment of up to two years.

(3) If the offence referred to in paragraph 1 of this Article results in destruction or damage to animal and plant life to a substantial extent or environmental pollution in such degree that a clean-up requires a substantial period of time or great expense, the

offender shall be punished by imprisonment of one to eight years and a fine.

(4) If the offence referred to in paragraph 2 of this Article results in destruction or damage to animal and plant life to large extent or environmental pollution in such extent that a clean-up requires a substantial period of time or great expense, the offender shall be punished by imprisonment of six months to five years and a fine.

(5) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 through 4 of this Article, it may order the offender to undertake within a set period of time certain prescribed measures for environmental protection, preservation and improvement.

Failure to Undertake Environmental Protection Measures

Article 261

(1) An official or responsible person who fails to undertake prescribed environmental protection measures, or fails to proceed according to orders of competent authority in respect of environmental protection, shall be punished by fine or imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article is the result of negligence, the offender shall be punished by fine or imprisonment of up to one year.

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted in environmental pollution, the offender shall be punished for the offence specified under Article 260 of this Code.

(4) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time certain prescribed measures for environmental protection, preservation and improvement.

Illegal Construction and Operation of Facilities and Installations which Pollute the Environment

Article 262

(1) An official or responsible person who contrary to regulations on environmental protection, preservation and improvement allows construction, start-up and operation of facilities and installations or use of technologies that to substantial extent and over a wider area pollute the environment, shall be punished by imprisonment of from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article results in substantial destruction of animal and plant life or pollution of the environment of such degree that a clean-up would require a long period of time or great expense, the offender shall be punished by imprisonment of from one to eight years.

(3) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time specific prescribed measures for environmental protection, preservation and improvement.

Damaging Environmental Protection Facilities and Equipment

Article 263

(1) Whoever damages, destroys, removes or otherwise makes inoperable facilities or installations intended for environmental protection shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 is the result of negligence, the offender shall be punished by a fine or imprisonment of up to one year.

(3) If the offence referred to in paragraph 1 resulted in air, water or soil pollution in a substantial extent or over a wider area, the offender shall be punished by imprisonment of from six months to five years.

(4) If the offence referred to in paragraph 2 resulted in air, water or soil pollution in a substantial extent or over a wider area, the offender shall be punished by imprisonment of up to three years.

(5) If the offence referred to in paragraphs 1 and 3 of this Article result in destruction or damage of animal and plant life to a substantial extent or pollution of the environment to such a degree that a clean-up would require a long period of time or great expense, the offender shall be punished by imprisonment of from one to eight years.

(6) If the offence referred to in paragraph 2 and 4 of this Article result in destruction or damage of animal and plant life to a substantial extent or pollution of the environment to such degree that a clean-up would require a long period of time or great expense, the offender shall be punished by imprisonment of from six months to five years.

(7) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 through 6 of this Article, it may order the offender to undertake within a set period of time certain prescribed for environmental protection, preservation and improvement.

Damaging the Environment

Article 264

(1) Whoever by violating regulations, by exploiting natural resources, construction of buildings, executing various works or otherwise causes damage to the environment of a substantial extent or over a wider area, shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 is the result of negligence, the offender shall be punished by fine or imprisonment of up to one year.

(3) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time specified measures to correct the detrimental consequences to the environment.

Destroying, Damaging, Taking out of and into Serbia Protected Natural Assets

Article 265

(1) Whoever destroys or damages a protected natural asset shall be punished by imprisonment of from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is the result of negligence, the offender shall be punished by a fine or imprisonment of up to six months.

(3) Whoever contrary to regulations exports or takes abroad a protected or specially protected plant or animal species, or import or bring in to Serbia foreign plants or animals protected by international treaty or documents, shall be punished by imprisonment of from three months to three years and fine.

(4) The attempt of the offence referred to in paragraph 3 of this Article shall be punished.

(4) Protected or specially protected plants and animals referred to in paragraph 3 of this Article shall be seized.

Importing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances

Article 266

(1) Whoever contrary to regulations brings into Serbia radioactive or other hazardous materials or hazardous waste, or whoever transports, processes, deposits, collects or stockpiles such materials or waste, shall be punished by imprisonment of up to five years and a fine.

(2) Whoever by abuse of his position or powers allows or facilitates bringing into Serbia materials or waste referred to in paragraph 1 of this Article, or enables transport, processing, depositing or stockpiling of such materials or waste, shall be punished by imprisonment of one to eight years and a fine.

(3) If the offence referred to in paragraphs 1 and 2 of this Article result in destruction of animal and plant life to a substantial extent or pollution of the environment to such degree that a clean-up would require a long period of time or great expense, the offender shall be punished by imprisonment of two to ten years and a fine.

(4) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 through 3 of this Article, it may order the offender to undertake within a set period of

time certain prescribed measures of protection from ionising radiation or other prescribed protection measures.

(5) Whoever organises committing of offences referred to in paragraph 1 of this Article, shall be punished by imprisonment of three to ten years and a fine.

Illegal Construction of Nuclear Facilities

Article 267

Whoever contrary to regulations permits or begins to construct nuclear power plants, nuclear fuel production plants or depleted nuclear waste processing plants, shall be punished by imprisonment of six months to five years.

Violation of the Right to Information about the State of the Environment

Article 268

Whoever contrary to regulations withholds information or provides false information about the state of the environment and events that is required for evaluation of environmental hazard and undertaking measures for protection of human life and health, shall be punished by a fine or imprisonment of up to one year.

Killing and Harming Animals

Article 269

(1) Whoever in violation of regulations kills, injures or tortures or in some other way molests an animal, shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article resulted in killing, inflicting excessive pain or injuring a substantial number of animals, or if the offence is committed against an animal belonging to a specially protected species, the offender shall be punished by fine or imprisonment of up to three years.

(3) Whoever organizes for gain, finances or hosts animal fights of the same or different species or whoever organizes or participates in wagering on these fights shall be punished with imprisonment of from three months to three years and a fine.

Transmission of Contagious Animal and Plant Diseases

Article 270

(1) Whoever during an epidemic of livestock disease that may endanger livestock breeding fails to observe regulations, decisions or orders determining measures for suppression or prevention of the disease, shall be punished by a fine or imprisonment of up to two years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on anyone who, during the existence of a threat of disease or pests which may endanger plant life,

fails to observe regulations, decisions or orders setting out measures for the suppression or prevention of diseases and pests.

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted in animal deaths, destruction of plants or other substantial damage, the offender shall be punished by imprisonment of up to three years.

(4) if the offence referred to in paragraphs 1 through 3 of this Article resulted from negligence, the offender shall be punished by a fine or imprisonment of up to one year.

Unconscientious Provision of Veterinary Services

Article 271

(1) Veterinarians or authorised veterinary technicians who in rendering veterinary assistance prescribe or apply an obviously inadequate means or obviously inadequate method of treatment or otherwise act unconscientiously in treating animals, thereby causing the death of animals or other substantial damage, shall be punished by imprisonment of up to two years.

(2) If the offence referred to in paragraph 1 of this Article resulted from negligence, the offender shall be punished by fine or imprisonment of up to six months.

Producing Harmful Products for Treating Animals

Article 272

(1) Whoever produces for sale or puts into circulation products for the treatment or prevention of animal diseases which are harmful for their life or health shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article results in death of animals or other substantial damage, the offender shall be punished by a fine or imprisonment of up to two years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted from negligence, the offender shall be punished by a fine or imprisonment of up to six months.

Polluting Food and Water Intended for Animals

Article 273

(1) Whoever contaminates food or water intended for the consumption of animals with a harmful substance and thereby endangers their lives or health, shall be punished by a fine or imprisonment of up to two years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on anyone contaminating water in fish-ponds, lakes, rivers or canals with a harmful substance, or by stocking with fish from contaminated waters causes danger to the survival of fish or

other aquatic animals.

(3) If the offence referred to in paragraphs 1 and 2 of this Article results in loss of life of animals or other considerable damage, the offender shall be punished by a fine or imprisonment of up to three years.

(4) If the offence referred to in paragraphs 1 of this Article resulted from negligence, the offender shall be punished by a fine or imprisonment of up to six months.

Devastation of Forests

Article 274

(1) Whoever contrary to regulations and orders issued by competent authorities cuts or clears forests, or damages tree trunks or otherwise devastates forests, or cuts down one or more trees in a park, avenue of trees or elsewhere where cutting trees is prohibited, shall be punished by a fine or imprisonment of up to one year.

(2) Whoever commits the offence referred to in paragraph 1 of this Article in a protected forest, national park or other forest intended for a special purpose, shall be punished by imprisonment of from three months to three years.

Forestry Theft

Article 275

(1) Whoever with intent to commit theft cuts down one or more trees in a forest, park or avenue of trees, and the quantity of timber cut exceeds one cubic metre, shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article is committed with intent to sell the felled tree, or if the quantity of felled timber exceeds five cubic metres, or if the offence is committed in a national park, protected forest or other forest intended for a special purpose, the offender shall be punished by a fine or imprisonment of up to three years.

(3) Attempts to commit the offence referred to in paragraphs 1 and 2 of this Article shall be penalised.

Poaching Game

Article 276

(1) Whoever hunts game out of season or in land where hunting is prohibited shall be punished by a fine or imprisonment of up to six months.

(2) Whoever poaches on another's hunting preserve or kills or wounds game or catches animals alive, shall be punished by a fine or imprisonment of up to one year.

(3) If the offence referred to in paragraph 2 of this Article is committed against big game, the offender shall be punished by a fine or imprisonment of up to two years.

(4) Whoever hunts game whose hunting is prohibited or whoever hunts particular game without a special permit when such permit is required, or whoever hunts in a manner or with means which destroy game in large numbers, shall be punished by imprisonment of up to three years.

(5) The poached animals and all hunting implements shall be seized.

Poaching Fish

Article 277

(1) Whoever catches fish or other aquatic animals out of season or in waters where fishing is forbidden shall be punished by a fine or imprisonment of up to six months.

(2) Whoever fishes or catches other aquatic animals by using explosives, electricity, poisons, or chemicals intended to stun animals, or in a manner otherwise damaging to the breeding of such fauna or whereby mass destruction of such fauna results, shall be punished by imprisonment of up to three years.

(3) The penalty referred to in paragraph 2 of this Article shall also be imposed on anyone catching fish or other aquatic animals of significant biological value or in considerable quantities, or anyone who while fishing destroys substantial quantities of fish or other aquatic animals.

(4) The entire catch and fishing implements shall be seized.

Chapter Twenty-Five CRIMINAL OFFENCES AGAINST GENERAL SAFETY OF PEOPLE AND PROPERTY

Causing a General Threat

Article 278

(1) Whoever by means of fire, flooding, explosives, poisons or poisonous gases, radioactive or other ionising radiation, high-voltage electricity, engine power or other generally dangerous action or generally dangerous means causes danger to life or limb of people or to property of substantial scale, shall be punished by imprisonment of from six months to five years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on an official or responsible person who fails to install prescribed equipment for protection from fire, flood, explosion, poison or poisonous gas, radioactive or other ionising radiation,

high-voltage electricity or other dangerous media, or fails to maintain these in proper condition, or fails to use the equipment in time of need, or generally fails to observe regulations or technical protection standards and thereby causes danger to life or limb or to property of a substantial extent.

(3) If the offences referred to in paragraphs 1 and 2 of this Article are committed in a location where a considerable number of people are assembled, the offender shall be punished by imprisonment of from one to eight years and a fine.

(4) If the offence referred to in paragraph 1 of this Article is committed with the use of a firearm, the offender shall be punished with imprisonment of from two to ten years.

(5) If the offences referred to in paragraphs 1, 3 and 4 of this Article result from negligence, the offender shall be punished by imprisonment of up to three years.

Destroying and Damaging Infrastructure

Article 279

(1) Whoever destroys, damages, alters or makes unoperational or removes public infrastructure equipment for water, heating, gas, electric or other power supplies or communications system equipment and thereby causes disruption in life of citizens or functioning of the economy, shall be punished by imprisonment of from three months to five years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article from negligence, shall be punished by fine or imprisonment of up to one year.

Endangering Workplace Safety by Failing to Provide Health and Safety Measures

Article 280

(1) Whoever in mines, factories, workshops, construction sites or other places of work damages or removes health and safety equipment and thereby causes danger to life or limb or to property of substantial scale, shall be punished by imprisonment of from six months to five years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on a responsible persons in a mine, factory, workshop, at a construction site or in some other place of work who fails to install health and safety equipment or does not maintain it in working order, or fails to use it in time of need, or does not observe regulations and technical standards on safety at work and thereby causes danger to life or limb or property of a substantial extent.

(3) Whoever commits the offence referred to in paragraphs 1 and 2 of this Article from negligence, shall be punished by a fine or imprisonment of up to three years.

(4) If the court pronounces a suspended sentence for an offence referred to in paragraph 2 of this Article, the court may order the offender to, within a set period of time, ensure the installation, maintenance and use of health and safety equipment.

Construction Work not Compliant with Regulations and Standards

Article 281

(1) Persons responsible for designing, managing or executing construction or construction works, who do not observe regulations and generally-accepted technical standards thereby causing danger to life and limb or property of a substantial value, shall be punished by imprisonment of from three months to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed from negligence, the offender shall be punished by a fine or imprisonment of up to three years.

Damaging Dams and Water Resources management Facilities

Article 282

(1) Whoever damages, destroys or otherwise renders unusable a dam, levee or other water resources management facility or equipment for protection against natural disasters shall be punished by or imprisonment of from three months to three years and a fine.

(2) If the offence referred to in paragraph 1 of this Article is committed against a facility or equipment of substantial importance, the offender shall be punished by imprisonment of six months to five years and a fine.

(3) If the offence referred to in paragraph 2 of this Article is committed from negligence, the offender shall be punished by a fine or imprisonment of up to three years.

Destroying, Damaging or Removing Danger Warning Signs

Article 283

Whoever destroys, damages or removes a sign warning of any kind of danger shall be punished by a fine or imprisonment of up to three years.

Abuse of Telecommunication Signals

Article 284

(1) Whoever abuses or without necessity transmits an internationally-prescribed signal for assistance in need or a signal warning of the existence of a danger, or who by a telecommunication signal designates the existence of a state of full safety, or who abuses an internationally-prescribed communication signal, shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article resulted in danger to life of

persons or property of larger scale the offender shall be punished by imprisonment of six months to five years.

