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Unofficial consolidated version

**THE CRIMINAL CODE
OF THE FEDERATION OF BOSNIA AND HERZEGOVINA**

GENERAL PART

**CHAPTER ONE
MEANING OF TERMS AS USED IN THIS CODE**

**Article 1
Subject of This Code**

This Code governs general issues of criminal legislation of the Federation of Bosnia and Herzegovina and criminal offences falling under the jurisdiction of the Federation of Bosnia and Herzegovina.

**Article 2
Meaning of Terms Used in This Code**

- (1) The *criminal legislation of the Federation of Bosnia and Herzegovina* comprises the criminal justice provisions contained in this Code and other laws of the Federation of Bosnia and Herzegovina and cantonal laws.
- (2) The *territory of the Federation of Bosnia and Herzegovina* means the land, coastal seas and water surfaces within its borders, as well as the air space over them.
- (3) An *official person* means: a person elected or appointed to legislative, executive or judicial office within the Federation of Bosnia and Herzegovina, cantons, cities and municipalities and other governmental and administrative institutions or services which perform particular administrative, expert and other duties, within the rights and liabilities of the authority that has founded them; a person who continuously or occasionally executes official duty in the mentioned administrative bodies or institutions; an authorised person in a business enterprise or other legal person who has been legally entrusted with the execution of

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public authorities, who performs certain duties within the frame of the said authority; and other persons who are performing official duties stipulated by law or other regulations based on the law.

~~(4) A serviceman is a conscript soldier, army cadet, commissioned and non-commissioned officer, warrant officer, reserve serviceman while in military service and civil servant in army. A military person, for the purpose of this Code, means a member of professional military personnel, and a member of reserve personnel for the duration of their service in the Armed Forces of Bosnia and Herzegovina, in accordance with the Law on Service in the Armed Forces of Bosnia and Herzegovina.~~

Comment [u1]: OG FBiH 42/10

(5) When an official person or a serviceman has been indicated as the perpetrator of a particular criminal offence, persons under paragraph 3 of this Article may be considered the perpetrators of such offences provided that it does not follow from the characteristics of a particular criminal offence or particular prescript that the offender may only be one of the specified persons.

(6) A responsible person means a person in a business enterprise or other legal person who, in the line of duty or on the basis of specific authorisation, has been entrusted with a portfolio related to the /10implementation of law or regulations based on law or bylaws of a business enterprise or other legal person in managing and administrating the property, or is related to managing a production or other economic process or supervision of such process. An official person as defined in paragraph 3 of this Article is also considered a responsible person in cases where the perpetrator of the actions is indicated as the responsible person if the actions are not criminalized under a provision of the chapter dealing with criminal offences against official and other responsible duty, or as criminal offences of an official person defined under some other chapter of this Code or other laws of the Federation of Bosnia and Herzegovina.

(7) In cases when an official or responsible person has been indicated as the offender, all persons mentioned in paragraphs 3 and 5 of this Article may be the perpetrators of such offence provided that it does not follow from the characteristics of a particular criminal offence that the offender may only be one of the specified persons.

~~(8) A foreign official person means a member of a legislative, executive, administrative or judicial body of foreign state, a public official person of an international organisation or of its bodies, judge or other official person of an international court, serving in the Federation of Bosnia and Herzegovina with or without remuneration.~~

Comment [u2]: OG FBiH 42/10

~~(9) Lay judge is a person who is a member of a collegiate body responsible for rendering decisions on culpability and sentence in a trial procedure.~~

Comment [AG3]: OG FBiH 46/16

~~(10) Arbitrator is a person who, pursuant to an arbitration agreement, is designated to render a legally binding decision in a dispute between the parties to the agreement.~~

~~(11) Hate crime is any criminal offence committed for reasons of race, colour, religious belief, national or ethnic origin, language, disability, sex, sexual orientation or gender identity. Such an act shall be considered an aggravating circumstance unless this Code expressly provides for a more severe punishment for the aggravated form of the crime committed out of hatred.~~

Comment [HS4]: OG FBiH 46/16

~~(12) A child, as referred to in this Code, is a person who has not reached fourteen years of age.~~

~~(13) A juvenile, as referred to in this Code, is a person who has not reached eighteen years of age.~~

~~(14) A legal person, as referred to in this Code, stands for Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the Brcko District of Bosnia~~

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and Herzegovina, canton, city, municipality, local community, any organisational form of a business enterprise and all forms of co-operating enterprises, institutions, crediting and other banking institutions or insurance companies, as well as other financial institutions, funds, political organisations and associations of citizens or other associations that may acquire funds and use them in the same way as other institutions or bodies that acquire and use funds and that are legally recognised as legal persons.

~~(12)~~ (15) A *business enterprise*, for the purpose of this Code, means any corporation, company, firm, partnership or any other organizational form registered for performing economic activities.

~~(13)~~ (16) An *association* means any kind of associating three or more people.

~~(14)~~ (17) *Several persons* mean at least two persons **or more**.

~~(15)~~ (18) A *body of people* constitutes at least five persons **or more**.

~~(16)~~ (19) A *group of people* is an association of at least three individuals that are associated for the purpose of habitual, recidivist, or occasional commission of criminal offences, while each of the individuals gives his contribution or has his part in the commission of the criminal offence.

~~(17)~~ (20) A *structured group* is a group that is formed, not gathered spontaneously, for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership, or a developed structure.

~~(18)~~ (21) An *Organised criminal group* is a structured group of at least three or more persons, existing for a period of time and acting in concert with the aim of committing one or more criminal offences for which a punishment of imprisonment of **over** three years or a more severe punishment may be imposed.

~~(19)~~ (22) *Refugees and displaced persons*, as referred to in this Code, mean several persons who left their property in the territory of the Federation of Bosnia and Herzegovina, between 30 April 1991 and 4 April 1998, who are presumed to be refugees or displaced person under Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina.

~~(20)~~ (23) *Family members* in terms of this Code are: spouse or cohabitee, ex-spouse or ex-cohabitee, lineal relative, relative in a collateral line to the third degree and in-law to the second degree.

~~(21)~~ (24) A *secret of the Federation of Bosnia and Herzegovina* is so construed that it includes information or documents that have been designated as secret by virtue of a law, some other regulation or bylaw of the competent body made on the basis of the law, and disclosure of which would cause detrimental consequences for national security or national interests of the Federation of Bosnia and Herzegovina.

~~(22)~~ (25) A *military secret* is so construed that it includes information or documents that have been designated as a military secret by virtue of a law of the Federation of Bosnia and Herzegovina, by virtue of a regulation of the Federation of Bosnia and Herzegovina or by virtue of a bylaw of a competent body of the Federation of Bosnia and Herzegovina that is enacted in compliance with the law.

~~(23)~~ (26) An *official secret* is so construed that includes information or documents that have been designated as an official secret by virtue of a law of the Federation of Bosnia and Herzegovina, a regulation of the Federation of Bosnia and Herzegovina or a bylaw of the competent institution of the Federation of Bosnia and Herzegovina enacted on the basis of law.

~~(24)~~ (27) *Trade secret* is a piece of information or document constituting a production process secret, results of research or designing, which is defined as a trade secret in law,

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Comment [u5]: OG FBiH 42/10

Comment [u6]: OG FBiH 42/10

Comment [u7]: OG FBiH 42/10- no relevance for eng version

Comment [u8]: OG FBiH 42/10

regulation or by-law of the business enterprise, institution or other legal entity, or any other information whose disclosure to unauthorised person may bring about harm to the entity's interests.

~~(25)~~ (28) *Professional secret* is a piece of information about personal or family life of clients or patients that attorneys, defence counsel, notaries public, physicians, dentists, midwives or other medical employees, psychologists, social workers, confessors and other professionals get to know in the course of discharging their professional duties.

~~(26)~~ (29) A *document* denotes any object that is suitable or designed to serve as evidence of some fact relevant to legal relations.

~~(27)~~ (30) *Money* denotes coins and banknotes, which are legal tender in Bosnia and Herzegovina or in a foreign country.

~~(28)~~ (31) *Instruments of monetary value* also include foreign instruments of value.

~~(29)~~ (32) A *movable object* also includes any manufactured or accumulated energy used for producing light, heat or movement, and telephone and other impulses.

~~(30)~~ (33) ~~A motor vehicle is so construed that it includes any engine-run means for land, water and air traffic.~~ **A mean of transport is every vessel, vehicle or aircraft, as well as any other mean that may be used in land, water and air traffic regardless of type of propulsion.**

Comment [u9]: OG FBiH 42/10

~~(31)~~ (34) *Force* also includes the use of hypnotic suggestion or the use of intoxicating substances for the purpose of bringing a person against his will into a state of unconsciousness, or incapacity for resistance.