Failure to Eliminate Danger

Article 285

(1) Whoever fails to report to a competent authority or other competent body the existence of a fire, flood, explosion, traffic accident or other danger to life and limb or property of substantial scale. or fails to undertake measures to eliminate such danger although in a position to do so without risk to himself or another, shall be punished by a fine or imprisonment of up to two years.

(2) Whoever prevents another from undertaking measures to eliminate a fire, flood, explosion, traffic accident or other danger to life or limb or property of larger scale, shall be punished by imprisonment of from six months to five years.

Unauthorised Handling of Explosive and Flammable Material

Article 286

(1) Whoever contrary to regulations stores, keeps, transports or hands over for transportation by public means of transport, explosives or highly flammable materials or transports such material himself using public conveyances, shall be punished by a fine or imprisonment of up to two years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on whoever unlawfully brings explosives or highly flammable materials into premises or other facility where a large number of persons are assembled or where such an assembly is pending.

(3) Whoever brings or attempts to bring into a methane pit or pit with other flammable gas or hazardous carbon dust, highly flammable material or other items whose bringing to such a pit or facility is prohibited shall be punished by imprisonment of six months to five years.

(4) The penalty referred to in paragraph 3 of this Article shall also be imposed also on whoever in entering a storeroom, warehouse or explosive storage premises fails to observe the statutory protective measures.

(5) If the offence referred to in paragraphs 3 and 4 of this Article is committed from negligence, the offender shall be punished by a fine or imprisonment of up to three years.

Unlawful Procurement and Endangerment of Safety with Nuclear Materials

Article 287

(1) Whoever by using force or threats, commission of criminal offence or in other unlawful manner procures, holds, uses, transports or gives to another nuclear materials

or enables another to obtain them shall be punished by imprisonment of up to three years.

(2) Whoever threatens to use nuclear materials with intent to force someone to do or refrain from doing something and thereby endangers the safety of people, shall be punished by imprisonment of from one to ten years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article results in grievous bodily harm or property damage of a substantial extent, the offender shall be punished by imprisonment of from two to twelve years.

(4) If the offence referred to in paragraphs 1 and 2 of this Article results in death of one or more persons, the offender shall be punished by imprisonment of from three to fifteen years.

Serious Offences against General Safety

Article 288

(1) If offences referred to in Articles 278 paragraphs 1 through 3, 279 paragraph 1, 280 paragraphs 1 and 2, 281 paragraph 1 and 284 of this Code result in grievous bodily harm inflicted on a person or property damage of substantial extent, the offender shall be punished by imprisonment of one to eight years.

(2) If offences referred to in Articles 278 paragraph 1 through 4, 279 paragraphs 1 and 2, 280 paragraphs 1 and 2, 281 paragraph 1 and 284 of this Code result in the death of one or more persons, the offender shall be punished by imprisonment of from two to twelve years.

(3) If offences referred to in Articles 278 paragraph 5, 279 paragraph 2, 280 paragraph 3 and 281 paragraph 2 of this Code, result in grievous bodily harm of a person or property damage of substantial extent, the offender shall be punished by imprisonment of from six months to five years.

(4) If offences referred to in Articles 278 paragraph 5, 279 paragraph 2, 280 paragraph 3 and 281 paragraph 2 of this Code, result in the death of one or more persons, the offender shall be punished by imprisonment of from one to eight years.

Chapter Twenty-Six CRIMINAL OFFENCES AGAINST ROAD SAFETY

Endangering Road Traffic

Article 289

(1) Persons participating in traffic on roads who fail to observe traffic regulations and thereby endanger road traffic to extent likely to threaten life and limb or property of

substantial extent, and consequently cause minor bodily injury or property damage exceeding two hundred thousand dinars in value, shall be punished by imprisonment of up to three years.

(2) Whoever fails to observe traffic regulations and consequently endangers railway, riverine, tram, trolley and bus transport or cable-car transport so as to imperil life and limb or property of substantial extent, shall be punished by imprisonment of from six months to five years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article results from negligence, the offender shall be punished by a fine or imprisonment of up to one year.

Endangering Traffic by Dangerous Actions or Means

Article 290

(1) Whoever by destroying, removing or causing severe damage to traffic equipment, means or signalling devices or protective railings used to maintain road traffic safety, or by giving false signs or signals, setting roadblocks on roads or otherwise in similar manner endangers public traffic and thereby endangers life and limb or property of substantial extent, shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article results from negligence, the offender shall be punished by a fine or imprisonment of up to one year..

Endangering Safety of Air Traffic

Article 291

(1) Whoever by controlling the flight of an aircraft improperly or contrary to regulations, by failure of duty or control in respect of air traffic safety, by providing incorrect information significant for the safe flight of aircraft or otherwise endangers air traffic safety, shall be punished by imprisonment of one to eight years.

(2) If the offence referred to in paragraph 1 of this Article results from negligence or negligent destruction or damage of navigation equipment or other negligent damage to an aircraft, the offender shall be punished by imprisonment of from six months to five years.

Endangering Air Traffic Safety by Violence

Article 292

(1) Whoever by using violence against a person in an aircraft, placing or bringing aboard explosive or other dangerous devices or substances or by destroying or damaging navigation equipment or causing other damage to an aircraft, endangers air traffic safety, shall be punished by imprisonment of from two to ten years.

(2) If the offence referred to in paragraph 1 of this Article results in grievous bodily harm or causes substantial damage, the offender shall be punished by imprisonment of from two to twelve years.

(3) If the offence referred to in paragraph 1 of this Article results in death of one or more persons, the offender shall be punished by imprisonment of five to fifteen years.

Hijacking of Aircraft, Ships or Other Conveyances

Article 293

(1) Whoever by force or threat of force takes control of an aircraft in flight, or a ship while navigating, or another public conveyance in motion, shall be punished by imprisonment of from two to ten years.

(2) If the offence referred to in paragraph 1 of this Article results in grievous bodily harm or caused substantial damage, the offender shall be punished by imprisonment of from two to twelve years.

(3) If the offence referred to in paragraph 1 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment of from five to fifteen years.

Piracy

Article 294

(1) A crew member or passenger of a ship who while at open sea or a location not under authority of any state commits violence or robbery against persons on another ship, halts, hijacks, damages or destroys the other ship or goods therein, or causes damage of substantial extent, shall be punished by imprisonment of from two to twelve years.

(2) If the offence referred to in paragraph 1 of this Article results in death of one or more persons, the offender shall be punished by imprisonment of from five to fifteen years.

Dereliction of Duty in Controlling Public Traffic

Article 295

(1) Officials or responsible persons entrusted with control of the state and maintenance of the traffic infrastructure and pertaining facilities, conveyances or public transport or of monitoring compliance with statutory requirements for work of drivers, or who is entrusted with management of driving, who by dereliction in performance of duty endangers life or body or property to substantial extent, shall be punished by imprisonment of from six months to five years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on responsible persons who issue a driving order or allow driving although aware that the driver, due to fatigue, effects of alcohol or otherwise, is unfit to safely drive the vehicle, or of the fact that the conveyance is defective and thereby endangers life and limb or property to substantial extent.

(3) if the offence referred to in paragraph 1 of this Article results from negligence, the offender shall be punished by imprisonment of up to three years.

Failure to Render Aid to Persons Injured in Traffic Accident

Article 296

(1) A driver of a motor vehicle or other conveyance who abandons a person injured by such vehicle or whose injury was caused by such vehicle shall be punished by a fine or imprisonment of up to three years.

(2) If failure to render aid resulted in grievous bodily harm of the injured person, the offender shall be punished by imprisonment of from six months up to five years.

(3) If failure to render aid resulted in the death of the injured person, the offender shall be punished by imprisonment of from one to eight years.

Serious Offences against Safety of Traffic

Article 297

(1) If the offences referred to in Articles 289 paragraphs 1 and 2, 290 paragraphs 1 and 2, 291 paragraph 1, and 295 paragraphs 1 and 2 of this Code result in grievous bodily harm to a person or property damage of a substantial extent, the offender shall be punished by imprisonment of from one to eight years.

(2) If the offences referred to in Articles 289 paragraphs 1 and 2, 290 paragraphs 1 and 2, 291 paragraph 1, and 295 paragraphs 1 and 2 of this Code result in the death of one or more persons, the offender shall be punished by imprisonment of from two to twelve years.

(3) If the offence referred to in Articles 289 paragraph 3, 290 paragraph 3, 291 paragraph 2 and, 295 paragraph 3 results in grievous bodily harm to a person or property damage of a substantial extent, the offender shall be punished by imprisonment of up to four years.

(4) If the offences referred to in Articles 289 paragraph 3, 290 paragraph 3, 291 paragraph 2, and 295 paragraph 3 result in the death of one or more persons, the offender shall be punished by imprisonment of from one to eight years.

(5) In the cases referred to in paragraphs 1 through 4 of this Article, the pronouncement of the security measure of a ban on driving a motor vehicle is mandatory.

Chapter Twenty-Seven CRIMINAL OFFENCES AGAINST THE SECURITY OF COMPUTER DATA

Damaging Computer Data and Programmes

Article 298

(1) Whoever without authorisation deletes, alters, damages, conceals or otherwise makes unusable a computer datum or programme shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article results in damages exceeding four hundred and fifty thousand dinars in value, the offender shall be punished by imprisonment of from three months to three years.

(3) If the offence referred to in paragraph 1 of this Article results in damages exceeding one million five hundred thousand dinars in value, the offender shall be punished by imprisonment of from three months to five years.

(4) The equipment and devices used in perpetration of the offence referred to in paragraphs 1 and 2 of this Article shall be seized.

Computer Sabotage

Article 299

Whoever enters, destroys, deletes, alters, damages, conceals or otherwise makes unusable computer datum or programme or damages or destroys a computer or other equipment for electronic processing and transfer of data, with intent to prevent or considerably disrupt the procedure of electronic processing and transfer of data that are of importance for government authorities, enterprises or other entities, shall be punished by imprisonment of six months to five years.

Generating and Introducing Computer Viruses

Article 300

(1) Whoever generates a computer virus with the intent of introducing it into another's computer or computer network shall be punished by a fine or imprisonment of up to six months.

(2) Whoever introduces a computer virus into another's computer or computer network and thereby causes damage be punished by a fine or imprisonment of up to two years.

(3) The equipment and means by which the criminal offence referred to in paragraphs 1

and 2 of this Article shall be seized.

Computer Fraud

Article 301

(1) Whoever enters incorrect data, fails to enter correct data or otherwise conceals or falsely represents data and thereby affects the results of electronic processing and transfer of data with intent to acquire for himself or another unlawful material gain and thus causes material damage to another person, shall be punished by a fine or imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars in value, the offender shall be punished by imprisonment of from one to eight years.

(3) If the offence referred to in paragraph 1 of this Article results in acquiring material gain exceeding one million five hundred thousand dinars in value, the offender shall be punished by imprisonment of from two to ten years.

(4) Whoever commits the offence referred to in paragraph 1 of this Article from malicious mischief, shall be punished by a fine or imprisonment of up to six months.

Unauthorised Access to Protected Computers, Computer Networks and Electronic Data Processing

Article 302

(1) Whoever, by breaching protection measures, accesses a computer or computer network without authorisation, or accesses electronic data processing without authorisation, shall be punished by a fine or imprisonment of up to six months.

(2) Whoever uses records obtained in the manner provided under paragraph 1 of this Article shall be punished by a fine or imprisonment of up to two years.

(3) If the offence referred to in paragraph 1 of this Article results in suspension or serious malfunction in electronic processing and transfer of data or of the network, or other serious consequences have resulted, the offender shall be punished by imprisonment of up to three years.

Preventing or Restricting Access to Public Computer Networks

Article 303

(1) Whoever without authorisation prevents or hinders access to a public computer network shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article is committed by an official in discharge of duty, such official shall be punished by imprisonment of up to three years.

Unauthorised Use of Computer or Computer Networks

Article 304

(1) Whoever uses computer services or computer networks with intent to acquire unlawful material gain for himself or another shall be punished by a fine or imprisonment of up to three months.

(2) Prosecution for the offence referred to in paragraph 1 of this Article shall be instigated by private action.

Manufacture, Procurement and Provision to others Means for the Committing Criminal Offences against the Security of Computer Data

Article 304a

(1) Whoever possesses, manufactures, procures, sell or gives to another for his use computers, computer systems, computers data or programs intended for committing criminal offences specified in articles 298 to 303 of this Code, shall be punished with imprisonment of six months to three years.

(2) Objects specified in paragraph 1 of this article shall be seized.

Chapter Twenty-Eight CRIMINAL OFFENCES AGAINST THE CONSTITUTIONAL ORDER AND SECURITY OF THE REPUBLIC OF SERBIA

Threatening Independence

Article 305

Whoever attempts in contravention of the Constitution to bring Serbia into a position of subjugation or dependence in respect of another state, shall be punished by imprisonment of from three to fifteen years.

Recognition of Capitulation of Occupation

Article 306

A citizen of Serbia who signs or recognises capitulation or accepts or recognises the occupation of Serbia or part of it, shall be punished by imprisonment of a minimum of ten years.

Threatening Territorial Integrity

Article 307

(1) Whoever by force or by other unconstitutional means attempts to cede a part of the territory of Serbia or to annex a part of such territory to another state, shall be punished by imprisonment of from three to fifteen years.

Sedition

Article 308

Whoever by force or threat of force attempts to change the constitutional order of Serbia or to overthrow the highest state authorities shall be punished by imprisonment of from three to fifteen years.

Inciting Sedition

Article 309

(1) Whoever with intent to compromise the constitutional order or security of Serbia calls for or incites to change its constitutional order by the use of force, or to overthrow the highest state authorities or representatives of those authorities, shall be punished by imprisonment of from three months to five years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article with foreign assistance shall be punished by imprisonment of from one to eight years.

(3) Whoever with intent to disseminate produces or copies material that is by content such that it calls for or instigates commission of offences referred to in paragraph 1 of this Article, or whoever sends or transfers to the territory of Serbia such material or keeps a substantial quantity of such material with intent to distribute by himself or another, shall be punished by imprisonment of from three months to three years.

Assassination of the Highest State Officials

Article 310

Whoever with intent to compromise the constitutional order or security of Serbia assassinates the president of Serbia, speaker of the National Assembly of Serbia, the prime minister of Serbia, the president of the highest state court, or the Republican Public Prosecutor, shall be punished by imprisonment of a minimum of ten years. or imprisonment of from thirty to forty years.

Armed Insurrection

Article 311

(1) Whoever participates in an armed insurrection aimed at threatening the constitutional order, the security or territorial integrity of Serbia, shall be punished by imprisonment of from three to fifteen years.

(2) The organiser of the insurrection shall be punished by imprisonment of a minimum of five years.

Terrorism

Article 312

Whoever with intent to compromise the constitutional order or security of Serbia causes an explosion or fire or commits another generally dangerous act or commits an abduction of a person or some other act of violence, or by threat of committing such generally dangerous act or use of nuclear, chemical, bacteriological or other dangerous substances and thereby causes fear or insecurity among citizens, shall be punished by imprisonment of from three to fifteen years.

Subversion

Article 313

Whoever with intent to undermine the constitutional order or security of Serbia by demolishing, setting fire or otherwise destroying or damaging industrial, agricultural or other economic facilities, conveyances, equipment or facility, communications system equipment, public utility equipment for water, heating, gas or power supplies, a dam, warehouse, building or other structure of substantial significance for security or supply of citizens or to the economy or functioning of public services, shall be punished by imprisonment of from three to fifteen years.

Sabotage

Article 314

Whoever with intent to undermine the constitutional order or security of Serbia covertly, insidiously or in other similar manner while discharging official duties or professional duty causes damage exceeding one million five hundred thousand dinars in value to a government authority or organisation where he is employed, or to another government body or other organisation, shall be punished by imprisonment of from three to fifteen years.

Espionage

Article 315

(1) Whoever discloses, hands over or makes available military secrets, economic or official information or documents to a foreign state, foreign organisation or a person in their service, shall be punished by imprisonment of from three to fifteen years.

(2) Whoever establishes or runs an intelligence network in Serbia for a foreign state, shall be punished by imprisonment of from five to fifteen years.

(3) Whoever joins a foreign intelligence service, collects information for such service or otherwise supports its operations, shall be punished by imprisonment of from one to ten years.

(4) Whoever obtains secret information or documents with intent to disclose or hand them over to a foreign state, foreign organisation or a person in their service, shall be punished by imprisonment of from one to eight years.

(5) If the offences referred to in paragraphs 1 and 2 of this Article result in serious consequences for the security, economic or military might of the country, the offender shall be punished by imprisonment of a minimum of ten years.

(6) Deemed as secret are such military, economic or official information or documents that are by law, other regulations or decision of competent authority passed pursuant to law designated as secret, as well as information and documents whose disclosure would or could cause harm to the security, defence or political, military or economic interests of the country.

Divulging State Secrets

Article 316

(1) Whoever without authorisation discloses, hands over or makes available to an uninvited person information or documents entrusted to him or that he acquired otherwise and that represent a state secret, shall be punished by imprisonment of from one to ten years.

(2) Whoever discloses to another person information or documents that he knows are a state secret, and which he unlawfully acquired, shall be punished by imprisonment of from six months to five years.

(3) If the offence referred to in paragraph 1 of this Article is committed during a state of war or a state of emergency, or has resulted in compromising the security, economic or military might of Serbia, the offender shall be punished by imprisonment of from three to fifteen years.

(4) If the offence referred to in paragraph 1 results from negligence, the offender shall be punished by imprisonment of from six months to five years.

(5) Such information or documents shall be considered a state secret that are by law, other regulations or decision of competent authority passed pursuant to law designated as a state secret, and whose disclosure would or could cause harm to the security, defence or political, military or economic interests of Serbia.

(6) A state secret within the meaning of paragraph 5 of this Article shall not be information or documents directed at serious violations of fundamental human rights, or at compromising the constitutional order and security of Serbia, as well as information and documents that are aimed at concealing a committed criminal offence punishable by law with imprisonment of up to five years, or a harsher penalty.

Instigating National, Racial and Religious Hatred and Intolerance

Article 317

(1) Whoever instigates and incites national, racial or religious hatred or intolerance among the peoples and ethnic communities living in Serbia, shall be punished by imprisonment of from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed by coercion, maltreatment, compromising security, exposure to derision of national, ethnic or religious symbols, damage to other persons, goods, desecration of monuments, memorials or graves, the offender shall be punished by imprisonment of from one to eight years.

(3) Whoever commits the offence referred to in paragraphs 1 and 2 of this Article by abuse of position or authority, or if these offences result in riots, violence or other serious consequences to co-existence of peoples, national minorities or ethnic groups living in Serbia, shall be punished for the offence referred to in paragraph 1 of this Article by imprisonment of from one to eight years, and for the offence referred to in paragraph 2 of this Article by imprisonment of from two to ten years.

Violation of Territorial Sovereignty

Article 318

Whoever by violating international law invades the territory of Serbia shall be punished with imprisonment of from one to eight years.

Conspiring to Conduct Activities against the Constitution

Article 319

(1) Whoever forms a group or an organised criminal group intending to commit criminal offences referred to in Article 305 through 310 and Articles 312 through 314 of this Code shall be punished by the penalty set forth for the offence for whose commitment the association was organised.

(2) Whoever becomes a member of the group or organised criminal group referred to in paragraph 1 of this Article, shall be punished by imprisonment of from six months to five years.

(3) The offender referred to in paragraph 1 of this Article who by disclosing the group or organised criminal group or otherwise preventing commission of the criminal offences referred to in paragraph 1 of this Article shall be punished by imprisonment of up to three years, and may be remitted from punishment.

(4) A member of an association or an organised criminal group referred to in paragraph 3 of this Article who discloses the conspiracy prior to becoming part thereof or committing the criminal offence referred to in paragraph 1 of this Article shall be punished by imprisonment of up to one year, and may be remitted from punishment.

Plotting of Offences against the Constitutional Order and Security of Serbia

Article 320

(1) Whoever plots to commit criminal offences referred to in Articles 305 through 314 and Article 315 paragraphs 1 and 2 of this Code shall be punished by imprisonment of from one to five years.

(2) Plotting referred to in paragraph 1 of this Article comprises the procurement and preparation of the means required for committing of offence, removing obstacles for committing the offence, making arrangements, planning or organising with others the commission of the offence, or other activities related to establishing prerequisites for the direct commission of the offence.

(3) Whoever dispatches or transports to the territory of Serbia persons or weapons, explosives, poisons, equipment, ammunition or other material for commission of one or more criminal offences referred to in this Chapter, shall be punished by imprisonment of from two to ten years.

Serious Offences against the Constitutional Order and Security of Serbia

Article 321

(1) If the offence referred to in Articles 307 through 309 and 312 through 315 of this Code that resulted in the death of one or more persons, or endangered people's lives, or was accompanied by extreme violence or massive devastation or has resulted in compromising the security, economic or military power of the country, the offender shall be punished by imprisonment of a minimum of ten years.

(2) If in committing the offence referred to in paragraph 1 of this Article the offender deprived of life one or more persons with intent, the offender shall be punished by imprisonment of a minimum of ten years, or imprisonment of from thirty to forty years.

(3) The penalty referred to in paragraph 2 of this Article shall be imposed to whoever commits any of the criminal offence referred to in Articles 307, 309 through 312, 314 through 319, and 320 paragraph 2 of this Code during a state of war, armed conflict, or state of emergency.

Chapter Twenty-Nine

CRIMINAL OFFENCES AGAINST GOVERNMENT AUTHORITIES

Preventing an Official from Discharging Duties

Article 322

- (1) Whoever by force or threat of force prevents an official in discharge of duty undertaken within his competencies or forces such person to undertake an official action, shall be punished by imprisonment of from three months to three years.
- (2) If during commission of the offence referred to in paragraph 1 of this Article the offender insults or maltreats the official or inflicts light bodily injury or threatens to use a weapon, the offender shall be punished by imprisonment of from three months to three years.
- (3) Whoever commits the offence referred to in paragraphs 1 and 2 of this Article against an official discharging duties of public or state security or keeping public peace and order, preventing or detecting a criminal offence, apprehending perpetrators of criminal offences or detaining persons deprived of liberty, shall be punished by imprisonment of from one year to eight years.
- (4) If during the commission of the offence referred to in paragraphs 1 and 3 of this Article the offender inflicts grave bodily injury to an official, the offender shall be punished for the offence referred to in paragraph 1 by imprisonment of from one to eight years, and for the criminal offence specified in paragraph 3 by imprisonment of from two to ten years.
- (5) The attempt of the offence referred to in paragraph 1 of this Article shall be punished.
- (6) If the perpetrator of offences referred to in paragraphs 1 through 3 of this Article was provoked by unlawful or rough behaviour of an official, punishment may be remitted.

Attacking Officials Performing their Duties

Article 323

- (1) Whoever attacks or threatens to attack an official performing his duty shall be punished by imprisonment of from three months to three years.
- (2) If in the commission of the offence referred to in paragraph 1 of this Article light bodily injury is inflicted to an official or if the offence is aggravated by threat of use of weapon, the offender shall be punished by imprisonment of from six months to five years.
- (3) If the offence referred to in paragraphs 1 and 2 of this Article are committed against an official performing public or state security duties, the offender shall be punished by

imprisonment of from one year to eight years.

(4) If during commission of the offence specified in paragraph 1 and 3 of this Article the offender inflicts grave bodily injury to an official, the offender shall be punished for the offence specified in paragraph 1 by imprisonment of from one to eight years, and for the criminal offence specified in paragraph 3 by imprisonment of from two to ten years.

(5) The attempt of the offence referred to in paragraph 1 of this Article shall be punished.

(6) If the perpetrator of offences referred to in paragraphs 1 through 3 of this Article was provoked by unlawful or rough behaviour of an official, punishment may be remitted.

Participating in a Group Preventing an Official in Performance of Duty

Article 324

(1) Whoever as part of a group preventing by joint action an official in performing an official act or likewise forces an official to undertake an official act shall be punished for participation by imprisonment of up to two years.

(2) Attempts shall also be penalised.

(3) The ringleader of the group committing the offence referred to in paragraph 1 of this Article shall be punished by imprisonment of from six months to five years.

Inciting to Resistance

Article 325

(Erased)

Failure to Take Part in Eliminating a General Hazard

Article 326

Whoever contrary to the orders of a competent authority or other competent body refuses without justification to participate in eliminating a general hazard resulting from fire, flood, earthquake or other disaster, shall be punished by a fine or imprisonment of up to three months.

Removal and Damaging Official Seals and Signs

Article 327

(1) Whoever removes or damages an official seal or sign placed by an official to secure an object or premises, or whoever, without removing or damaging the seal or sign, enters such premises or opens an object carrying an official seal or sign, shall be punished by a fine or imprisonment of up to one year.

(2) Attempted offences shall also be penalised.

Seizure and Destruction of Official Seals and Documents

Article 328

(1) Whoever unlawfully seizes, conceals, destroys, damages or otherwise makes unusable an official seal, book, file or document belonging to a government authority, a state enterprise, institution or other entity exercising administrative authority, or is in their keeping, shall be punished by imprisonment of up to three years.

(2) Attempted offences shall also be penalised.

Impersonation

Article 329

(1) Whoever with intent to acquire for himself or another any benefit or to cause damage to a third person, impersonates an official or member of the military or wears insignia of an official or member of the military without authorisation, shall be punished by a fine or imprisonment of up to three years.

(2) The penalty referred to in paragraph 1 of this Article shall be imposed also on whoever performs an act that is under exclusive authority of an official or member of the military.

Vigilantism

Article 330

(1) Whoever arbitrarily assumes a right for himself or a right he considers that he is entitled to, shall be punished by a fine or imprisonment of up to six months to five years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article for another, shall be punished by the penalty stipulated for such offence.

(3) If the offence referred to in paragraphs 1 and 2 is committed to the detriment of citizens, prosecution is instigated by private action.

Chapter Thirty

CRIMINAL OFFENCES AGAINST THE JUDICIARY

Failure to Report Preparation of a Criminal Offence

Article 331

(1) Whoever knows that a criminal offence is being prepared that is punishable under law by imprisonment of five or more years, but fails to report this during the time when its commission could have still been prevented, and the offence is committed or attempted,

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

(2) For failure to report preparation of a criminal offence punishable by forty years' imprisonment, the offender shall be punished by imprisonment of from three months to three years.

(3) A spouse, common-law spouse, lineal blood relative, sibling, adoptive parent or adoptee of the offender as well as a spouse of any of the former or person cohabiting with any of the former shall not be punished for the offence referred to in paragraph 1 of this Article.

Failure to Report a Criminal Offence or Offender

Article 332

(1) Whoever knows that another person has committed a criminal offence punishable under law by thirty to forty years' imprisonment or only knows of such offence and fails to report it before the offence or its perpetrator are detected, shall be punished by imprisonment of up to three years.

(2) An official or authorized person who knowingly fails to report a criminal offence he became aware of in performance of duty, if such offence is punishable under law by imprisonment of five or more years, shall be punished with imprisonment of six months to five years.

(3) An official or responsible person who knowingly fails to report a criminal offence of his subordinate who committed the offence in discharge of his official, military or operational duty, if such an offence is punishable by imprisonment of from thirty to forty years, shall be punished by imprisonment of from one year to eight years.

(4) A spouse, common-law spouse, lineal blood relative, sibling, adoptive parent or adoptee of the offender as well as a consort of any of the former, or person cohabiting with any of the former, as well as the offender's defence attorney, physician or confessor shall not be punished for the offence referred to in paragraphs 1 and 2 of this Article.

Accessoryship after the Fact

Article 333

(1) Whoever keeps in hiding an offender or by concealing the means of commission of the offence or its traces or otherwise aids the offender not to be detected, or who harbours a convicted person or undertakes other acts directed at preventing enforcement of penalty, security measure or rehabilitation measure of remand to a rehabilitation or correctional facility, shall be punished by a fine or imprisonment of up to three years.

(2) Whoever aids the perpetrator of a criminal offence punishable under law by imprisonment of more than five years shall be punished by imprisonment of from six months to five years.

(3) Whoever aids the perpetrator of a criminal offence punishable under law by imprisonment of from thirty to forty years shall be punished by imprisonment of from one to eight years.

(4) The penalty for the offence referred to in paragraph 1 of this Article may not be more severe in terms of kind and duration than the penalty set forth for the offence committed by the aided and abetted person.

(5) A spouse, common-law spouse, lineal blood relative, sibling, adoptive parent or adoptee of the offender as well as a consort of any of the former or person cohabiting with any of the former, shall not be punished for the offence referred to in paragraphs 1 through 3 of this Article.