~~(32)~~ (35) *Narcotic drug* means any medical drug or hazardous substance with addictive and psychotropic characteristics, or any substance that can easily be converted into such substances, provided that it is subject to control under the international convention ratified by Bosnia and Herzegovina, or any substances declared as narcotic drugs by a competent institution of Bosnia and Herzegovina or by a competent institution of the entities.

~~(33)~~ (36) Grammatical gender terminology, male or female, is to be so understood that it includes both genders of natural persons.

CHAPTER TWO BASIC PROVISIONS

Article 3

Basis and Limits of Criminal Justice Compulsion

(1) Criminal offences and criminal sanctions shall be prescribed only for acts threatening or violating personal liberties and human rights, as well as other rights and social values guaranteed and protected by the Constitution of the Federation of Bosnia and Herzegovina and international law in such a manner that their protection could not be realized without criminal justice compulsion.

(2) The prescription of criminal offences, as well as the types and the range of criminal sanctions, shall be based upon the necessity for criminal justice compulsion and its proportionality with the degree and nature of the danger against personal liberties, human rights and other basic values.

Article 4 **Principle of Legality**

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

Article 4a **Principle of Guilt**

No one can be punished or subjected to other criminal sanctions if he is not guilty of the committed criminal offence.

Comment [u10]: OG FBiH 42/10

Article 5 **Time Constraints Regarding Applicability**

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

Article 6 **Types of Criminal Sanctions**

Criminal sanctions are: punishments, lesser punishments, security measures and correctional measures.

Article 7 **Purpose of Criminal Sanctions**

~~The purpose of criminal sanctions is:~~

- ~~a) A preventive influence on others to honour the legal system and not to commit a criminal offence;~~
~~b) Preventing offenders from committing criminal offences and encouraging their rehabilitation.~~

The purpose of legal sanctions for criminal acts is:

- a) Protection of the society from criminal acts through preventive influence on others to respect the legal system and do not commit criminal acts, as well as by preventing perpetrators to commit criminal acts and encouraging of their reformation;**
b) Protection and satisfaction of victims of criminal offences.

Comment [u11]: OG FBiH 42/10

Article 8
Restrictions on Execution of Criminal Sanctions

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

Comment [u12]: OG FBiH 42/10

CHAPTER THREE
APPLICATION OF CRIMINAL JURISDICTION OF THE FEDERATION OF
BOSNIA AND HERZEGOVINA

Article 9
Exclusion of Applying Criminal Legislation of the Federation of Bosnia and
Herzegovina to Children

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

Article 10
Applicability of Criminal Legislation of the Federation of Bosnia and Herzegovina to
Juveniles

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

Article 11
Applicability of Criminal Legislation of the Federation of Bosnia and Herzegovina to
Legal Persons

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

Article 12
Applicability of Criminal Legislation of the Federation of Bosnia and Herzegovina to
Those Committing a Criminal Offence within the Territory of the Federation of Bosnia
and Herzegovina

(1) The criminal legislation of the Federation of Bosnia and Herzegovina shall apply to anyone who commits a criminal offence within its territory.

(2) The criminal legislation of the Federation of Bosnia and Herzegovina shall apply to anyone who commits a criminal offence aboard a domestic vessel, regardless of its location at the time of commission of the offence.

(3) The criminal legislation of the Federation of Bosnia and Herzegovina shall apply to anyone who commits a criminal offence aboard a domestic civil aircraft while in flight, or aboard a domestic military aircraft, regardless of its location at the time of commission of the offence.

Article 13

Applicability of the Criminal Legislation of the Federation of Bosnia and Herzegovina to Offences Committed outside the Territory of Bosnia and Herzegovina

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

a) Any criminal offence against the integrity of the Federation of Bosnia and Herzegovina prescribed in Chapter Fifteen (*Criminal Offences against the Constitutional Order of the Federation of Bosnia and Herzegovina*) of this Code;

b) A criminal offence against an official or responsible person, related to his duty.

(2) The criminal legislation of the Federation of Bosnia and Herzegovina shall be applied to a citizen of Bosnia and Herzegovina who, outside the territory of the Federation of Bosnia and Herzegovina, commits a criminal offence other than those specified in paragraph 1 of this Article.

(3) The criminal legislation of Federation of Bosnia and Herzegovina shall be applied to a non-citizen of Bosnia and Herzegovina who, outside the territory of the Federation of Bosnia and Herzegovina, commits any criminal offence against Bosnia and Herzegovina or its citizen or the Federation of Bosnia and Herzegovina or its citizen, which is not specified in paragraph 1 of this Article.

(4) The criminal legislation of the Federation of Bosnia and Herzegovina shall be applied to a non-citizen of Bosnia and Herzegovina who, outside the territory of the Federation of Bosnia and Herzegovina, commits a criminal offence against a foreign state or non-citizen of Bosnia and Herzegovina, for which a punishment of imprisonment for a term of five years or a more severe punishment may be imposed under the criminal legislation.

(5) In the cases under paragraphs 2 and 3 of this Article, the criminal legislation of the Federation of Bosnia and Herzegovina shall be applied only if an offender is found within the territory of the Federation of Bosnia and Herzegovina, or has been extradited to it, while in the case under paragraph 4 of this Article, only if an offender is found within the territory of the Federation of Bosnia and Herzegovina and is not extradited to another state.

Article 14

Applicability of the General Part of This Code

(1) The provisions of the General part of this Code shall apply to all criminal offences prescribed by the laws of the Federation of Bosnia and Herzegovina.

(2) The provisions of the General part of this Code shall apply to juveniles, unless otherwise provided for by law.

(3) The provisions of the General part of this Code shall apply to legal persons, unless otherwise provided for in this Code.

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CHAPTER FOUR STATUTE OF LIMITATIONS

Article 15

Application of Statute of Limitations to the Institution of Prosecution

- (1) Unless it is stipulated otherwise in this Code, prosecution shall not be instituted when the following time periods have elapsed since the commission of a criminal offence:
- a) Thirty-five years in the case of a criminal offence for which a punishment of long-term imprisonment is prescribed;
 - b) Twenty years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding ten years is prescribed;
 - c) Fifteen years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding five years is prescribed;
 - d) Ten years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding three years is prescribed;
 - e) Five years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding one year is prescribed;
 - f) Three years in the case of a criminal offence for which the punishment of imprisonment for a maximum term of one year or a fine is prescribed.
- (2) If several punishments are prescribed for a single criminal offence, the period of limitation shall be determined according to the most severe punishment prescribed.

Article 16

Running and Interruption of the Period Set by Statute of Limitations Regarding the Institution of Prosecution

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

Comment [HS13]: OG FBiH 46/16

Article 17 **Period Set by Statute of Limitations Regarding the Execution of Punishment**

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

- a) Thirty-five years if a punishment of long-term imprisonment has been imposed;
- b) Twenty years if a punishment of imprisonment for a term exceeding ten years has been imposed;
- c) Fifteen years if the punishment of imprisonment for a term exceeding five years has been imposed;
- d) Ten years if the punishment of imprisonment for a term exceeding three years has been imposed;
- e) Five years if the punishment of imprisonment for a term exceeding one year has been imposed;
- f) Three years if the punishment of imprisonment for a maximum term of one year or a fine has been imposed.

Article 18 **Period Set by Statute of Limitations Regarding the Execution of Additional Punishment and Security Measures**

(1) The execution of a fine as an additional punishment shall be barred after the lapse of two years from the date of entry into force of the judgement whereby such punishment has been imposed.

(2) The execution of the security measure of mandatory psychiatric treatment and the security measure of forfeiture shall be barred after the lapse of five years from the date of entry into force of the judgement whereby these measures have been ordered.

(3) The execution of the security measure of ban on carrying out a certain occupation, activity or duty and the security measure of prohibition against driving a motor vehicle **mean of transport** shall be barred after the lapse of the period for which this measure has been ordered.

Comment [u14]: OG FBiH 42/10

Article 19 **The Running and Interruption of the Period Set by Statute of Limitations Regarding the Execution of Punishments and Security Measures**

(1) The running of the period set by statute of limitations to execute the punishment commences on the date of entry into force of the judgement whereby such punishment has been imposed, and in the case of the revocation of a suspended sentence, on the date of entry into force of the decision on the revocation of a suspended sentence.

(2) The period set by statute of limitations shall not run during the time the punishment cannot be executed pursuant to law.

(3) The running set by statute of limitations is interrupted with every action of a competent body taken in regard to execution of the punishment.

(4) After each interruption, the period set by statutes of limitation shall commence anew.

(5) The period set by statute of limitations to execute the punishment shall expire in any case when twice as much time lapses as is set by the statute of limitations for the execution of punishments.

(6) The provisions of paragraphs 2 through 5 of this Article shall be applied accordingly to the bar to the execution of the security measures.

Article 20
Criminal Offences not Subject to the Statute of Limitations

Criminal prosecution and execution of a sentence are not subject to the statute of limitations for criminal offences that, pursuant to international law, are not subject to the statute of limitations.

CHAPTER FIVE
CRIMINAL OFFENCE

Article 21
Criminal Offence

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

Article 22
Manner of Committing the Criminal Offence

(1) A criminal offence can be committed by an act or an omission to act.

(2) A criminal offence is committed by omission when the offender, who is legally obliged to avert the consequence of a criminal offence defined by law, fails to do so, and such failure to act is tantamount in its effect and significance to the commission of such an offence by an act.

Article 23
Time of Committing the Criminal Offence

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

Article 24
Place of Committing the Criminal Offence

(1) A criminal offence is committed both at the place the offender acts or ought to have acted, and at the place where the consequence of his action or omission to act fully or partially occurs.

(2) A criminal offence in the case of a punishable attempt is committed both at the place offender acts or ought to have acted, and at the place where the consequence of his action or omission to act fully or partially ought to have occurred according to the offender's intention.

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(3) A criminal offence in cases of complicity is committed at the place specified in paragraph 1 of this Article and at the place the accomplice acts or ought to have acted, or at the place where the consequence of his action or omission to act ought to have occurred according to the intention of the accomplice.

Article 25 Insignificant Offence

~~The offence that is an insignificant act due to the manner of commission or its insignificance or absence of harmful results or low degree of criminal responsibility of the offender shall not be considered a criminal offence although it has characteristics of a statutory criminal offence.~~ **An act shall not be a criminal offence although it has elements of a criminal offence defined under the law if, due to its nature and gravity or the manner of its perpetration or the insignificance or non-existence of detrimental consequences and a low degree of culpability of the perpetrator, it constitutes an insignificant act.**

Comment [u15]: OG FBiH 42/10

Article 26 Self-Defence

- (1) An act committed in self-defence is not considered a criminal offence.
- (2) An act is considered self-defence if it is absolutely necessary to avert a contemporaneous or imminent illicit attack upon the defender or upon another, and the defender's act is proportionate to the attack.
- (3) If the offender exceeds the limits of self-defence, the punishment may be reduced, and if the excess occurs due to strong irritation or fright caused by the attack, the offender may be released from punishment.

Article 27 Extreme Necessity

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

Article 27a Force and Threat

(1) A criminal offence perpetrated under irresistible force shall not constitute a criminal offence.

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(2) A perpetrator who has perpetrated a criminal offence under resistible force or threat may be sentenced to a more lenient punishment.

(3) In the case specified in paragraph (1) herein, the person who has applied irresistible force shall be considered a perpetrator of the criminal offence.

Comment [u16]: OG FBiH 42/10

Article 28 Attempt

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

(2) An attempted criminal offence shall be punished within the limits of the punishment prescribed for the same criminal offence committed, but the punishment may also be reduced.

Article 29 Impossibility

When a person tries to commit a criminal offence by inadequate means or against an inadequate object, he may be released from sentencing or punished less severely.

Article 30 Voluntary Abandonment of the Attempt

(1) An offender, who voluntarily abandons the execution of a punishable attempt, may be released from punishment.

(2) In the event of voluntary abandonment of an attempt, the offender shall be punished for those acts that constitute other separate criminal offences.

Article 31 ~~Accomplices~~ Co-perpetration

Comment [u17]: OG FBiH 42/10

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

Article 32 Incitement

(1) Whoever intentionally incites another to commit a criminal offence, shall be punished as if he has committed such offence.

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

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(3) Incitement to commit a criminal offence shall be construed to mean, in particular: pleading, persuading or prompting, portraying benefits of the perpetration of the criminal offence, giving or promising gifts, abusing the state of subordination or dependency, making a person believe in and keeping a person under a mistake of fact or law, deceiving.

Comment [u18]: OG FBiH 42/10

Article 33 Accessory

(1) Whoever intentionally helps another to commit a criminal offence shall be punished as if he himself committed such offence, but the punishment may be reduced.

(2) The following, in particular, shall be considered as helping in the commission of a criminal offence: giving advice or instructions as to how to commit a criminal offence, supplying the offender with tools for committing the criminal offence, removing obstacles to the commission of criminal offence, and promising, prior to the commission of the criminal offence, to conceal the existence of the criminal offence, to hide the offender, the tools used for committing the criminal offence, traces of the criminal offence, or goods acquired by commission of the criminal offence.

Article 34 Limitations in Responsibility Culpability and the Scope of Punishment for Collaborators

(1) The accomplice shall be considered ~~criminally responsible~~ **culpable** within the limits set by his own intent or negligence, and the inciter and the accessory within the limits of their own intent.

(2) The court shall refrain from imposing a punishment on an accomplice, inciter or accessory that has voluntarily prevented commission of the criminal offence.

(3) The personal relations, characteristics and circumstances to which the law attaches the exclusion of ~~criminal responsibility~~ **culpability**, or by reason of which it permits or provides for the remission of punishment or its mitigation may be taken into consideration only if they are inherent to such offenders, accomplices, inciters or accessories.

Comment [u19]: OG FBiH 42/10

CHAPTER SIX **CRIMINAL RESPONSIBILITY CULPABILITY**

Article 35 Elements of Criminal Responsibility

~~(1) An offender who is mentally capable and guilty of committing a criminal offence shall be held criminally responsible.~~

~~(2) An offender shall be guilty if he has committed a criminal offence with intent.~~

~~(3) An offender shall also be guilty if he has committed a criminal offence out of negligence only if the law explicitly prescribes so.~~

Elements of Culpability

(1) Culpability exists if at the time of the perpetration of the criminal offence the perpetrator was mentally accountable and acted with intent.

(2) Culpability for the criminal offence exists even if the perpetrator acted out of negligence only if the law explicitly prescribes so.

Comment [u20]: OG FBiH 42/10

Article 36 Mental Capacity

(1) A mentally incapable person is one who, at the time of committing the criminal offence, was incapable of comprehending the significance of his acts or controlling his conduct due to a lasting or temporary mental disease, temporary mental disorder or retardation (mental incapacity).

(2) If the capacity of the offender to comprehend the significance of his act, and his ability to control his conduct was considerably diminished due to any of the mental conditions under paragraph 1 of this Article, he may be punished less severely (considerably diminished mental capacity).

(3) The offender shall be considered ~~criminally responsible~~ **culpable** if, by consuming alcohol or narcotic drugs or otherwise, he brought himself into such a state of not being capable to comprehend the significance of his actions or controlling his conduct, and if prior to bringing himself into such a condition, the act was intended by him, or there was negligence on his part in relation to the criminal offence in cases where ~~criminal responsibility~~ **culpability** is prescribed by law for such an offence even if committed out of negligence (~~voluntary intoxication~~).

Comment [u21]: OG FBiH 42/10

(4) The state of considerably diminished mental capacity to which the offender has brought himself in the way provided under paragraph 3 of this Article may not constitute grounds for the reduction of punishment.

Article 37 Malice Aforethought/Intent

(1) A criminal offence may be committed with specific or general (direct or indirect) intent.

(2) The offender acts with specific (direct) intent when an offender was aware of his deed and desired its commission.

(3) The offender acts with general (indirect intent) when an offender was aware that a prohibited consequence might have resulted from his action or omission to act but nevertheless consented to its occurrence.

Article 38 Negligence

(1) A criminal offence may be committed by advertent or inadvertent negligence.

(2) The offender acts with advertent negligence when he was aware that a prohibited consequence might have occurred as a result of his action or omission to act, but carelessly assumed that it would not occur or that he would be able to avert it.

(3) The offender acts with inadvertent negligence when he was unaware of the possibility that a prohibited consequence might have occurred, although, under the circumstances and

according to his personal characteristics, he should and could have been aware of such possibility.

Article 39 Mistake of Fact

~~(1) A person is not criminally responsible if at the time of the commission of a criminal offence he was not aware of one of its elements defined by law, or if he has mistakenly believed that circumstances existed which, if they had actually existed, would render such conduct permissible.~~

~~(2) If the person's mistake resulted from his negligence, he shall be criminally responsible for the criminal offence committed by negligence, provided that the criminal offence in question is punished by law also when committed through negligence.~~

(1) A person shall not be guilty if he perpetrates an offence while under an irreparable mistake of fact.

(2) The mistake of fact shall be considered irreparable if the perpetrator, at the time of the perpetration of the criminal offence, was not aware of a legally prescribed element of the criminal offence or wrongly believed that there existed circumstances which, if they truly existed, would have made his conduct permissible.

(3) If the perpetrator was under a mistake of fact due to negligence, that shall be considered a criminal offence perpetrated out of negligence only if the law prescribes punishment for that criminal offence committed out of negligence.