Falsely Reporting

Article 334

(1) Whoever reports a person of committing an offence which is prosecuted *ex officio*, while aware that such person is not the offender, shall be punished by imprisonment of from three months to three years.

(2) Whoever plants traces of the criminal offence or otherwise causes instigation of criminal proceedings for an offence prosecuted *ex officio* against a person for whom he knows is not the perpetrator of that offence shall be punished with imprisonment of from six months to five years.

(3) Whoever gives himself in as the perpetrator of an offence prosecuted *ex officio* although aware that he is not the offender shall be punished by a fine or imprisonment of up to one year.

(4) The penalty referred to in paragraph 3 of this Article shall also be imposed on whoever reports the commission of an offence prosecuted *ex officio* although aware that such an offence has not been committed.

Perjury

Article 335

(1) A witness, expert witness, translator or interpreter who gives false testimony before a court, in disciplinary, misdemeanour or administrative proceeding or other procedure established by law, shall be punished by imprisonment of up to three years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on the party who, during presentation of evidence by testimony of parties in judicial or

administrative proceedings, gives a false statement and such statement serves as grounds for disposition in such proceedings.

(3) If perjury is committed in criminal proceedings or under oath, the offender shall be punished by imprisonment of from three months to five years.

(4) If the offences referred to in paragraph 3 resulted in particularly serious consequences for the accused, the offender shall be punished by imprisonment of from one to eight years.

(5) Offenders who voluntarily revokes false testimony prior to final disposition may be remitted from punishment.

Preventing and Obstructing Testimony

Article 336

(1) Whoever gives or promises a gift or other benefit to a witness or an expert witness or another party to the proceedings before a court or other government authority, or by force or threat of force against such person with intent to induce such person to give false testimony and thereby affect the outcome of the proceeding, shall be punished by imprisonment of from six months to five years and a fine.

(2) Whoever with intent to prevent or hinder proving, conceals, destroys, damages or makes partially or completely unusable another person's document or other items serving as proof, shall be punished with imprisonment of from six months to three years and a fine.

(3) The penalty referred to in paragraph 2 of this Article shall be also imposed on whoever removes, destroys, damages, moves or relocates a boundary stone, a soil survey sign or any other mark indicating ownership of real property or easement for use of water, or who with same intent falsely emplaces such a mark.

(4) If the offence referred to in paragraph 2 is committed in criminal proceedings, the perpetrator shall be punished by imprisonment of up to three years and a fine.

Unauthorized Public Comment on Court Proceedings

Article 336a

Whoever during the proceedings before a court, before a final court decision is issued, with the intent of violating the presumption of innocence and the independence of the court, gives public statements in the information media, shall be punished by imprisonment up to six months and a fine.

Obstruction of Justice

Article 336b

(1) Whoever calls on others to resist or to disobey judicial decisions, or otherwise interferes with the conduct of judicial proceedings, shall be punished by imprisonment of up to three years and a fine.

(2) Whoever by insulting, using force or threats or otherwise interferes with or prevents a judge, public prosecutor or deputy public prosecutor from exercising their judicial or prosecutorial duties, shall be punished by imprisonment of from six months to five years and a fine.

(3) If during the commission of the criminal offence specified in paragraph 2 of this Article the perpetrator inflicts light bodily injury to a judge, public prosecutor or deputy public prosecutor or threatens to use a weapon, the perpetrator shall be punished by imprisonment of from one to eight years.

(4) If during the execution of the offence referred to in paragraph 2 this Article the perpetrator inflicts grave bodily injuries to a judge, public prosecutor or deputy public prosecutor, the perpetrator shall be punished by imprisonment from two to ten years.

Violation of Confidentiality of Proceedings

Article 337

(1) Whoever without authorisation discloses information he has come by in connection with court, minor offences, administrative or other proceedings established by law, where the law stipulates that such information may not be made public, or has been declared confidential by a decision of the court or other competent body, shall be punished by a fine or imprisonment of up to one year.

(2) Whoever without permission of the court makes public the course of proceedings against a juvenile or the disposition reached in such proceedings, or who makes public the name of the juvenile against whom proceedings were conducted, or information that may reveal the identity of the juvenile, shall be punished with imprisonment of up to two years.

(3) Whoever without authorisation discloses information on the identity or personal data of a person protected in criminal proceedings, or data regarding a special protection programme, shall be punished by imprisonment of from six months to five years.

(4) If the offence referred to in paragraph 3 of this Article results in serious consequences for the protected person or the criminal proceedings are prevented or hindered to considerable extent, shall be punished by imprisonment from one to eight years.

Revolt of Persons Deprived of Liberty

Article 338

(1) Persons lawfully deprived of liberty who assemble with intent to set themselves free by force, or to jointly attack persons who are guarding them, or by use of force or immediate threat force such persons to do or refrain from doing something in

contravention of their duty, shall be punished by imprisonment of up to three years.

(2) The offender referred to in paragraph 1 of this Article who uses force or threats, shall be punished by imprisonment of from six months to five years.

Flight from Custody and Facilitating Flight of Persons Deprived of Liberty

Article 339

(1) A person who flees from lawful custody by use of force against a person or direct threat of attack against life and limb shall be punished by imprisonment of from six months to five years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on those who using force, threats, deception or otherwise facilitate the flight of a person lawfully deprived of freedom.

(3) If the offence referred to in paragraphs 1 and 2 of this Article is committed by a group or the flight of a group was made possible, the perpetrator shall be punished by imprisonment of from one to eight years.

Failure to Enforce Court Decisions

Article 340

(1) An official or responsible person who refuses to enforce a final court decision or fails to enforce it within the time-limit specified by law or the decision, shall be punished by a imprisonment of from three months to three years and a fine.

(2) If the person referred to in paragraph 1 of this Article enforces the final court decision, he may be remitted from punishment.

Unlawful Facilitation of Engagement in Particular Professions, Functions, Duties, Tasks and Activities

Article 341

Whoever makes it possible for another to engage in a profession, function, duty, tasks or activities although aware that such engagement is prohibited to such person by a final decision ordering the relevant security measure or a protective measure, or where such a prohibition has taken effect as a legal consequence of the judgement, shall be punished by a fine or imprisonment of up to two years.

Unlicensed Law Practice

Article 342

Whoever without authorisation and the requisite qualifications engages in gainful provision of legal assistance shall be punished with a fine or imprisonment of up to two years.

Chapter Thirty One

OFFENCES AGAINST PUBLIC LAW AND ORDER

Causing Panic and Disorder

Article 343

(1) Whoever by disclosing or spreading untrue information or allegations causes panic, or serious disruption of public law and order or frustrates or impedes to a substantial degree the enforcement of decisions and measures of government authorities or organisations exercising public authority shall be punished by imprisonment of from three months to three years and a fine.

(2) If the offence referred to in paragraph 1 of this Article is committed through the information media or similar means or at a public gathering, the offender shall be punished by imprisonment of from six months to five years.

Violent Conduct

Article 344

(1) Whoever by rude insults or maltreatment of another, violence directed against another, instigating a brawl or insolent or ruthless behaviour causes significant distress of citizens or seriously violates public law and order, shall be punished by imprisonment of from three months to three years.

(2) If the offence referred to in paragraph 1 of this Article is committed by a group or if during commission of the offence a person sustains light bodily injury or if serious degradation of citizens results, the offender shall be punished by imprisonment of from six months to five years.

Violent Behaviours at Sports Events or Public Gatherings

Article 344a

(1) Whoever physically assaults participants in a sports event or a public assembly, behaves violently or damages property of substantial value in arriving at or departing from sports events or public gatherings, brings into a facility intended for sport or throws on to the sports ground, into the spectators' area, or into a group of assembled people objects, pyrotechnical media or other explosive, flammable or otherwise dangerous substances that could cause bodily injury or endanger the health of participants in the sports event or public gathering, illegally enters the sports field or a part of the stands intended for fans of the opposing team, and causes violence, damage to the sports facility, its equipment, devices and installations, by his behaviour or slogans at sports events causes national, racial and religious or other hatred or intolerance based on a discrimination that results in physical violence or a fight with participants in sports events, shall be punished by imprisonment of from six months to five years and fined.

(2) Where the criminal offence referred to in the paragraph 1 of this Article is committed by a group, the perpetrator shall be punished by imprisonment of from one to eight years.

(3) The leader of the group that commits the criminal offence referred to in the paragraph 1 of this Article shall be punished by imprisonment of from three to twelve years.

(4) Where commission of the criminal offence specified in the paragraph 1 of this Article provokes riots during which a person suffered grave bodily injury or property of substantial value was damaged, the perpetrator shall be punished by imprisonment of from two to ten years.

(5) The responsible person or official who while organizing a sport event fails to apply the security measures required to prevent or stop the riots and therefore endangers the life or limb of a substantial number of people or property of substantial value, shall be punished by up to three years of imprisonment or and a fine.

(6) The perpetrator of any of the offences referred to in to 1 to 4 of this Article committed at a sports event shall be punished with a mandatory security measure of a ban on attending certain sports events.

Conspiracy to Commit Criminal Offences

Article 345

Whoever conspires with another to commit a particular offence punishable by imprisonment of five or more years, shall be punished by a fine or imprisonment of up to one year.

Criminal Alliance

Article 346

(1) Whoever organizes a group whose purpose is committing criminal offences punishable by imprisonment of three or more years shall be punished by imprisonment of from six months to five years, unless more severe punishment for such organizing is specified by law.

(2) Organisers of organised criminals groups shall be punished with imprisonment of between one and eight years, unless more severe punishment if provided by law.

(3) Members of the group referred to in paragraph 1 of this Article shall be punished by imprisonment from one to eight years.

(4) Members of the organized criminal group referred to in paragraph 2 of this Article shall be punished by imprisonment of from six months to five years.

(5) If the offences specified in paragraph 1 and 2 of this Article refer to a group or other organized criminal group whose objective is commission of offences punishable by imprisonment of twenty years or imprisonment of from thirty to forty years, the organizer

of the group or organized criminal group shall be punished by a minimum of ten years' imprisonment or from thirty to forty years' imprisonment, and a member of the group or organized criminal group by imprisonment of from six months to five years.

(6) The organizer of the group or organized criminal group specified in paragraphs 1, 2 and 5 of this Article who by exposing the group or organized criminal group or otherwise prevents commission of the offences for which the group was organized shall be punished by imprisonment up to three years and may be remitted from punishment.

(7) A member of the group or organized criminal group specified in paragraphs 3 to 5 of this Article who exposes the group or organized criminal group before committing as a member or that group any of the criminal offences referred to in paragraphs 3 to 5 of this Article for whose commission the group or organized criminal group was organized, shall be punished by a fine or imprisonment up to one year, and may be remitted from punishment.

Manufacture and Procurement of Weapons and other Means of Committing Criminal Offences

Article 347

(1) Whoever procures or enables another to acquire weapons, explosives, equipment for their manufacture or poison that he knows are intended for commission of an offence, shall be punished by imprisonment of from six months to five years.

Illegal Manufacture, Possession and Sale of Weapons and Explosive Materials

Article 348

(1) Whoever without authorization manufactures, sells, procures, exchanges, carries or possesses firearms, its parts, ammunition or explosive substances, shall be punished by imprisonment of from three months to three years and by fine.

(2) Where the offence referred to in paragraph 1 of this Article concerns firearms, ammunition, explosives or substances based thereon, an explosive or gas weapon whose manufacture, sale, procurement, exchange or possession is forbidden to citizens, the offender shall be punished by imprisonment of six months to five years and a fine.

(3) If the subject of the offence referred to in paragraphs 1 and 2 of this Article is a substantial quantity of weapons, ammunition or devices, or where weapons and other devices of major destructive power are concerned, or the criminal offence is committed against provisions of international law, the offender shall be punished by imprisonment of from one to eight years.

(4) Whoever without authorization carries objects specified in paragraphs 1 and 2 of this Article shall be punished by imprisonment of two to ten years.

(5) Firearms, their parts, ammunition and explosive substances shall be seized

Participation in a Group Committing an Offence

Article 349

(1) Whoever participates in a group that by joint action deprives a person of his life or inflicts serious bodily harm, damages property to a substantial extent or commits other criminal offences punishable by imprisonment of five or more years, or attempts to commit one of these offences, shall be punished for participation by imprisonment of from three months to five years.

(2) The ringleader of the group committing the offence referred to in paragraph 1 of this Article shall be punished by imprisonment of from one to eight years.

Illegal Border Crossings and Human Trafficking

Article 350

(1) Whoever without a required permission crosses or attempts to cross the border of Serbia, carrying a weapon or using force, shall be punished by imprisonment of up to one year.

(2) Whoever with intent to acquire a benefit for himself or another makes it possible for another to illegally cross the Serbian border or to illegally stay in or transit through Serbia shall be punished by imprisonment of from six months to five years.

(3) If the offence referred to in paragraph 2 of this Article is committed by a group, by abuse of authority or in a manner endangering the lives and health of persons whose illicit crossing of the Serbian border, sojourn or transit is being facilitated, or if a substantial number of persons is being smuggled, the perpetrator shall be punished by imprisonment from one to ten years.

(4) If the offence specified in paragraph 2 of this Article is committed by an organized group, the offender shall be punished by imprisonment of from three to twelve years.

(5) The means intended or used for commission of the offence referred to in paragraphs 1 through 3 of this Article shall be impounded.

Bogus Emergency Calls and Danger Signals

Article 351

Whoever misuses a signal for assistance or a signal for emergency or makes a bogus call for assistance and thereby causes unnecessary diversion of services of government authorities, fire fighting or other competent organisations or causes disruption of traffic, shall be punished by a fine or imprisonment of up to one year.

Unlicensed Organisation of Games of Chance

Article 352

(1) Whoever without a license issued by competent authority organises games of chance shall be punished by a fine or imprisonment of up to two years.

(2) An organiser of games of chance or participant in a game referred to in paragraph 1 of this Article who resorts to deceit shall be punished by imprisonment of from three months to five years.

(3) The means intended or used in committing the offence referred to in paragraphs 1 and 2 of this Article, as well as money and other items used in the game of chance, shall be seized.

Unlicensed Practice of Profession

Article 353

Whoever illegally and gainfully practises a particular profession that requires by law or other regulation enacted pursuant to law a license issued by a competent authority or body shall be punished by a fine or imprisonment of up to one year.