Comment [u22]: OG FBiH 42/10

Article 40 Mistake of Law

An offender, who had justifiable reason for not knowing that his conduct was prohibited, may be punished with a more lenient sentence or may be released from punishment.

CHAPTER SEVEN PUNISHMENT

Article 41 Types of Punishment

~~(1) The following punishments may be imposed on offenders who are criminally responsible:~~

- ~~a) Imprisonment;~~
- ~~b) Fine.~~

~~(2) Imprisonment may be imposed only as principal punishment.~~

~~(3) A fine may be imposed both as a principal and as an additional punishment.~~

~~(4) If both punishments are prescribed for a criminal offence, only one of them may be imposed as a principal punishment.~~

~~(5) For criminal offences motivated by greed, a fine may be imposed as an additional punishment even when that is not specifically prescribed by the law or in cases where the law prescribes that the offender shall be punished by imprisonment or a fine, and the court decides to impose the punishment of imprisonment as the principal punishment.~~

Perpetrator of the criminal offence who has been found guilty may be sentenced to:

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- a) imprisonment**
- b) long-term imprisonment**
- c) fine.**

Comment [u23]: OG FBiH 42/10

Article 42 The Purpose of Punishment

The purpose of punishment is:

- a) To express the community's condemnation of a committed criminal offence;
- b) To deter the offender from committing criminal offences in the future **and to encourage his reformation**;
- c) To deter others from committing criminal offences; and
- d) To increase the consciousness of citizens of the danger of criminal offences and of the fairness of punishing offenders.

Comment [u24]: OG FBiH 42/10

Article 43 Imprisonment

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

- (1) Imprisonment may not be shorter than thirty days or longer than twenty years.**
- (2) The punishment of imprisonment shall be imposed in full years and months; however, the punishment of imprisonment for a term not exceeding six months may also be meted out in full days.**
- (3) Imprisonment referred to in this Article cannot be imposed to the juveniles. Juvenile imprisonment may be imposed under the conditions prescribed by Chapter X of this Code (Rules Relating to Educational Recommendations, Educational Measures and Punishment of Juveniles). By its purpose, nature, duration and manner of execution, juvenile imprisonment constitutes a special punishment of deprivation of liberty.**

Article 43a
Substitution of Imprisonment

(1) On request of the convicted person, imprisonment sentence up to one year ~~can~~ shall be substituted by a fine paid in a single instalment within 30 days.

Comment [HS25]: OG FBiH 59/14

(2) Imprisonment shall be substituted with a fine in a way that every day of imprisonment equals ~~one daily amount of fine or with~~ KM 100 if the fine is to be determined in a certain amount.

Comment [HS26]: OG FBiH 46/16

(3) If the fine is not paid within the deadline from paragraph (1) of this Article, the Court shall make a decision on execution of imprisonment. If the fine is paid only partially, then the imprisonment will be proportional to the amount that was not paid.

Article 43b
Long-Term Imprisonment

(1) For the gravest forms of serious criminal offences perpetrated with intent, a long-term imprisonment for a term between twenty-one and forty-five years may be imposed.

(2) Long-term imprisonment may never be imposed as the sole principal punishment for a particular criminal offence.

(3) Long-term imprisonment cannot be imposed on a perpetrator who has not reached twenty-one years of age at the time of perpetrating the criminal offence.

(4) Long-term imprisonment shall be meted out in full years only.

(5) If long-term imprisonment has been imposed, ~~amnesty or pardon~~ pardon may be granted only after three-fifths of the punishment has been served.

Comment [HS27]: OG FBiH 46/16

Comment [u28]: OG FBiH 42/10

Article 43c
House arrest with electronic surveillance

(1) Persons convicted to imprisonment for a term up to one year may, with their consent, serve that sentence also as the *house arrest with electronic surveillance*, which implies that the convicted person may not leave the premises on which he or she resides, except in the cases prescribed by the law governing the execution of criminal sanctions.

(2) The decision that the imprisonment may also be executed as the *house arrest with electronic surveillance* shall be based upon the assessment that, considering all the circumstances determining the type and range of the sentence, the perpetrator of a criminal offense is not necessarily required to be committed to an institution for execution of imprisonment, but that instead the purpose of punishment and the purpose of execution of imprisonment can also be achieved in this way.

(3) A convicted person serving the house arrest with electronic surveillance and who leaves unjustifiably the premises on which he or she resides, shall be ordered by the court to serve the remainder of imprisonment in an institution for execution of punishment.

(4) No execution of imprisonment sentence may be ordered in the way prescribed under paragraph 1 of this Article for the persons convicted for criminal offenses against marriage, family and youth, who live in the same household with the injured person.

Comment [u29]: OG FBiH 42/11

Article 44 **Community Service**

(1) When the court assesses and imposes imprisonment ~~for a maximum term of six months~~ **up to one year**, at the same time it may decide that such punishment, with the consent of the accused, be replaced with community service.

(2) The decision to replace imprisonment with community service shall be based upon the assessment that, considering all the circumstances determining the type and range of the sentence, the execution of imprisonment would not be necessary to realise the purpose of punishment, but at the same time a suspended sentence would not be sufficient to accomplish the general purpose of criminal sanctions.

(3) Community service shall be determined for duration proportional to the imposed imprisonment, from a minimum of ten to a maximum of ~~sixty~~ **ninety** working days. The period for performing community service shall be neither shorter than one month nor longer than one year.

Comment [u30]: OG FBiH 42/10

(4) In assessing the duration of community service, as well as the period for its performance, the court shall take into consideration the imposed imprisonment that is being substituted and the offender's possibilities regarding personal circumstances and employment.

(5) When, upon the expiry of the determined period, the convicted person has not completed or has only partly completed the community service, the court shall render a decision on the execution of imprisonment for a period proportional to the unfulfilled community service.

(6) The substitution of imprisonment with community service may also be applied in the case of substituting a fine with imprisonment pursuant to Article 47 (*Substitution of Fine*) of this Code.

(7) Placement in community service as to the type and the place of work shall be made by the Ministry of Justice, taking into consideration the capacities and the skills of the convicted person.

Article 45 **Release on Parole**

(1) A convicted person who has served one half of his sentence, and as an exception, a convicted person who has served one third of his sentence, may be released from serving the punishment of imprisonment under condition that he does not commit another criminal offence before expiration of the time of the sentence (parole, conditional release).

(2) A convicted person who has served one-half of his sentence, may be released from serving the punishment of imprisonment if in the course of serving his sentence he has improved to the point where he can reasonably be expected to behave himself well after his release from serving the punishment of imprisonment, and particularly not commit criminal offences. In determining whether to release a convicted person on parole, account shall be taken of his conduct during the term of the sentence, as well as other circumstances indicating that the purpose of the punishment has been attained.

(3) A convicted person who has served one third of his sentence may be released on parole, provided that the conditions under paragraph 1 of this Article exist, and provided that special circumstances relating to the personality of the convicted person manifestly indicate that the purpose of the punishment has been attained.

(4) The person punished by long-term imprisonment may be granted conditional release after three-fifths of the punishment have been served.

Article 46 **Revocation of Parole**

(1) The court shall order revocation of parole if the convicted person, while on parole, commits one or more criminal offences for which a punishment of imprisonment for a term of **over** one year or a more severe punishment has been imposed.

Comment [u31]: OG FBiH 42/10

(2) The court may order revocation of parole if the parolee commits one or more criminal offences for which a punishment of imprisonment for a term up to one year has been imposed. In deciding whether to revoke the parole or not, the court shall take into special consideration the similarity in the nature of the acts committed, their significance, the motives for committing them, as well as other circumstances indicating the appropriateness of revoking parole.

(3) When the court orders revocation of parole, it shall impose punishment considering the previously imposed sentence as an already fixed punishment. The part of the punishment that the convicted person served under the earlier sentence shall be credited toward service of the subsequent sentence, whereas the period of time spent on parole shall not be credited.

(4) The provisions of paragraphs 1 through 3 of this Article shall also be applied when the parolee is tried for a criminal offence committed prior to his release on parole.

(5) If the parolee is convicted to imprisonment for a term up to one year, and if the court does not order revocation of parole, the term of the release on parole shall be extended for a period of time the convicted person spent serving the punishment of imprisonment.

Article 47 **Fines**

(1) Fines are imposed in daily amounts and if that is not possible, then in one fixed amount.

(2) If a fine is imposed in daily amounts, it may be a minimum of five and maximum of three hundred sixty daily amounts, whereas for offences motivated by greed, a maximum imposable fine is one thousand five hundred daily amounts, except in the cases foreseen by this Code.

(3) If a fine is imposed in one fixed amount, a minimum amount may not be less than **150 500 KM** and a maximum one may not exceed ~~50,000.00~~ **100,000.00** KM whereas for offences motivated by greed, a maximum fixed amount imposable may not exceed 1,000,000.00 KM, except in the cases foreseen by this Code.

Comment [u32]: OG FBiH 42/10

(4) In imposing a fine for offences motivated by greed, the court may determine a fine exceeding the maximum prescribed amount in paragraphs 2 and 3 of this Article if the value of the proceeds of crime exceeds the amount of 1,000,000.00 KM. In such case the offender may be ordered to pay a fine in an amount that may not exceed the double amount of the value of the proceeds of crime for which he or she is being punished by a fine.

(5) The number of daily amounts is determined by the court according to general principles on the imposition of punishments. The daily amount is determined by the court according to the amount of the offender's daily income calculated on the basis of his net salary during three months and his other income and family responsibilities. In determining the amount, the court relies on the data not older than six months at the moment when the fine is imposed.

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(6) If data under paragraphs 1 to 5 of this article is unavailable to the court, it will be provided by the accused within the deadline as set by the court but not later than by the closing of the main trial. If the circumstances relevant for the determination of a daily amount of fine are not made available to the court by the end of the main trial or those relevant circumstances are unreliable, a fine is imposed in a fixed amount whereby the general principles on the imposition of punishments are respected.

(7) A minimum daily amount of fine is 1/60 and a maximum amount is 1/3 of the most recent officially published employee's average net salary in Bosnia and Herzegovina, as published by the Agency of Statistics of the Federation of Bosnia and Herzegovina.

(8) The court determines in the judgement a deadline for payment of the fine. Such deadline may not be shorter than fifteen days or longer than six months, but the court may allow in justified cases that the convicted person pays the fine in instalments, whereby the deadline for payment may not exceed ~~two~~ **one** years.

Comment [u33]: OG FBiH 42/10

(9) Fines imposed and collected under this Code shall belong to the Budget of the Federation of Bosnia and Herzegovina.

Article 48 Substitution of Fine

(1) Fine shall not be collected by force.

(2) If a fine is not paid ~~in full or in part~~ within the period determined in the judgement, the court shall, without delay, bring a decision to substitute the fine by imprisonment.

(3) The fine shall be substituted by imprisonment in such a way that each daily amount started, or if the fine was imposed in one fixed amount each ~~50~~ **100** KM started, is substituted by one day of imprisonment, whereby ~~the imprisonment may not exceed one year~~ **it may not exceed the prescribed punishment for that offence.**

Comment [u34]: OG FBiH 42/10

(4) If the convicted person has only paid a portion of the fine, the remaining amount will be proportionally converted into imprisonment and if he then pays the remaining amount, the execution of imprisonment ceases.

Article 49 General Principles on the Imposition of Punishment

(1) The court shall impose the punishment within the limits provided by law for that particular offence, having in mind the purpose of punishment and taking into account all the circumstances bearing on the level of punishment (extenuating and aggravating circumstances), and, in particular: the degree of ~~criminal liability~~ **culpability**, the motives for committing the offence, the degree of danger or injury to person, property or thing, the circumstances in which the offence was committed, the past conduct of the offender, his personal situation and his conduct after the commission of the criminal offence, as well as other circumstances related to the offender.

Comment [u35]: OG FBiH 42/10

(2) In ruling on the punishment for the criminal offence in recidivism, the court shall take into special consideration whether the most recent offence is of the same type as the previous one, whether both acts were committed from the same motive, and it will also consider the period of time which has elapsed since the pronouncement of the previous conviction, or since the punishment has been served or pardoned.

(3) In fixing a fine, the court shall take into consideration the situation of the offender in terms of property, taking into account the amount of his salary, his other income, his assets and his family obligations.

Article 50 Reduction of Punishment

The court may set the punishment below the limit prescribed by the law, or impose a lesser punishment:

- a) When law provides the possibility of reducing the punishment; and
- b) When the court determines the existence of highly extenuating circumstances, which indicate that the purpose of punishment can be attained by a lesser punishment.

Article 51 Limitations on the Reduction of Punishments

(1) When the conditions for the reduction of punishment under Article 50 (*Reduction of Punishment*) of this Code exist, the punishment shall be reduced within the following limits:

- a) If a punishment of imprisonment of ten or more years is prescribed as the lowest punishment for the criminal offence, it may be reduced to five years of imprisonment;
- b) If a punishment of imprisonment of three or more years is prescribed as the lowest punishment for the criminal offence, it may be reduced to one year of imprisonment;
- c) If a punishment of imprisonment of two years is prescribed as the lowest punishment for the criminal offence, it may be reduced to six months of imprisonment;
- d) If a punishment of imprisonment of one year is prescribed as the lowest punishment for the criminal offence, it may be reduced to three months of imprisonment;
- e) If a punishment of imprisonment not exceeding one year is prescribed as the lowest punishment for the criminal offence, it may be reduced to thirty days of imprisonment;
- f) If a punishment of imprisonment is prescribed for a criminal offence without indication of the lowest limit, the court may impose a fine in lieu of imprisonment;
- g) If a fine is prescribed as the lowest limit for the punishment for a criminal offence, it may be reduced to five daily amounts and if it is imposed in the fixed amount, it may be reduced to ~~150~~ **500** KM.

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

Comment [u36]: OG FBiH 42/10

Article 52 Release from Punishment

(1) The court may release the offender from punishment when such possibility is explicitly provided by law.

(2) In cases when the court is allowed to release the offender from punishment, the court may decide to reduce the punishment having no regard to limitations prescribed for reduction of punishment in Article 50 (*Reduction of Punishment*) of this Code.

Article 53
Special Condition for Release from Punishment for Criminal Offences Committed through Negligence

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

Article 54
Joinder/Concurrence of Criminal Offences

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

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

a) ~~If the court has ruled punishment of long-term imprisonment for one of several criminal offences committed, this will be the only punishment imposed.~~ **If the court has meted out a punishment of long-term imprisonment or long-term imprisonment and imprisonment for criminal offences in concurrence, the compound sentence of long-term imprisonment shall be higher than each individual punishment, but shall not exceed 45 years;**

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

c) If for two or several concurrent criminal offences the court meted out punishments of imprisonment exceeding ten years, the court may pronounce a compound punishment of long-term imprisonment which shall not reach the sum of individual punishments of imprisonment.

e) **d)** If for each of the offences committed in concurrence a punishment of imprisonment not exceeding three years is prescribed, the total punishment may not exceed eight years;

e) If only fines have been imposed by court for the criminal offences in concurrence, the total punishment must be higher than any individual determined fine, but it may not exceed the sum of all fines imposed.

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

Comment [u37]: OG FBiH 42/10

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

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

Article 55 **Continued Criminal Offence**

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

(2) A criminal offence arises out of the same transaction when the offender intentionally commits a number of identical criminal offences or offences of the same type which, according to the manner of commission, the temporal element and other material circumstances connecting them, constitute a whole.

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

Article 56 **Imposing Punishment upon a Convicted Person**

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

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

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

Comment [u38]: OG FBiH 42/10

Article 57

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

(1) The time spent in custody pending trial, as well as any deprivation of freedom related to the criminal offence, shall be counted as part of the sentence of imprisonment, long-term imprisonment, juvenile imprisonment or the fine.

(2) The fine paid or prison term served upon conviction for a minor offence shall be counted in the sentence passed for a criminal offence characteristics of which are the same as characteristics of the minor offence.

(3) In calculating the credit, one day spent in custody pending trial, one day of deprivation of freedom, one day of juvenile imprisonment, one day of imprisonment, one day of long-term imprisonment and a fine of ~~50~~ **100** KM, shall be deemed equal.

Comment [u39]: OG FBiH 42/10

Article 58

Credit for the Detention and Sentence Served Abroad

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

CHAPTER EIGHT LESSER PUNISHMENTS

Article 59

Types of Lesser Punishments

(1) Lesser punishments are:

- a) judicial admonishment;
- b) suspended sentence.

Article 60

Purpose of Lesser Punishments

(1) The purpose of judicial admonishment is to give to an offender an admonishment when the execution of punishment is not necessary for the purpose of criminal sanction or to ensure legal protection.

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

Article 61 **Judicial Admonishment**

- (1) Judicial admonishment may be pronounced for criminal offences punishable by imprisonment of up to one year or a fine, which have been committed under such mitigating circumstances which render them particularly minor, when, taking into account all the circumstances surrounding the offender, his attitude towards the injured party and compensation for the damage caused by the criminal offence in particular, all requirements have been met for achieving the purpose of criminal sanction without punishment.
- (2) Under conditions provided for by law and in the circumstances under the preceding paragraph, judicial admonishment may be pronounced even for criminal offences punishable by imprisonment of up to three years.
- (3) The court may pronounce judicial admonishment for several concurrent crimes if each of the crimes meets the requirements under paragraphs 1 and 2 of this Article.
- (4) In deciding whether to administer a judicial admonishment, the court shall taking into account the purpose of judicial admonishment, give special consideration to the personality of the offender, his past conduct, his conduct after the commission of the criminal offence, the level of criminal responsibility and other circumstances in which the offence has been committed.
- (5) Judicial admonishment may not be pronounced to military persons for criminal offences against the Army of the Federation of Bosnia and Herzegovina.