Unauthorised Performance of Archaeological Works

Article 353a

(1) Whoever performs unauthorised archaeological excavations and research shall be punished by imprisonment of up to three years and fined.

(2) If the criminal offence referred to in paragraph 1 this article is committed on an archaeological or other immovable cultural good that enjoys previous protection, or an archaeological or immovable cultural good or a good that enjoys previous protection is devastated, or during the performance of these works equipment or devices for detecting and finding archaeological objects are used, shall be punished by imprisonment of from six months to five years and a fine.

(3) The objects found during the commission of the criminal offence referred to in paragraphs 1 and 2 this Article shall be seized.

Desecration of Graves

Article 354

(1) Whoever without authorisation digs up, demolishes, damages or defiles a grave or other place where a deceased person is buried shall be punished by a fine or imprisonment of up to one year.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on anyone who without authorisation demolishes, damages or removes or defiles a gravestone or other monument to a deceased person.

(3) If the offence referred to in paragraphs 1 and 2 of this Article contains the elements of a more serious criminal offence, the offender shall be punished for that offence.

Chapter Thirty-Two OFFENCES AGAINST LEGAL INSTRUMENTS

Counterfeiting Documents

Article 355

(1) Whoever manufactures a forged document or alters a real document with intent to use such document as real or uses a forged or false document as real or obtains such document to use, shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article is committed in respect of a public document, last will and testament, bill of exchange, a cheque, public or official record or other record that is kept pursuant to law, the offender shall be punished by imprisonment of from three months to five years.

(3) The attempt of the offence referred to in paragraph 1 of this Article shall be penalised.

Special Cases of Forging Documents

Article 356

The following shall be deemed criminal offences of counterfeiting documents and shall be punishable pursuant to Article 355 of this Code:

1) whoever without authorisation fills in a statement having affect as legal instrument in legal relations by using a blank form, paper or other document signed by another;

2) Whoever deceives another in respect of content of a document and such party affixes their signature on such document believing that he/she is signing a different document or different contents;

3) whoever issues a document on behalf of another without authorisation of that person, or on behalf of a person who does not exist;

4) whoever as an issuer of a document attaches to his signature a position, rank or title that he does not hold, and that assumed position, rank or title significantly influences the evidentiary force of the document;

5) whoever produces a document by using a genuine seal or sign without authorisation.

Forging an Official Document

Article 357

(1) An official who enters false data or fails to enter important data in an official document, record or file, or who certifies by his signature or official seal an official document, record or file with false content, or who with his signature or official seal enables another to produce an official document, record or file with false content, shall be punished by imprisonment of from three months to five years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on officials who in their service use forged documents, records or files as true, or who destroy, conceal or substantially damage official documents, records or files or make it otherwise unusable.

(3) Responsible officers in enterprises, institutions or other entities who commit the offence referred to in paragraphs 1 and 2 of this Article shall be punished by the penalty prescribed for that offence.

Inciting to Certify False Content

Article 358

(1) Whoever by deceiving a competent authority induces such authority to certify in a public document, minutes or record false data that may serve as proof in legal transactions shall be punished by imprisonment of from three months to five years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on whoever uses such a document, minutes or record knowing that it is a forgery.

Chapter Thirty-Three CRIMINAL OFFENCES AGAINST OFFICIAL DUTY

Abuse of Office

Article 359

(1) An official who by abuse of office or authority, by exceeding the limits of his official authority or by dereliction of duty acquires any benefit for himself or another or a physical or legal person, or causes damage to a third party or seriously violates the rights of another, shall be punished by imprisonment of from six months to five years.

(2) If the commission of the offence referred to in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars in value, the offender shall be punished by imprisonment of from one to eight years.

(3) If the value of acquired material gain exceeds one million five hundred thousand

dinars, the offender shall be punished by imprisonment of from two to twelve years.

Violation of Law by Judges, Public Prosecutors or Deputy Public Prosecutors

Article 360

A judge or lay judge, public prosecutor or deputy public prosecutor who in judicial proceedings with intent to acquire a benefit or to cause damages to another issues an unlawful act or otherwise violates the law shall be punished by imprisonment of from six months to five years.

2) If the commission of the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars in value, the offender shall be punished by imprisonment of from one to eight years.

(3) If the value of acquired material gain exceeds one million five hundred thousand dinars, the offender shall be punished by imprisonment of from two to twelve years.

Dereliction of Duty

Article 361

(1) An official who by violation of law or other regulations or general acts, by failure of performing the duty to supervise or by otherwise deliberately and consciously neglecting his duty, although aware or was required to be aware and had to be aware that such acts may result in serious violation of another's rights or material damage, and such violation and/or damage does occur exceeding of four hundred and fifty thousand dinars in value, shall be punished by a fine or imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article results in serious violation of rights of another person or material damage exceeding one million five hundred thousand dinars in value, the offender shall be punished by imprisonment of from six months to five years.

(3) A responsible officer in an institution or another entity, with the exception of those engaging in commercial activity, who commits the offence referred to in paragraphs 1 and 2 of this Article, shall be punished by the penalty prescribed for that offence.

Unlawful Collection and Payment

Article 362

An official who collects money from another who is not obliged to pay or charges another more than such person is obliged to pay, or who when paying or handing over items to another fails to pay, pays less or fails to hand over or hands over less, shall be punished by a fine or imprisonment of up to three years.

Improper Use of Budget Funds

Article 362a

A responsible person in users of budgetary funds or responsible person in the compulsory social insurance organisation, who create obligations or approve payment of expenses and expenditures on budget account exceeding the amount of one million dinars compared to the amount determined in the budget, financial plan, or act of government which determines the amount of loan funds, shall be punished by a fine or imprisonment of up to one year.

Fraud in Service

Article 363

(1) An official or responsible officer who in discharge of duty, with intent to acquire unlawful material gain for himself or another by submitting false accounts or otherwise misleads an authorised official to effect unlawful payment, shall be punished by imprisonment of from six months to five years and a fine.

(2) If the offence referred to in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars in value, the offender shall be punished by imprisonment of from one to eight years and a fine.

(3) If the offence referred to in paragraph 1 of this Article results in acquiring material gain exceeding one million five hundred thousand dinars in value, the offender shall be punished by imprisonment of from two to ten years and a fine.

Embezzlement

Article 364

(1) Whoever with intent to acquire for himself or another unlawful material gain appropriates money, securities or other movables entrusted to him by virtue of office or position in a government authority, enterprise, institution or other entity or store, shall be punished by imprisonment of from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars in value, the offender shall be punished by imprisonment of from one to eight years.

(3) If the offence referred to in paragraph 1 of this Article results in acquiring material gain exceeding one million five hundred thousand dinars in value, the offender shall be punished by imprisonment of from two to twelve years.

Unauthorised Use

Article 365

Whoever without authorisation uses money, securities or other movables entrusted to him by virtue of office or under terms of his position in a government authority, enterprise, institution, or other organisation or store or without authorisation gives such items to another for use, shall be punished by imprisonment of from six months to five years.

Trading in Influence

Article 366

(1) Whoever solicits or accepts, directly or through a third party, reward or other advantage for himself or another to use his official or social position or his real or assumed influence to intercede for performance or failure to perform an official act, shall be punished by imprisonment of from six months to five years.

(2) Whoever promises, offers or gives, directly or through a third party, a reward or other benefit to another to intercede through use of his official or social position or his real or assumed influence for performance or failure to perform of an official act, shall be punished by imprisonment of up to three years.

(3) Whoever by abusing his official or social position or his real of assumed influence intercedes for performance of an official act that should not be performed or non-performance of an official act that should have been performed, shall be punished by imprisonment of from one to five years.

(4) Whoever promises, offers or gives, directly or through the third party, a reward or other benefit to another to intercede through use of his official or social position or his real of assumed influence for performance or an official act that should not be performed or to non-performance of an official act that should be performed, shall be punished by imprisonment of from six months to five years.

(5) If any reward or advantage has been received for trading in influence referred to in paragraph 3 of this Article, the offender shall be punished by imprisonment of from two to ten years.

Taking Bribes

Article 367

(1) An official who directly or indirectly solicits or accepts a gift or other benefit, or the promise of a gift or other benefit for himself or another to perform an official act within his competence that should not be performed or not to perform an official act that should be performed, shall be punished by imprisonment of from two to twelve years.

(2) An official who solicits or accepts a gift or other benefit or a promise of a gift or benefit for himself or another to perform an official act within his competence that he is obliged to perform or not to perform an official act that should not be performed, shall be punished by imprisonment of from two to eight years.

(3) An official who commits the offence referred to in paragraphs 1 and 2 of this Article in

connection with the detection of a criminal offence, instigation or conduct of criminal proceedings, pronouncement or enforcement of criminal sanctions, shall be punished by imprisonment of from three to fifteen years.

(4) An official who after performing or failure to perform an official act referred to in paragraphs 1, 2 and 3 of this Article solicits or accepts a gift or other benefit in relation thereto shall be punished by imprisonment of from three months to three years.

(5) A foreign official who commits the offence referred to in paragraphs 1 through 4 of this Article shall be punished by the penalty prescribed for that offence.

(6) A responsible officer in an enterprise, institution or other entity who commits the offence referred to in paragraphs 1, 2 and 4 of this Article shall be punished with the penalty prescribed for that offence.

(7) The received gift or material gain shall be seized.

Offering Bribes

Article 368

(1) Whoever makes or offers a gift or other benefit to an official, to within his official competence perform an official act that should not be performed or not to perform an official act that should be performed, or who acts as intermediary in such bribery of an official, shall be punished by imprisonment of from six months to five years.

(2) Whoever makes or offers a gift or other benefit to an official to, within his official competence, perform an official act that he is obliged to perform or not to perform an official act that he may not perform or who acts as intermediary in such bribery of an official, shall be punished by imprisonment of up to three years.

(3) Provisions of paragraphs 1 and 2 of this Article shall apply also when a bribe is made or offered to a foreign official.

(4) The offender referred to in paragraphs 1 through 3 of this Article who reports the offence before becoming aware that it has been detected may be remitted from punishment.

(5) Provisions of paragraphs 1, 2 and 4 of this Article shall also apply when a bribe is given or promised to a responsible officer in an enterprise, institution or other entity.

(6) A gift or other benefit seized from the person accepting the bribe may, in the case referred to in paragraph 4 of this Article, be returned to the persons giving the bribe.

Divulging Official Secrets

Article 369

(1) An official who without authorisation communicates, conveys or otherwise makes available information representing an official secret or whoever obtains such information with intent to convey it to an unauthorised person, shall be punished by imprisonment of from three months to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed for gain or in respect of particularly confidential information or for publication or use abroad, the offender shall be punished by imprisonment of from one to eight years.

(3) If the offence referred to in paragraph 1 of this Article is the result of negligence, the offender shall be punished by imprisonment of up to three years.

(4) An official secret is information and documents declared by law, other regulation or decision of the competent authority issued pursuant to law as an official secret and whose disclosure would cause or could cause damage to the service.

(5) Data and documents directed at serious violations of fundamental rights of man, or at endangering the constitutional order and security of Serbia, as well as data and documents that have as objective concealing of a committed criminal offence punishable under law by imprisonment of five or more years, shall not be deemed official secrets within the meaning of paragraph 4 of this Article.

(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 position of an official has ceased.

Chapter Thirty-Four CRIMINAL OFFENCES AGAINST HUMANITY AND OTHER RIGHT GUARANTEED BY INTERNATIONAL LAW

Genocide

Article 370

Whoever with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such orders killing or causing serious harm to the physical or mental health of members of that group, or deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part, or imposes measures intended to prevent births within the group or forcibly transfers children of the group to another group or who with same intent commits one of the aforementioned acts, shall be punished by a minimum five years imprisonment, or from to thirty to forty years' imprisonment.

Crimes against Humanity

Article 371

Whoever in violation of the rules of international law, as part of a wider and systematic attack against civilian populations orders: commission of murders; placement of the group in such living conditions as are calculated to bring about its complete or partial extermination, enslavement, deportation, torture, rape; forcible prostitution; forcible pregnancies or sterilisation aimed at changing the ethnic balance of the population; persecution on political, racial, national, ethnic, sexual or other grounds, detention or abduction of persons without disclosing information on such acts in order to deny such person legal protection; oppression of a racial group or establishing domination of one group over another; or other similar inhumane acts that intentionally cause serious suffering or serious endangering of health, or whoever commits any of the above-mentioned offences, shall be punished by imprisonment of a minimum of five years or imprisonment of from thirty to forty years.

War Crimes against the Civilian Population

Article 372

(1) Whoever in violation of international law at time of war, armed conflict or occupation orders an attack on civilian populations, settlements, particular civilians, persons incapacitated for combat or members or facilities of humanitarian organisations or peace mission; wanton attack without target selection harming civilian population or civilian facilities under special protection of international law; attack against military targets knowing that such attack would cause collateral damage among civilians or damage to civilian buildings that is obviously disproportionate to the military effect; ordering against civilian populations inflicting of bodily harm, torture, inhumane treatment, biological, medical or other research experiments, or taking of tissue or organs for transplantation or performing other acts causing harm to health or inflicting great suffering or who orders deportation or relocation or forced change of nationality or religion; forcing to prostitution or rape; applying intimidation and terror measures, taking of hostages, collective punishment, unlawful deprivation of freedom and detention; deprivation of the rights to a fair and impartial trial; proclaiming the rights and acts of enemy nationals prohibited, suspended or non-allowed in court proceedings; compelling into service of a hostile power or its intelligence or administration services; compelling to military service persons under seventeen years of age; forced labour; starving of populations; unlawful seizure, appropriation or destruction of property not justified by military necessity; taking unlawful and disproportionate contributions and requisitions; devaluation of local currency or unlawful issuance of currency, or whoever commits any of the above offences, shall be punished by imprisonment of a minimum of five years.

(2) The penalty referred to in paragraph 1 of this Article shall be imposed on whoever, in violation of international law at a time of war, armed conflict or occupation, orders: attack on facilities particularly protected under international law and installations and facilities with dangerous energy levels such as dams, levees and nuclear power plants; strikes against civilian facilities under special protection of international law, undefended places and demilitarised zones; long-term and substantial damage to the environment that may be detrimental to health of persons or survival of population or whoever commits any of these offences.

(3) Whoever at a time of war, armed conflict or occupation orders murders of civilian population or whoever commits such offence shall be punished by imprisonment of a minimum of ten years or imprisonment of from thirty to forty years.

(4) Whoever, in violation of the rules of international law at time of war, armed conflict or occupation, as an occupying power orders or undertakes relocation of part of its civilian population to occupied territories, shall be punished by imprisonment of a minimum of five years.

(5) Whoever threatens to commit any of the offences referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment of from six months to five years.

War Crimes Against the Wounded and the Sick

Article 373

(1) Whoever in violation of international law at a time of war, armed conflict or occupation orders inflicting bodily injuries, torture, inhuman treatment, biological, medical or other research experiments, taking of tissue or body organs for transplantation or other acts causing harm to health or serious suffering against the wounded, sick, shipwrecked or medical staff or clergy, or orders destroying or appropriation of a substantial extent of materials, medical transportation means and stocks of medical institutions or units that is not justified by military necessity, or whoever commits any of the above offences, shall be punished by imprisonment of a minimum of five years.

(2) Whoever at time of war, armed conflict or occupation orders murders of civilian population or whoever commits such offences shall be punished by imprisonment of a minimum of ten years or imprisonment of from thirty to forty years.

War Crimes against Prisoners of War

Article 374

(1) Whoever in violation of international law orders prisoners of war to be subjected to injury, torture, inhuman treatment, biological, medical or other research experiments, taking of tissues or body organs for transplantation or commission of other acts harmful to health and causing serious suffering, or compels prisoners of war to serve in forces of a hostile power or deprives them of the rights to a fair and regular trial; or whoever commits any of such offences, shall be punished by imprisonment of a minimum of five years.

(2) Whoever orders murders of prisoners of war or whoever commits such offences shall be punished by imprisonment of a minimum of ten years, or imprisonment of from thirty to forty years.

Organisation and Incitement to Genocide and War Crimes

Article 375

(1) Whoever conspires with another to commit any of the crimes referred to in Articles 370 through 374 of this Code shall be punished by imprisonment of from three months to three years.

(2) Whoever organizes a group to commit the criminal offences referred to in Article 1 of this Article shall be punished by imprisonment of a from five to fifteen years.

(3) Whoever organises an organised criminal a group to commit the criminal offences referred to in Article 1 of this Article shall be punished by imprisonment of a minimum of five years.

(4) Whoever becomes member of a group referred to in paragraph 2 of this Article, shall be punished by imprisonment of from one to eight years.

(5) Whoever becomes member of an organized criminal group specified in paragraph 3 of this Article shall be punished by imprisonment of from two to ten years.

(6) The offender referred to in paragraphs 1, 4 and 5 of this Article who discloses the conspiracy prior to committing an offence as part of the group or for the group, or an offender referred to in paragraph 2 and 3 of this Article who prevents commission of the offence specified in paragraph 1 of this Article may receive mitigation of punishment.

(7) Whoever calls for or incites to commission of offences referred to in Articles 370 through 374 of this Code shall be punished by imprisonment of from one to ten years.

Employment of Prohibited Means of Warfare

Article 376

(1) Whoever during a time of war or armed conflict orders employment of means or methods of warfare that are prohibited under rules of international law or who uses such means or methods, shall be punished by imprisonment of from two to ten years.

(2) If the offence referred to in paragraph 1 of this Article results in killing of several persons, the offender shall be punished by a minimum five years' imprisonment, or from thirty to forty years' imprisonment.

(3) Whoever calls for employment or prepares the use of weapons referred to in paragraph 1 of this Article shall be punished by imprisonment of from six months to five years.

Unlawful Manufacture, Trade in and Keeping of Prohibited Weapons

Article 377

(1) Whoever in contravention of the law, other regulations or rules of international law manufactures, buys, sells, imports, exports or otherwise procures or gives to another,

stocks or transports weapons whose production or use is forbidden, or means for production of it shall be punished by imprisonment of from one to eight years.

(2) An official or responsible person who orders or makes it possible for a legal person to engage in activities referred to in paragraph 1 of this Article shall be punished by imprisonment of from two to ten years.

Unlawful Killing and Wounding of Enemies

Article 378

(1) Whoever in violation of international law at a time of war or armed conflict kills or wounds an enemy who has laid down his weapons or has surrendered unconditionally or has no means of defence shall be punished by imprisonment of from one to fifteen years.

(2) If the murder referred to in paragraph 1 of this Article is committed in a perfidious manner or from base motives, the offender shall be punished by imprisonment of a minimum of ten years.

(3) If the murder referred to in paragraph 1 of this Article is committed in a cruel manner or for gain or if several persons have been killed, the offender shall be punished by imprisonment of a minimum of ten years, or imprisonment of from thirty to forty years.

(4) The penalty referred to in paragraph 3 of this Article shall be imposed also on whoever by violation of rules of international law in times of war or armed conflict orders that no enemy may be taken alive, or conducts operations with such aim.

Unlawful Appropriation of Objects from Bodies

Article 379

(1) Whoever orders unlawful appropriation of objects from the dead or wounded on the battlefield or who commits such an offence shall be punished by imprisonment of from one to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed in a cruel manner or if the value of appropriated objects exceeds four hundred and fifty thousand dinars, the offender shall be punished by imprisonment of from one to eight years.

(3) If the value of appropriated objects referred to in paragraph 1 of this Article exceeds one million dinars, the offender shall be punished by imprisonment of from two to ten years.

Violation of Protection Granted to Bearer of Flag of Truce/Emissary

Article 380

Whoever in violation of international law at a time of war or armed conflict abuses, mistreats or detains a bearer of a flag of truce/emissary or his escort or prevents their return or otherwise infringes their inviolability or orders such acts committed shall be punished by imprisonment of from six months to five years.

Cruel Treatment of the Wounded, Sick and Prisoners of War

Article 381

Whoever in violation of international law cruelly treats the wounded, sick or prisoners of war or prevents or obstructs exercising of their rights guaranteed by such rules, or whoever orders such acts committed, shall be punished by imprisonment of from six months to five years.

Unjustified Postponement of Repatriation of Prisoners of War

Article 382

Whoever in violation of international law delays without justification repatriation of prisoners of war or civilians after the end of a war or armed conflict, or orders such postponement, shall be punished by imprisonment of from six months to five years.

Destruction of Cultural Heritage

Article 383

(1) Whoever in violation of international law in time of war or armed conflict destroys cultural or historic monuments or other objects of culture or religious facilities or institutions or facilities intended for the arts, sciences, education or humanitarian causes, or orders such acts committed shall be punished by imprisonment of from three to fifteen years.

(2) If the offence referred to in paragraph 1 of this Article results in destruction of a cultural facility or institution enjoying special protection under international law, the offender shall be punished by imprisonment of from five to fifteen years.

Failure to Prevent Crimes against Humanity and other Values Protected under International Law

Article 384

(1) A military commanding officer or person who effectively performs such a function, knowing that forces under his command or control are preparing or have commenced committing offences referred to in Article 370 through 374, Article 376. Articles 378 through 381 and Article 383 of this Code fails to undertake measures that he could have taken or was obliged to take to prevent commission of such crimes, and this results in actual commission of that crime, shall be punished by the penalty prescribed for such offence.

(2) Any other superior who knowing that forces under his command or control are

preparing or have begun committing offences referred to in Article 370 through 374, Article 376, Articles 378 through 381 and Article 383 of this Code fails to undertake measures that he could have taken or was obliged to take to prevent commission of such crimes, and this results in actual commission of that crime, shall be punished by the penalty prescribed for such offence.

(3) If the offence referred to in paragraphs 1 and 2 of this Article is the result of negligence, the offender shall be punished by imprisonment of from six months to five years.

Violation of Sanctions Imposed by International Organisations

Article 384a

(1) Whoever contrary to the decisions of international organizations of which Serbia is a member and which are binding for Serbia, its citizens and legal persons registered on its territory, and to which certain restrictions in terms of economic operations with certain countries or territories are introduced, imports, exports, transports or mediates the transport of goods, provides technical support, transfer of technology and knowledge of, or otherwise act contrary to the established prohibitions, shall be punished by imprisonment of from three months to three years, and a fine.

(2) If the criminal offence specified in paragraph 1 this article resulted in material loss to Serbia or harmful consequences are caused to the reputation and interests of Serbia, the offender shall be punished by imprisonment from one to eight years. and a fine.

Abuse of International Signs

Article 385

(1) Whoever abuses or carries without authorisation the flag or sign of the United Nations Organisation or the flag or symbol of the Red Cross Organisation or symbols corresponding thereto or other internationally recognised signs for designating particular facilities for their protection during military operations, or who orders such acts committed, shall be punished by imprisonment of up to three years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article within a zone of war operations, shall be punished by imprisonment of from six months to five years.

War of Aggression

Article 386

(1) Whoever calls for or instigates a war of aggression shall be punished by imprisonment of from two to twelve years.

(2) Whoever orders waging a war of aggression shall be punished by imprisonment of a minimum of ten years, or imprisonment of from thirty to forty years.

Racial and Other Discrimination

Article 387

1) Whoever on grounds of race, colour, religion, nationality, ethnic origin or other personal characteristic violates fundamental human rights and freedoms guaranteed by universally accepted rules of international law and international treaties ratified by Serbia shall be punished by imprisonment of from six months to five years.

(2) The penalty referred to in paragraph 1 of this Article shall be imposed on whoever persecutes organisations or individuals due to their commitment for equality of people.

(3) Whoever propagates ideas of superiority of one race over another or propagates racial intolerance or instigates racial discrimination, shall be punished by imprisonment of from three months to three years.

(4) Who spread or otherwise make publicly available texts, images or any other representation of ideas or theories advocated or encourages hatred, discrimination or violence against any person or group of persons based on race, colour, religious affiliation, nationality, ethnic origin or other personal property, shall be punished by imprisonment of from three months to three years.

(5) Whoever publicly threaten a person or group of persons because of their race, colour, religion, nationality, ethnic origin or other personal property with a criminal offence punishable by imprisonment exceeding four years shall be punished by imprisonment of from three months to three years.

Human Trafficking

Article 388

(1) Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts shall be punished by imprisonment of from three to twelve years.

(2) When the offence referred to in paragraph 1 of this Article is committed against a juvenile, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.

(3) If the offence referred to in paragraph 1 of this Article is committed against a juvenile, the offender shall be punished by imprisonment of a minimum of five years.

(4) If the offence referred to in paragraphs 1 and 3 of this Article resulted in serious bodily injury of a person, the offender shall be punished by imprisonment of from five to fifteen years.

(5) If the offence referred to in paragraphs 1 and 3 of this Article resulted in the death of one or more persons, the offender shall be punished by imprisonment of a minimum of ten years.

(6) Whoever habitually engages in offences referred to in paragraphs 1 to 3 of this Article or if the offence is committed by a group shall be punished by imprisonment of a minimum of five years.

(7) If the offence referred to in paragraphs 1 to 3 of this Article is committed by an organised group, the offender shall be punished by imprisonment of a minimum of ten years.

(8) Whoever knows or should know that a person is a victim of trafficking, and abuses his/her position or allow to another to abuse his/her position for the exploitation referred to in paragraph 1 this Article, shall be punished by imprisonment from six months to five years.

(9) If the offence referred to in paragraph 8 of this Article is committed against a juvenile, the offender shall be punished by imprisonment of from six months to five years.

(10) The agreement of persons to be exploited or placed in slavery or servitude referred to in paragraph 1 this Article shall not affect the existence of the criminal offence referred to in paragraphs 1, 2 and 6 of this Article.

Trafficking in Minors for Adoption

Article 389

(1) Whoever abducts a person not yet sixteen years of age for the purpose of adoption contrary to laws in force, or whoever adopts such a person or mediates in such adoption, or whoever for that purpose buys, sells or hands over another person under sixteen years of age or transports such a person, provides accommodation or conceals such a person, shall be punished by imprisonment of from one to five years.

(2) Whoever habitually engages in activities referred to in paragraph 1 of this Article or if the offence is committed by a group shall be punished by imprisonment of a minimum of five years.

Holding in Slavery and Transportation of Enslaved Persons

Article 390

(1) Whoever in violation of international law enslaves another person or places a person in servitude, or holds a person in slavery or servitude, or buys, sells, hands over to another or mediates in buying, selling and handing over of such person or induces another to sell his freedom or freedom of persons under his support or care, shall be

punished by imprisonment of from one to ten years.

(2) Whoever transports persons in slavery or servitude from one country to another shall be punished by imprisonment of from six months to five years.

(3) Whoever commits the offence referred to in paragraphs 1 and 2 of this Article against a juvenile shall be punished by imprisonment of from five to fifteen years.

Threatening Persons Enjoying International Protection

Article 390a

Whoever commits violence against persons under international legal protection or attacks their official premises, private apartments or conveyances, shall be punished by imprisonment from six months to five years.

International Terrorism

Article 391

(1) Whoever with intent to cause harm to a foreign state or international organisation commits the abduction of a person or other violent act, causes an explosion or fire or commits other generally dangerous acts or threatens to use nuclear, chemical, bacteriological or other similar means shall be punished by imprisonment of from three to fifteen years.

(2) If the offence referred to in paragraph 1 of this Article results in death of one or more persons or if the offender is a member of a criminal group, the offender shall be punished by imprisonment of from five to fifteen years.

(3) If in commission of the offence referred to in paragraph 1 of this Article the offender kills another person with intent, the offender shall be punished by imprisonment of a minimum of ten years, or imprisonment of from thirty to forty years.

(4) Whoever prepares the commission of the criminal offence referred to in paragraphs 1 to 3 of this Article shall be punished by imprisonment of one to five years.

(5) The preparation referred to in paragraph 4 this article consists of the acquisition of the means for the committing criminal offences, removal of obstacles, and agreeing, planning or organising with others activities that create conditions for direct commission of the crime.

Taking Hostages

Article 392

(1) Whoever abducts another person and threatens to kill, injure or keep hostage with intent to force another country or international organisation to do or not to do something,

shall be punished by imprisonment of from two to ten years.

(2) The offender referred to in paragraph 1 of this Article who voluntarily releases the abducted person although not achieving the objective of the abduction may be remitted from punishment.

(3) If the offence referred to in paragraph 1 of this Article results in the death of the abducted person, the offender shall be punished by imprisonment of from three to fifteen years.

(4) If in the commission of the offence referred to in paragraph 1 of this Article the offender intentionally kills the abducted person, the offender shall be punished by imprisonment of a minimum of ten years, or imprisonment of from thirty to forty years.