Article 62 **Suspended Sentence**

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

Comment [u40]: OG FBiH 42/10

Article 63
Obligations of the Person under Suspended Sentence

- (1) Together with imposing a suspended sentence, the court may order the following obligations: that the convicted person shall make restitution for the damage caused by the commission of the criminal offence, that the convicted person shall compensate for the damage caused by the commission of the criminal offence, or that the convicted person shall fulfil other obligations provided for in the criminal legislation of the Federation of Bosnia and Herzegovina.
- (2) For the fulfilment of an obligation under paragraph 1 of this Article, the court shall determine the period, which period shall be within the ordered period of probation.

Article 64
Revocation of Suspended Sentence because of a New Criminal Offence

- (1) The court shall revoke the suspended sentence if the convicted person commits one or more criminal offences for which a punishment of imprisonment for a term of two years or more had been imposed before the probation period expired.
- (2) If the convicted person commits one or more criminal offences during the probation period for which the punishment of imprisonment for a maximum term of two years or a fine has been imposed, the court shall decide, upon consideration of all circumstances related to the criminal offences committed as well as to the offender, particularly the possible similarity of the committed offences, their significance and motives for committing the offences, whether to revoke the suspended sentence. In taking such decision, the court is bound by the prohibition on imposing a suspended sentence if a punishment of imprisonment for a term exceeding two years (Article 62, *Suspended Sentence*, paragraph 3 of this Code) needs to be imposed on the offender for the criminal offence for which the suspended sentence was imposed and for new criminal offences.
- (3) In the event of revocation of the suspended sentence, the court shall impose one total punishment both for the previously committed and the new criminal offence, pursuant to the provisions of Article 54 (*Joinder/Concurrence of Criminal Offences*) of this Code, taking the revoked suspended sentence as an already fixed punishment.
- (4) In the event that the court does not revoke a suspended sentence, it may impose a suspended sentence or a punishment of imprisonment for a newly committed criminal offence. If the court decides that a suspended sentence should be imposed for the newly committed criminal offence as well, the court shall apply provisions set forth under Article 54 of this Code to impose one total sentence both for the previously committed and the new criminal offence and it shall also determine one total probation period which can not be shorter than one or longer than five years, commencing on the day the new sentence became effective. If the court imposes a punishment of imprisonment for the new criminal offence, the period of time spent serving that punishment of imprisonment shall not be deducted from the probation period established by the suspended sentence for the previously committed criminal offence.

Article 65

Revocation of Suspended Sentence because of Previously Committed Criminal Offence

(1) The court shall revoke a suspended sentence in the event that, after it was imposed, the court learned that the offender had committed a criminal offence prior to the imposition of the suspended sentence, and it is felt by the court that there would have not been enough grounds for the imposition of a suspended sentence had the existence of that offence been known. In such a case, the provision set forth under Article 64 (*Revocation of Suspended Sentence Because of a New Criminal Offence*) paragraph 3 of this Code shall be applied.

(2) If the court does not revoke a suspended sentence, it shall apply the provision set forth under Article 64, paragraph 4 of this Code.

Article 66

Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations

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

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

Article 67

Deadlines for Revocation of Suspended Sentence

(1) A suspended sentence may be revoked during the probation period.

(2) If a convicted person commits a criminal offence entailing revocation of the suspended sentence during this period, but it is established by judgement only after the expiration of the probation period, the suspended sentence may be revoked at the latest one year after the probation period has expired.

(3) If a convicted person fails to fulfil a certain obligation under Article 63 (*Obligations of the Person under Suspended Sentence*) paragraph 1 of this Code within the determined deadline, the court may revoke the suspended sentence no later than one year after the expiration of the probation period, and order execution of the punishment imposed as the suspended sentence.

Article 68

Suspended Sentence with Mandatory Rehabilitation

(1) The court may order that an offender who has been subject to a suspended sentence is placed under mandatory rehabilitation if, having considered the circumstances of the criminal offence, the character of the offender, his earlier conduct and his behaviour after the commission of the criminal offence, it has arrived at the conclusion that it would contribute to achieving more efficiently the purpose of the suspended sentence and social rehabilitation.

(2) Mandatory rehabilitation encompasses measures of assistance, care, supervision and protection outlined under this Code, provided that this mandatory rehabilitation may not last less than six months nor may it exceed two years.

Article 69

Contents of Mandatory Rehabilitation

Mandatory rehabilitation may include the following obligations:

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

Article 70

Ordering Mandatory Rehabilitation

(1) The court may impose one or several obligations set forth under Article 69 (*Contents of Mandatory Rehabilitation*) of this Code, closely defining what exactly they cover.

(2) When determining the obligations under Article 69 of this Code, the court shall take into special consideration the age of the offender, his general physical and mental condition, his life inclinations and habits, especially at home, in school or at work, the motives for committing the criminal offence and his conduct after committing the criminal offence, his earlier life, personal and family circumstances, as well as other circumstances related to the personality of the offender which are important for deciding on the measure of mandatory rehabilitation and its duration.

(3) If during mandatory rehabilitation the court establishes that the purpose of the sentence has been attained, it may terminate the mandatory rehabilitation even before its expiration.

(4) If a convicted person who has been subject to a mandatory rehabilitation fails to fulfil obligations imposed on him by the court, the court may warn him or may replace earlier obligations with others or extend the mandatory rehabilitation within the probation period, or may revoke the suspended sentence.

CHAPTER NINE

SECURITY MEASURES

Article 71

Types of Security Measures

The following security measures may be imposed on offenders:

- a) Mandatory psychiatric treatment,
- b) Mandatory medical treatment for addiction,
- c) Prohibition to carry out a certain occupation, activity or duty,
- d) Prohibition against driving a ~~motor vehicle~~ **mean of transport**;

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e) Forfeiture.

Article 72 **Purpose of Security Measures**

The purpose of security measures is to remove situations or conditions that might influence an offender to commit criminal offences in the future.

Article 73 **Imposing Security Measures**

The court may impose one or several security measures on an offender, when grounds for imposing them exist under this Code.

Article 74 **Mandatory Psychiatric Treatment**

(1) The security measure of mandatory psychiatric treatment may be imposed on an offender who commits a criminal offence ~~in a state of considerable diminished mental capacity or diminished mental capacity~~ **in a state of significantly reduced or reduced mental capacity**, if there is a danger that the causes of such a state may in the future also induce the offender to commit another criminal offence.

(2) The security measure of mandatory psychiatric treatment may, under the conditions provided for in paragraph 1 of this Article, be carried out during imprisonment or along with community service, or a suspended sentence.

(3) The security measure of mandatory psychiatric treatment shall last until the termination of the reason for which it has been imposed, but in any event no longer than the punishment of imprisonment or the completion of community service or the expiry of the probation period accompanying a suspended sentence.

~~(4) As in the case under Article 44 (Community Service) paragraph 5 of this Code, the execution of imprisonment may be ordered against the offender who, while performing community service as a substitute to imprisonment, fails to submit himself to mandatory psychiatric treatment.~~

~~(5)~~ **(4)** Under the conditions provided for in paragraph 2 of this Article, after a convicted person has been conditionally released, his mandatory psychiatric treatment may continue outside an institution. If he does not continue the treatment, his conditional release shall be revoked.

~~(6)~~ **(5)** The offender, who does not submit himself to psychiatric treatment during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 66 (*Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations*) of this Code.

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Article 75 **Mandatory Medical Treatment for Addiction**

(1) The security measure of mandatory medical treatment for addiction may be imposed on an offender who commits a criminal offence under the decisive influence of addiction to [Unofficially consolidated by Halisa Skopljak](#)
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alcohol or to narcotic drugs, if there is a danger that due to such an addiction he will repeat the offence.

(2) Under the conditions provided for in paragraph 1 of this Article, the security measure of mandatory medical treatment for addiction may be imposed along with the same criminal sanctions, for the same duration, and in the same manner as prescribed for the security measure of mandatory psychiatric treatment by this Code.

(3) As in the case under Article 44 (*Community Service*) paragraph 5 of this Code, the execution of imprisonment may be ordered against the offender who, while performing community service as a substitute to imprisonment, fails to submit himself to mandatory treatment for addiction.

(4) Under the conditions provided for in Article 74 (*Mandatory Psychiatric Treatment*) paragraph 2 of this Code, after a convicted person has been conditionally released, his mandatory treatment for addiction may continue outside an institution. If he does not continue the treatment, his conditional release shall be revoked.

(5) The offender, who does not submit himself to the treatment for addiction during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 65 (*Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations*) of this Code.

Article 76

Ban on Carrying out a Certain Occupation, Activity or Duty

(1) ~~The security measure of ban on carrying out a certain occupation, activity or duty may be imposed on an offender who commits a criminal offence with regard to property entrusted or accessible to him by virtue of his occupation, activity or duty, if there is a danger that such a role could induce the offender to commit another criminal offence through the abuse of the occupation, activity or duty with regard to the property entrusted or accessible to him.~~ **The security measure of ban on carrying out a certain occupation, activity or duty may be imposed on an offender who commits a criminal offence with regard to his occupation, activity or duty if there is a danger that such a role could induce the offender to commit another criminal offence with regard to his occupation, activity or duty.**

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(2) The security measure of ban on carrying out a certain occupation, activity or duty may be imposed for a term which exceeds one but does not exceed ten years, counting from the date the decision becomes finally binding, with the provision that the time spent serving the punishment of imprisonment shall not be credited towards the term of this security measure.

(3) As in the case under Article 44 (*Community Service*) paragraph 5 of this Code, the execution of imprisonment may be ordered against the offender who, while performing community service as a substitute to imprisonment, fails to act in accordance with the ban on carrying out a certain occupation, activity or duty.

(4) The offender who does not act in accordance with the ban on carrying out a certain occupation, activity or duty during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 66 (*Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations*) of this Code.

Article 77
Ban on Driving ~~Motor Vehicle~~ Means of Transport

- (1) The court may pronounce a prohibition against driving a ~~motor vehicle~~ mean of transport on a person who has committed a criminal offence which has endangered traffic safety if there is a danger that he will commit such criminal offence again if he drives.
- (2) In pursuance of paragraph 1 of this Article the court may pronounce a prohibition against driving a ~~motor vehicle~~ mean of transport of a certain type or category on a person.
- (3) The court may pronounce the measure prohibiting driving a ~~motor vehicle~~ mean of transport that shall not last less than three months nor more than five years counting from the date the decision becomes finally binding, with the provision that the time spent serving the punishment of imprisonment or in mental institution shall not be credited towards the term of this security measure.
- (4) If the offender, who received the decision prohibiting him to drive ~~motor vehicle~~ mean of transport, with the possibility to replace the ban with prison term or suspended sentence, does not comply with the ban, Article 44(5) (*Community Service*) and 66(5) (*Revocation of Suspended Sentence caused by Failure to Fulfil Particular Obligations*) of this Code shall be applied.

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Article 78
Forfeiture

- ~~(1) Forfeiture shall be ordered with regard to objects used or destined for use in the commission of a criminal offence, or to those that resulted from the commission of a criminal offence, when there is a danger that those objects will be used again for the commission of a criminal offence or when the purpose of protecting the public safety or moral reasons make the forfeiture seem absolutely necessary, if those objects are owned by the offender.~~
- ~~(2) Objects under paragraph 1 of this Article may be forfeited even if not owned by the offender when consideration of public safety or moral reasons so require, but such forfeiture does not affect the rights of third parties to obtain compensation for damage from the offender.~~
- ~~(3) The law may provide for mandatory forfeiture in the case of paragraph 2 of this Article.~~
~~**The Law can regulate mandatory forfeiture of objects.**~~
- (1) Items which were in any way, in whole or partially, used or were intended to be used for the commission of a crime or have resulted from the commission of a crime shall be forfeited if they are owned by the perpetrator.
- (2) Items referred to in paragraph (1) of this Article shall be forfeited even if not owned by the perpetrator, however such forfeiture shall not affect the third party's right to compensation of damage from the perpetrator.

Comment [u45]: OG FBiH 42/10

Comment [HS46]: OG FBiH 75/17

CHAPTER TEN
RULES RELATING TO CORRECTIONAL RECOMMENDATIONS,
CORRECTIONAL MEASURES AND PUNISHING JUVENILES

Article 79

Special Provisions of Criminal Code Applicable to Juveniles

(1) The provisions of articles 79 through 109 are applicable to juveniles who have committed criminal offences, while other criminal provisions, set forth in the other laws shall be applied to juveniles only insofar as they do not exceed the boundaries defined by special provisions for juvenile offenders.

(2) Special provisions for juvenile offenders are also applied under conditions set forth in the provisions of articles 79 through 109 to adult persons who are being tried for criminal offences that they have committed as juveniles, and exceptionally to persons who have committed a criminal offence as young adults.

Article 80

Conditions for Applying Correctional Recommendations

(1) Correctional recommendations may be applied to a juvenile for criminal offences for which a fine or a punishment of imprisonment for a maximum term of three years is prescribed.

(2) The correctional recommendations may be applied to a juvenile by a competent prosecutor or judge for juveniles.

(3) The conditions for application of correctional recommendations are: the juvenile's admission that he has committed the criminal offence, and his expressed willingness to make amends with the injured party.

Article 81

Purpose of Correctional Recommendations

The purpose of correctional recommendations is:

- a) To avoid the initiation of criminal proceedings against juvenile offenders; and
- b) To use correctional recommendations as a means of influencing juvenile not to commit criminal offences in the future.

Article 82

Types of Correctional Recommendations

(1) Correctional recommendations are:

- a) Personal apology to the injured party;
- b) Compensation of damage to the injured party;
- c) Regular school attendance;
- d) Working for a humanitarian organisation or local community;
- e) Accepting an appropriate job;
- f) Placement in another family, home or institution;
- g) Treatment in an appropriate health institution;

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h) Attending instructive, educational, psychological and other forms of counselling.
(2) Correctional recommendations given under items a) through c) and h) of paragraph 1 of this Article shall be applied by the competent prosecutor, while the correctional recommendations given under items d) through g) shall be applied by the judge for juveniles.

Article 83

Selection of Correctional Recommendations

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

Article 84

Criminal Sanctions for Juveniles

(1) Correctional measures and certain security measures may be imposed upon a juvenile offender, while in extreme cases, the punishment of juvenile imprisonment may be imposed on an older juvenile.
(2) Only correctional measures may be imposed upon a juvenile who at the time of commission of a criminal offence had attained fourteen years of age but had not reached sixteen years of age (a junior juvenile).
(3) Correctional measures may be imposed upon a juvenile who at the time of commission of a criminal offence had attained sixteen years of age but had not yet reached eighteen years of age (a senior juvenile) under conditions laid down by this Code, and exceptionally a punishment of juvenile imprisonment may be imposed.
(4) Security measures may be imposed on juveniles under the conditions laid down in this Code.
(5) A judicial admonishment or a suspended sentence may not be imposed on a juvenile.

Article 85

Purpose of Correctional Measures and Juvenile Imprisonment

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

Article 86 **Types of Correctional Measures**

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

Article 87 **Correctional Measures**

For a juvenile offender, the following correctional measures may be imposed:

- a) Disciplinary measure of confinement to a disciplinary centre for juveniles;
- b) Measures of intensified supervision: by the parents, adoptive parents or guardians, in a foster home, or by a competent social welfare body;
- c) Institutional measures: confinement to an educational institution, to a corrective training home/an educational-reformatory home or some other rehabilitation institution.

Article 88 **Selection of Correctional Measures**

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

Article 89 **Confinement in a Disciplinary Centre for Juveniles**

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

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

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

(3) In ordering a measure set forth under paragraph 1 of this Article, the court shall make sure that the juvenile does not fall behind in his regular studies or work due to the enforcement of the measure.

(4) The juvenile may be employed in the disciplinary centre with useful labour appropriate to his age, if he or his legal guardian consents to the labour.

(5) In imposing the correctional measure of confinement in the disciplinary centre for juveniles, the court may impose the correctional measure of intensified supervision by the competent social welfare body, which will be executed after the execution of the correctional measure of confinement in the disciplinary centre for juveniles.

Article 90

Intensified Supervision by Parents, Adoptive Parents or Guardian

(1) The correctional measure of intensified supervision by parents, adoptive parents or guardians, shall be ordered by the court if the parents, adoptive parents or guardians have failed in supervising the juvenile, although they are capable of exercising such supervision.

(2) When imposing the correctional measure under paragraph 1 of this Article, the court may give necessary instructions to the parents, adoptive parents or guardians, and order them to carry out particular duties with respect to measures that need to be undertaken towards the education of the juvenile, towards his medical treatment and averting harmful influences upon him.

(3) In imposing the correctional measure under paragraph 1 of this Article, the court may make an order upon the competent social welfare body to check its enforcement and render assistance to the parents, adoptive parents or guardians. The court shall subsequently decide on the termination of this control, with the provision that it may not be shorter than one or longer than three years.