Financing Terrorism

Article 393

(1) Whoever directly or indirectly provides or collects funds intended for financing commission of criminal offences referred to in Articles 312, 391 and 392 of this Code shall be punished by imprisonment of one to ten years.

(2) Whoever encourages and assists in providing or collecting funds for carrying out criminal acts referred to in articles 312, 391 and 392 this Code, regardless of whether the act is committed, or whether the funds are used for the committing of these criminal offence, shall be punished by imprisonment of from six months to five years.

(2) The funds referred to in paragraph 1 of this Article shall be seized.

Chapter Thirty-Five CRIMINAL OFFENCES AGAINST THE ARMY OF SERBIA

Evasion of Military Service

Article 394

(1) Whoever, without justifiable cause, fails to comply with summons for military conscription, for compulsory military service or the obligations of reserve military staff, or avoids to receive call-up papers for such service, shall be punished by a fine or imprisonment of up to one year.

(2) Whoever hides in order to avoid the duty referred to in paragraph 1 of this Article shall be punished by imprisonment of from three months to three years.

(3) Whoever leaves the country or remains abroad in order to avoid military duty referred to in paragraph 1 of this Article shall be punished by imprisonment of from one to eight years.

(4) Whoever calls upon or instigates several persons to commit the offence referred to in paragraphs 1 through 3 of this Article shall be punished for the offence referred to in paragraph 1 by imprisonment of up to three years, and for the offence referred to in paragraphs 2 and 3 by imprisonment of from two to twelve years.

(5) The offender referred to in paragraphs 1 through 3 of this Article who voluntarily reports himself to the competent government authority may be remitted from punishment.

Evasion of Registration and Inspection

Article 395

(1) Whoever contrary to statutory duty, without justifiable grounds, fails to comply with the summons of the competent government authority for registration or inspection or opposes inspection or registration of manpower or material resources necessary for the defence of the country, or whoever provides false information during such registration or inspection, shall be punished by a fine or imprisonment of up to one year.

Failure to Supply Material Resources

Article 396

1) Whoever contrary to statutory duty, without justifiable grounds, fails to deliver at a designated location and specified time, and in state required for their intended purpose, material resources or livestock, shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article is committed a state of war, an armed conflict or a state of emergency, the offender shall be punished by imprisonment of from six months to five years.

Evading Military Service by Self-disablement or Deceit

Article 397

(1) Whoever with intent to evade military service or to be assigned to easier duty injures himself or otherwise temporarily incapacitates himself for military service, or allows another to temporarily incapacitate him, as well as whoever temporarily incapacitates another with or without that person's permission with same intent, shall be punished by imprisonment of from three months to five years.

(2) If the offence referred to in paragraph 1 of this Article results in permanent disability for military service, the offender shall be punished by imprisonment of from one to eight years.

(3) Whoever with intent referred to in paragraph 1 of this Article simulates an illness or uses false documents for himself or another or otherwise acts fraudulently, shall be punished by imprisonment of from three months to five years.

Unlawful Exemption from Military Service

Article 398

Whoever by abuse of position or authority makes possible for a serviceman subject to military duty to be exempted from service or to be assigned easier duty shall be punished by imprisonment of from six months to five years.

Absence Without Leave and Desertion from the Army of Serbia

Article 399

(1) A serviceman who is absent without leave from his unit or service for a minimum of five days or less if such absence occurs several times in one year, or leaves his unit or service without permission during the execution of an important assignment or during an increased combat readiness of the unit, shall be punished by a fine or imprisonment of up to one year.

(2) A serviceman who hides in order to evade military service or who is absent without leave from his unit or service for more than thirty days shall be punished by imprisonment of from three months to three years.

(3) A serviceman who leaves the country or remains abroad in order to evade military service shall be punished by imprisonment of from one to eight years.

(4) A serviceman who prepares to flee to a foreign country in order to evade military service shall be punished by imprisonment of from three months to three years.

(5) Whoever calls upon or incites more than one person to commit the offence referred to in paragraph 1 of this Article shall be punished by imprisonment of from one to eight years.

(6) Whoever calls upon or incites more than one person to commit the offence referred to in paragraphs 2 and 3 of this Article shall be punished by imprisonment of from two to twelve years.

(7) The offender referred to in paragraphs 2 and 3 who voluntarily reports to competent government authority to discharge his military service may be remitted from punishment.

Disobeying Orders

Article 400

(1) A serviceman who fails to execute or refuses to obey an order of a superior in connection with service, whereby serious detrimental consequences ensue for the service, or the service is seriously compromised, shall be punished by imprisonment of from three months to three years.

(2) If the offence referred to in paragraph 1 of this Article results in serious consequences for the military service or the order relates to the acceptance and use of weapons, the offender shall be punished by imprisonment of from one to eight years.

(3) If the offence referred to in paragraphs 1 and 2 is the result of negligence, the offender shall be punished for the offence referred to in paragraph 1 by a fine or imprisonment of up to one year, and for the offence referred to in paragraph 2 by imprisonment of from three months to three years.

Resisting a Superior

Article 401

(1) A serviceman who together with other servicemen opposes an order of a superior related to service and refuses to obey such order or refuses to do his duty shall be punished by imprisonment of from three months to three years.

(2) If the offence referred to in paragraph 1 is committed in an organised manner, the offender shall be punished by imprisonment of from one to five years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article is committed by the use of weapons, the offender shall be punished by imprisonment of from one to eight years.

(4) A serviceman who in perpetrating the offence referred to in paragraphs 1 through 3 of this Article commits manslaughter shall be punished by imprisonment of from two to twelve years.

(5) The organiser and ringleader of the offence referred to in paragraph 2 of this Article shall be punished by imprisonment of from two to ten years.

(6) Whoever prepares the commission of the offence referred to in paragraph 2 of this Article shall be punished by imprisonment of from three months to three years.

(7) A military officer who, within his competences, and in cases of offences referred to in paragraphs 1 through 4 of this Article, fails to undertake prescribed, ordered or obviously required measures to restore order, shall be punished by imprisonment of from one to five years.

Resisting Military Personnel on Special Duty

Article 402

Whoever resists a serviceman performing sentry, patrol, duty, security or similar service or fails to obey his challenge or fails or refuses to obey his order and thereby serious

detrimental consequences result for the service or the service is seriously compromised, shall be punished by imprisonment of from three months to three years.

Coercion against Military Personnel Performing Duties

Article 403

(1) Whoever by force or threat of use of force prevents a serviceman in the performance of his duty, or forces him in the same manner to act contrary to official duty, shall be punished by imprisonment of from three months to three years.

(2) If the offence referred to in paragraph 1 of this Article results in serious consequences for the service, the offender shall be punished by imprisonment of from one to eight years.

(3) The attempt of the offence referred to in paragraph 1 of this Article shall be penalised.

Assaulting Military Personnel on Duty

Article 404

(1) Whoever assaults or threatens to assault a serviceman on duty shall be punished by imprisonment of from three months to three years.

(2) If in the commission of the offence referred to in paragraph 1 of this Article the offender inflicts light bodily harm to a serviceman or threatens to use a weapon, the offender shall be punished by imprisonment of from three months to five years.

(3) If in the commission of the offence referred to in paragraph 1 of this Article the offender inflicts serious bodily harm to a serviceman or has caused serious consequences to the service caused by negligence, the offender shall be punished by imprisonment of from one to eight years.

(4) If the commission of the offence referred to in paragraph 1 of this Article resulted in manslaughter of a serviceman, the offender shall be punished by imprisonment of from two to ten years.

Remission for Offences in Articles 400 to 404

Article 405

An offender referred to in Articles 400, 401 paragraph 1, 402, 403 paragraph 1, and 404 paragraphs 1 and 2 of this Code who was provoked by unlawful and rude treatment of a serviceman may be remitted from punishment.

Maltreating of Subordinate or Junior

Article 406

(1) A superior officer who in service or in connection with service maltreats a subordinate or serviceman of junior rank or treats them in a way that offends dignity shall be punished by imprisonment of from three months to three years.

(2) If the offence referred to in paragraph 1 of this Article results in serious bodily harm or serious impairment of health of the subordinate or junior or if the offence is committed against several persons, the offender shall be punished by imprisonment of from one to five years.

Violation of Special Military Duty

Article 407

(1) A serviceman who acts contrary to regulations governing sentry, patrol, duty, security or similar assignment and thereby serious consequences to the service occur or the service is seriously compromised, shall be punished by imprisonment of from three months to three years.

(2) If the offence referred to in paragraph 1 of this Article is committed at weapons, ammunition or explosives depots or other important facilities, the offender shall be punished by imprisonment of from three months to five years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article results in serious bodily harm or substantial property damage or other serious consequences, the offender shall be punished by imprisonment of from one to eight years.

(4) If the offence referred to in paragraphs 1 and 2 results in the death of one or more persons, the offender shall be punished by imprisonment of from two to twelve years.

(5) If the offences referred to in paragraphs 1 through 4 are the result of negligence, the offender shall be punished for the offence referred to in paragraph 1 by a fine or imprisonment of up to one year, for the offence referred to in paragraph 2 by a fine or imprisonment of up to two years, for the offence referred to in paragraph 3 by imprisonment of from three months to three years and for the offence referred to in paragraph 4 by imprisonment of from one to eight years.

Violation of Border Guard Duty

Article 408

(1) An official who in discharge of duty at the national frontier acts in contravention of regulations governing guarding of the national frontier, and thereby serious detrimental consequences occur or the service is seriously compromised, shall be punished by imprisonment of from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article was committed during discharge of duty under special circumstances or if due to the offence serious bodily

harm or substantial property damage or other serious consequences ensued, the offender shall be punished by imprisonment of from one to eight years.

(3) If the offence referred to in paragraph 1 of this Article resulted in the death of one or more persons, the offender shall be punished by imprisonment of from two to twelve years.

(4) If the offence referred to in paragraph 1 of this Article was the result of negligence, the offender shall be punished by a fine or imprisonment of up to one year.

(5) If the offence referred to in paragraph 4 of this Article results in consequences referred to in paragraph 2 of this Article, the offender shall be punished by imprisonment of from three months to three years, and if the offence results in consequences referred to in paragraph 3 of this Article, the offender shall be punished by imprisonment of from one to eight years.

Submitting Incorrect Reports

Article 409

(1) A serviceman who officially reports to a superior officer, whether verbally or in writing, incorrect information of importance to the service or omits an important fact or forwards such report although aware that information contained therein is false, and thereby causes serious detrimental consequences to the service or the service is seriously compromised, shall be punished by imprisonment of from three months to three years.

(2) If the offence referred to in paragraph 1 of this Article is committed by submitting of a report of particular significance or if serious consequences result, the offender shall be punished by imprisonment of from one to eight years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted from negligence, the offender shall be punished for the offence in paragraph 1 by a fine or imprisonment of up to one year, and for the offence referred to in paragraph 2 by imprisonment of from three months to three years.

Failure to Undertake Measures to Ensure Security of a Military Unit

Article 410

(1) A military commanding officer who within his purview fails to undertake measures that are prescribed, ordered or other measures obviously necessary to ensure the security of the unit, protection of the lives and health of the persons under his command, the security and maintenance in a proper condition of facilities, objects and resources ensuring full combat readiness, regular provision of food or military equipment or keeping and caring of livestock, or timely and proper repair work or security of facilities entrusted to him, and thereby endangers the life or health of people or property of substantial value, shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article results in a serious bodily harm or substantial damage to property, or other serious consequences, the offender shall be punished by imprisonment of from six months to five years.

(3) If the offence referred to in paragraph 1 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment of from one to ten years.

(4) If the offence referred to in paragraph 1 of this Article resulted from negligence, the offender shall be punished by a fine or imprisonment of up to one year.

(5) If the offence referred to in paragraph 4 of this Article results in consequences referred to in paragraph 2 of this Article, the offender shall be punished by imprisonment of up to three years, and if it results in consequences referred to in paragraph 3 of this Article, the offender shall be punished by imprisonment of up to five years.

Unconscientious Manufacture and Acceptance of Weapons and other Military Equipment

Article 411

(1) A serviceman in the military or other official entrusted in an enterprise of other legal person in the defence industry with the management of the production or technological process or supervision of it, who by unconscientious discharge of services or duties entrusted to him causes that weapons, ammunition or other military equipment are not manufactured in due time or of required quality, shall be punished by imprisonment of from three months to three years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on a serviceman or other person who by unconscientious discharge of duty accepts weapons or other military equipment that does not meet requirements or contractual terms.

(3) If the offence referred to in paragraphs 1 and 2 of this Article results in serious consequences, the offender shall be punished by imprisonment of from one to eight years.

(4) If the offence referred to in paragraphs 1 and 2 of this Article resulted from negligence, the offender shall be punished by a fine or imprisonment of up to one year.

(5) If the offence referred to in paragraph 4 of this Article results in consequences referred to in paragraph 3 of this Article, the offender shall be punished by imprisonment of from three months to three years.

Improper Care of Weapons

Article 412

(1) Whoever improperly keeps, stores or handles weapons, ammunition or explosives

belonging to a military unit or military institution and thereby causes damage to it of substantial extent, its destruction or its disappearance, shall be punished by imprisonment of up to one year.

(2) A supervisor of a depot holding weapons, ammunition, explosives and other military equipment who fails to undertake measures for their security and maintenance, and thereby substantial damage, destruction or disappearance of such combat means ensues, shall be punished by imprisonment of from three months to five years.

(3) If the offence referred to in paragraph 2 of this Article results in substantial material damages, the offender shall be punished by imprisonment of from one to ten years.

(4) If the offence referred to in paragraphs 1 and 2 of this Article resulted from negligence, the offender shall be punished by a fine or imprisonment of up to two years.

(5) If the offence referred to in paragraph 4 of this Article results in consequences referred to in paragraph 3 of this Article, the offender shall be punished by imprisonment of from three months to five years.

Unlawful Disposal of Weapons

Article 413

Whoever appropriates, disposes of, pawns, hands over to another to use, damages or destroys weapons, ammunition or explosives entrusted to him to use and that serve for defence purposes, shall be punished by imprisonment of from three months to five years.

Theft of Weapons and other Military Equipment

Article 414

(1) Whoever steals weapons, ammunition, explosives or military equipment, or equipment parts, intended for defence purposes, shall be punished by imprisonment of from six months to five years.

(2) If the value of the items referred to in paragraph 1 of this Article exceeds four hundred and fifty thousand dinars, or if the theft was committed by breaking and entering into locked buildings, rooms, safes, cabinets or other closed premises, or committed by a group of persons in a particularly dangerous or insolent manner, or by a person carrying a weapon or dangerous implement for intended attack or defence, or during a fire, flood, earthquake or other disaster, the offender shall be punished by imprisonment of from two to ten years.

(3) If the value of items referred to in paragraph 1 of this Article exceeds one million and five hundred thousand dinars, the offender shall be punished by imprisonment of from two to twelve years.

Divulging Military Secrets

Article 415

(1) Whoever without authorisation communicates, hands over or otherwise makes available information representing a military secret or whoever obtains such information with intent to hand it over to an unauthorised person, shall be punished by imprisonment of from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed for gain or in respect of particularly confidential information or for publication or use of such information in a foreign country, the offender shall be punished by imprisonment of from one to eight years.

(3) If the offence referred to in paragraph 1 of this Article resulted from negligence, the offender shall be punished by imprisonment of up to three years.

(4) A military secret is defined as information designated by law, other regulations or decisions of competent authorities passed pursuant to law as a military secret and whose disclosure would or could cause damage to the Army of Serbia or to the defence and security of the country.

(5) Information or documents directed at serious violation of fundamental human rights or at compromising the constitutional order and security of Serbia, as well as information and documents aimed at concealing a committed criminal offence punishable under the law by imprisonment of five years or a more severe penalty shall not be deemed a military secret within the meaning of paragraph 4 of this Article.

Unauthorised Access to Military Facilities

Article 416

Whoever without authorisation enters a military facility or makes sketches or drawings of the military facility or combat means or takes photographs of it or otherwise makes photographic record, although aware that this is prohibited, shall be punished by imprisonment of up to three years.

Penalties for Criminal Offences Committed During a State of War, an Armed Conflict or a State of Emergency

Article 417

(1) For the criminal offences referred to in Articles 394 paragraph 1, 399 paragraphs 1 and 4, 400 paragraphs 1 and 3, 401 paragraphs 1, 6 and 7, 402, 403, 404 paragraphs 1 and 2, 406, 407 paragraph 1, 2 and 5, 408 paragraphs 1, 4 and 5, 409, 410 paragraphs 1 and 4, 411 paragraphs 1, 2, 4 and 5, 412 paragraphs 1, 2, 4 and 5, 413, 414 paragraph 1, 415 paragraphs 1 and 3, and Article 416 of this Code, if committed during a state of war, an armed conflict or a state of emergency, the offender shall be punished by imprisonment of from two to ten years.

(2) For the criminal offences referred to in Articles 394 paragraphs 2 through 4, 397, 398, 399 paragraphs 2, 3, 5 and 6, 400 paragraph 2, 401 paragraphs 2 through 5, 404 paragraphs 3 and 4, 407 paragraph 3, 408 paragraph 2, 410 paragraphs 2 and 5, 411 paragraph 3, 412 paragraph 3, 414 paragraphs 2 and 3, and 415 paragraph 2 of this Code, if committed during imminent threat of war, state of war, armed conflict or state of emergency, the offender shall be punished by imprisonment of from three to fifteen years.

(3) For the criminal offences referred to in Articles 407 paragraph 4, 408 paragraph 3 and 410 paragraph 3 of this Code, if committed during a state of war, an armed conflict or a state of emergency, the offender shall be punished by imprisonment of a minimum of ten years.

Failure of Duty in Conducting Mobilisation

Article 418

(1) A serviceman or official who during mobilisation in time of a state of war, armed conflict or state of emergency, contrary to their duty fail to ensure the proper reception, assignment and billeting of recruits, conveyances and other equipment and livestock or fail to ensure provisions for mobilised personnel or livestock, resulting in or that could have resulted in detrimental consequences, shall be punished by imprisonment of from one to five years.

(2) If the offence referred to in paragraph 1 of this Article resulted in serious consequences, the offender shall be punished by imprisonment of a minimum of ten years.

(3) If the offence referred to in paragraph 1 of this Article resulted from negligence, the offender shall be punished by imprisonment of up to three years.

(4) If the offence referred to in paragraph 3 of this Article resulted in consequences referred to in paragraph 2 of this Article, the offender shall be punished by imprisonment of from six months to five years.

Undermining Defence and Military Might

Article 419

(1) Whoever destroys, disables or makes possible for the enemy to take over defence installations, defence facilities, positions, weapons and other military and defence equipment, ships or aircraft, or surrenders a unit to the enemy without a fight or before exhausting all means of defence or otherwise hinders or endangers military or defence measures, shall be punished by imprisonment of from three to fifteen years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article with intent to aid the enemy shall be punished by imprisonment of from five to fifteen years.

(3) Whoever prepares commission of the offence referred to in paragraphs 1 and 2 of this Article shall be punished by imprisonment of from one to six years.

(4) If the offences referred to in paragraph 1 of this Article resulted from negligence, the offender shall be punished by imprisonment of from one to eight years.

(5) If the offence referred to in paragraphs 1 and 2 of this Article resulted in death of one or more persons or endangered lives or was accompanied by serious acts of violence or substantial devastation or resulted in compromising the security, economic or military power of the country, the offender shall be punished by imprisonment of a minimum of ten years.

Preventing Opposition to the Enemy

Article 420

(1) Whoever at a time of war or armed conflict prevents citizens of Serbia or citizens of allied countries from fighting the enemy shall be punished by imprisonment of from five to fifteen years.

(2) Whoever at time of war or armed conflict deters citizens of Serbia and its allies from fighting the enemy through propaganda or other means shall be punished by imprisonment of from one to eight years.

Defection and Surrender to an Enemy

Article 421

(1) A serviceman who during war or armed conflict defects to enemy forces shall be punished by imprisonment of a minimum of ten years.

(2) A serviceman who during war or armed conflict surrenders to the enemy before exhausting all means of defence shall be punished by imprisonment of from two to ten years.

Service in the Forces of a Hostile Power

Article 422

(1) A citizen of Serbia who in a time of war or armed conflict serves in hostile forces or participates in war or armed conflict as a combatant against Serbia and its allies shall be punished by imprisonment of from three to fifteen years.

(2) Whoever recruits Serbia citizens for service in hostile forces or for participation in the war or armed conflict against Serbia or its allies shall be punished by imprisonment of from five to fifteen years.

Aiding the Enemy

Article 423

(1) A citizen of Serbia who during a war or armed conflict assists the enemy in implementing requisition, sequestering of food or other resources or in implementing any coercive measures against the population shall be punished by imprisonment of from two to ten years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on a citizen of Serbia who at time of war politically or economically collaborates with the enemy.

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted in the death of one or more persons or endangered lives or was accompanied with serious acts of violence or substantial devastation or compromised the security, economic or military power of the country, the offender shall be punished by imprisonment of a minimum of ten years.

Failure to Discharge Duty and Abandoning of Post During Combat

Article 424

(1) A serviceman who during combat operations or immediately prior to combat fails to do his duty and thereby detrimental consequences result to the military unit or combat situation shall be punished by imprisonment of from two to ten years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on a serviceman who during combat or imminently before combat arbitrarily or fraudulently abandons his post.

(3) If the offences referred to in paragraphs 1 and 2 of this Article result in serious consequences, the offender shall be punished by imprisonment of a minimum of ten years.

Abandoning of Post Contrary to Orders

Article 425

(1) A military commanding officer who contrary to orders abandons a position with the unit under his command before exhausting all possibilities of defence shall be punished by imprisonment of from two to twelve years.

(2) If the offences referred to in paragraph 1 of this Article result in serious consequences, the offender shall be punished by imprisonment of a minimum of ten years.

Prematurely Abandoning a Damaged Vessel or Aircraft

Article 426

(1) The commander of a navy ship who at time of war or armed conflict abandons a damaged ship before fulfilling his duty pursuant to regulations on naval service shall be punished by imprisonment of from two to ten years.

(2) A crew member of a navy ship who at time of war or armed conflict abandons a damaged ship before the captain has issued orders to abandon ship or a member of the crew of a military aircraft who at time of war or armed conflict abandons a damaged military aircraft before fulfilling his duty pursuant to regulations on flight and use of aircraft, shall be punished by imprisonment of from one to eight years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted in serious consequences, the offender shall be punished for the offence referred to in paragraph 1 of this Article by imprisonment of a minimum of ten years, and for the offence referred to in paragraph 2 of this Article by imprisonment of from two to ten years.

Weakening of Morale in Combat

Article 427

(1) Whoever directly before or during combat by provoking dissatisfaction among troops, spreading disturbing news, fleeing, throwing down weapons or ammunition, provoking or spreading fear or otherwise weakens combat morale in the unit or compromises a combat situation shall be punished by imprisonment of from two to twelve years.

(2) A commanding officer who fails to undertake necessary measures against a subordinate or junior officer who during combat or directly before combat spreads fear among troops or otherwise weakens combat morale or compromises a combat situation, shall be punished by imprisonment of from one to eight years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted in serious consequences, the offender shall be punished by imprisonment of a minimum of ten years.

Failure to Report to Military Authorities

Article 428

(1) Whoever during a state of war, armed conflict or state of emergency does not report to a superior, senior officer or military command an event that obviously requires undertaking urgent military measures shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article resulted in serious consequences, the offender shall be punished by imprisonment of from two to ten years.

Requirements for Pronouncing Disciplinary Punishment and/or Measure

Article 429

A disciplinary punishment and/or measure set forth under law may be pronounced in lieu of a criminal sanction to a serviceman for a criminal offence against the Army of Serbia carrying statutory punishment up to three years imprisonment, if such an act was of a particularly inconsequential aspect and if so required by the interests of the service.

Criminal Offences Committed on Orders of a Superior

Article 430

A subordinate shall not be punished for an offence committed while obeying an order of a superior relating to official duty, unless the order relates to the commission of a criminal offence punishable by imprisonment of from five or more years and the subordinate was aware that complying with the order constitutes a criminal offence.

Chapter Thirty-Six TRANSITIONAL AND CONCLUDING PROVISIONS

Article 431

(1) On the effective date of this Code the following shall be set aside: the Basic Criminal Law (*Official Gazette of the SFRY* nos. 44/76, 46/77, 34/84, 37/84, 74/87, 57/89, 3/90, 38/90, 45/90 and 54/90, *Official Gazette of the FRY* nos. 35/92, 16/93, 31/93, 37/93, 24/94 and 61/01, *Official Gazette of the RS*, no. 39/03) and the Criminal Code of the Republic of Serbia (*Official Gazette of the SRS*, nos. 26/77, 28/77, 43/77, 20/79, 24/84, 39/86, 51/87, 6/89 and 42/89, *Official Gazette of the RS*, nos. 21/90, 16/90, 26/91, 75/91, 9/92, 49/92, 51/92, 23/93, 67/93, 47/94, 17/95, 44/98, 10/02, 11/02, 80/02, 39/03 and 67/03);

(2) On effective date of this Code criminal law provisions contained in the following shall be set aside:

- article 105 and 107 of the Law on Election of Deputies to the National Assembly (*Official Gazette of the RS*, nos. 35/00, 57/03 and 18/04);
- article 45 of the Law on Protection from Ionising Radiation (*Official Gazette of the FRY*, no. 46/96);
- article 3 of the Law prohibiting Construction of Nuclear Power Plants in the FRY (*Official Gazette of the FRY*, no. 12/95);
- article 92 of the Mining Act (*Official Gazette of the RS*, no. 44/95);
- article 12 of the Anti-monopoly Act (*Official Gazette of the FRY*, 29/96);
- articles 172 and 174 of the Tax Procedure and Tax Administration Act (RS, nos. 80/02, 84/02, 23/03, 70/03, 55/04 and 61/05);
- article 27 of the Prevention of Money Laundering Act (*Official Gazette of the FRY*, no. 53/01);
- article 87 of the Law on the National Bank of Serbia (*Official Gazette of the RS*, nos. 72/03 and 55/04);

- article 330 of the Customs Act (*Official Gazette of the RS*, nos. 73/03 and 61/05);
- articles 179, 181 and 182 of the Bankruptcy Act (*Official Gazette of the RS*, no. 84/04);
- article 141 of the Drugs and Medications Act (*Official Gazette of the RS*, no. 84/04);
- article 24 of the Public Law and Order Act (*Official Gazette of the RS*, nos. 5/92, 53/93, 67/93 and 48/94);
- article 33 of the Weapons and Ammunitions Act (*Official Gazette of the RS*, nos. 9/92, 53/93, 67/93, 48/94, 44/98 and 39/03);
- article 97 of the Gaming Act (*Official Gazette of the RS*, no. 84/04);
- article 1052 of the Maritime and Inland Waters Navigation Act (*Official Gazette of the FRY*, nos. 12/98, 44/99, 74/99 and 73/00);
- article 46a of the Trading Act (*Official Gazette of the FRY*, no. 32/93, 41/93, 50/93, 41/94, 29/96 and 37/02);
- article 244 of the Securities and other Financial Instruments Act (*Official Gazette of the FRY*, no. 65/02 and the (*Official Gazette of the RS*, nos. 57/03, 55/04 and 45/05);
- article 31 of the Law on Manufacture and Trade of Weapons and Military Equipment Act (*Official Gazette of the FRY*, no. 41/96);
- article 221 of the Insurance Act (*Official Gazette of the RS*, nos. 55/04, 70/04 and 61/05);

Article 432

This Code shall come into force on 1 January 2006.

Independent Articles of the Law on Revisions to the Criminal Code
(*Official Gazette of the RS*, No. 72/2009)

Article 189

On the effective date of this Code the following shall be set aside:

- Articles 149 and 150 of the Law on Planning and Construction (*Official Gazette of the RS*, Nos. 47/03 and 34/06);
- Article 173 of the Law on Tax Procedure and Tax Administration (*Official Gazette of the RS*, Nos. 80/02, 84/02 - correction, 23/03 - correction, 70/03, 55/04, 61/05, 85/05 – other law, 62/06 – other law, 63/06 – correction of the other law, 61/07 and 20/09);
- Article 20 of the Law on Protection against Violence and Unbecoming Behaviour during Sport Events (*Official Gazette of the RS*, Nos. 67/03, 101/05 – other law and 90/07).

Article 190

This Law shall enter into force on the eighth day from the day of its publication in the "*Official Gazette of the Republic of Serbia*."