Article 91

Intensified Supervision in a Foster Family

(1) If the parents, adoptive parents or guardians of a juvenile are not in a position to supervise him, or if they cannot be reasonably expected to do so, the court shall impose on the juvenile the correctional measure of intensified supervision in a foster home placing him with another family that is willing to accommodate him and that has the ability to exercise intensified supervision over him.

(2) The enforcement of the correctional measure under paragraph 1 of this Article shall be discontinued when it becomes possible for the parents, adoptive parents or guardians of the juvenile to exercise intensified supervision over him, or when as a result of the education process the intensified supervision becomes no longer required.

(3) In imposing the correctional measure under paragraph 1 of this Article, the court shall make an order upon the competent social welfare body to check, throughout the duration of

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the measure, its enforcement, as well as to render necessary assistance to the family with which the juvenile has been accommodated.

Article 92 **Intensified Supervision by the Competent Social Welfare Body**

(1) If the parents, adoptive parents or guardians are in no position to intensively supervise the juvenile, and if the conditions for imposing the correctional measure of intensified supervision in a foster home do not exist, the court shall impose upon a juvenile the correctional measure of intensified supervision by the competent social welfare body.

(2) The court shall subsequently decide on the date of discontinuation of the correctional measure under paragraph 1 of this Article, providing that its duration may not be shorter than one year or longer than three years. During the enforcement of the measure, the juvenile shall stay with his parents, adoptive parents or guardians, while the intensified supervision over him shall be exercised by an authorised person of the competent social welfare body.

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

Article 93 **Special Obligations in Conjunction with Measures of Intensified Supervision**

(1) In imposing a correctional measure of intensified supervision referred to under Articles 90 (*Intensified Supervision by Parents, Adoptive Parents or Guardian*), 91 (*Intensified Supervision in a Foster Family*) and 92 (*Intensified Supervision by the Competent Social Welfare Body*) of this Code, the court may order a juvenile to fulfil one or more special obligations, if necessary for the successful enforcement of the measure, provided that the obligations cannot last longer than the correctional measure itself.

(2) The court may order the juvenile to fulfil the following obligations in particular: that he should apologise to the injured party, pay for the damage within his abilities, go to school regularly, undergo training for a job suitable for his capabilities and propensities, refrain from consuming alcohol and using intoxicating drugs, visit an appropriate health institution or counselling office, and not to associate with persons who have bad influence on him.

(3) The court may subsequently cancel or modify the obligations it has ordered.

(4) In the event that the obligations under paragraph 2 of this Article are not fulfilled, the court may substitute the imposed measure of intensified supervision with some other correctional measure.

(5) In ordering the obligations under paragraph 2 of this Article, the court shall alert a juvenile to the consequences under paragraph 4 of this Article.

Article 94 **Confinement in an Educational Institution**

(1) The court shall impose the correctional measure of confinement in an educational institution on a juvenile who has to be submitted to lasting supervision by trained educators in the institution for the education of juveniles.

(2) The juvenile shall remain in the educational institution for a term not shorter than six months and not longer than three years. When imposing the measure, the court shall not determine its duration, but shall subsequently decide thereupon (Article 97, *Discontinuance and Modification of Decision on Correctional Measures*, paragraph 2 of this Code).

Article 95

Confinement in a Corrective Training Home/an Educational-Reformatory Home

(1) The court shall impose the correctional measure of confinement in a corrective training home/an educational-reformatory home for juvenile offenders on a juvenile to whom intensified reformatory/correctional measures have to be applied.

(2) In deciding whether to impose the correctional measure under paragraph 1 of this Article, the court shall take into particular consideration the gravity and nature of the offence committed, as well as the circumstance whether correctional measures or juvenile imprisonment have already been imposed on the juvenile.

(3) The juvenile shall remain in the corrective training home/educational-reformatory home for a term not shorter than one year or longer than five years. When imposing the correctional measure referred to under paragraph 1, the court shall not determine its duration, but shall subsequently decide thereupon (Article 97, *Discontinuance and Modification of Decision on Correctional Measures*, paragraph 2 of this Code).

Article 96

Confinement in Another Rehabilitation Institution

(1) For a juvenile whose mental or physical development is impeded the court may impose the correctional measure of confinement in another training/rehabilitation institution in lieu of the correctional measure of confinement in an educational institution or the correctional measure of confinement in a corrective training home/an educational-reformatory home.

(2) The juvenile shall remain in the rehabilitation institution as long as it appears necessary for his medical treatment or rehabilitation, but when the juvenile comes of age the need for his further stay in the institution shall be reassessed.

Article 97

Discontinuance and Modification of Decisions on Correctional Measures

(1) If after the decision on imposing a correctional measure of intensified supervision or an institutional correctional measure, circumstances arise which had not existed at the time of the decision or had then been unknown, but might have affected the making of the decision, the enforcement of the measure imposed may be discontinued, or the measure imposed may be substituted with another correctional measure of intensified supervision or an institutional correctional measure.

(2) In addition to the cases under paragraph 1 of this Article, unless otherwise provided with respect to certain measures, the enforcement of correctional measures of intensified supervision or institutional correctional measures may be discontinued due to the success achieved in the educational process, or these measures may be substituted by other such measures better suited to the attainment of the purpose of the correctional measures.

(3) The discontinuance or substitution of an institutional correctional measure by another type of institutional correctional measure shall be subject to the following restrictions:

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

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

Article 98 **Reconsideration of Correctional Measures**

(1) The court shall reconsider the need of enforcing the correctional measure imposed if more than one year has elapsed since the day when the decision imposing a correctional measure of intensified supervision or an institutional correctional measure took effect, and if until such time the enforcement of the measure has not commenced. Reconsidering it, the court may decide that the previously imposed measure be enforced, not enforced or substituted with another measure.

(2) The correctional measure of confinement in a disciplinary centre for juveniles shall not be executed if more than six months have elapsed since the day when the decision imposing the measure took effect, and if the enforcement of the measure has not yet commenced.

Article 99 **Punishment of Senior Juveniles**

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

Comment [HS47]: OG FBiH 42/10

Article 100 **Juvenile Imprisonment**

(1) The duration of the sentence of juvenile imprisonment may not be shorter than one or longer than ten years, and shall be measured in full years or half-years.

(2) In imposing punishment for a senior juvenile for a criminal offence, the court may not impose juvenile imprisonment for a term exceeding that of imprisonment prescribed for that

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particular criminal offence, but the court shall not be bound by the minimal punishment prescribed for the particular criminal offence.

Article 101 Imposition of Juvenile Imprisonment

In imposing juvenile imprisonment for a senior juvenile, the court shall take into consideration all circumstances that may influence the sentence being longer or shorter (Article 49, *General Principles on the Imposition of Punishments*), paying special attention to the level of mental development of the juvenile and time needed for his correction and occupational training.

Article 102 Imposition of Correctional Measures and Juvenile Imprisonment for Concurrent Criminal Offences

(1) The court shall impose only one correctional measure on a juvenile for concurrent criminal offences, or only a sentence of juvenile imprisonment when the legal conditions exist for that sentence to be imposed and when the court finds that it should be imposed.

(2) The court shall proceed in the same manner as set forth in paragraph 1 of this Article in the event that it establishes that a juvenile had committed a criminal offence prior or after a correctional measure or juvenile imprisonment has been imposed.

Article 103 Statute of Limitations on Execution of the Punishment of Juvenile Imprisonment

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

- a) Ten years if the punishment of juvenile imprisonment for a term exceeding five years has been imposed;
- b) Five years if the punishment of juvenile imprisonment for a term exceeding three years has been imposed;
- c) Three years if the punishment of juvenile imprisonment for a maximum term of three years has been imposed.

Article 104 Imposing Criminal Sanctions on Adults for Offences They Committed as Juveniles

(1) An adult who has reached twenty-one years of age may not be tried for a criminal offence he committed as a junior juvenile.

(2) If an adult has not reached twenty-one years of age at the time of the trial, he may be tried only for criminal offences for which a punishment of imprisonment for a term exceeding five years has been prescribed. The court may impose on such a person only the appropriate institutional correctional measure, taking into account, when considering whether to impose such a measure or not, all the relevant circumstances of the case, in particular the gravity of the criminal offence committed, the time that has elapsed since the commission, the conduct of the offender and the purpose of the correctional measure.

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(3) An appropriate institutional correctional measure may be imposed on an adult for a criminal offence he committed as a senior juvenile, and under conditions under Article 100 (*Juvenile Imprisonment*) of this Code, a punishment of juvenile imprisonment may also be imposed. In deciding whether to impose a sanction and which of the sanctions to impose, the court shall take into account all the relevant circumstances of the case, in particular the gravity of the criminal offence committed, the time that has elapsed since its commission, the conduct of the offender, as well as the purpose of these sanctions.

(4) As an exception to the provision set forth in paragraph 3 of this Article, in lieu of juvenile imprisonment the court may sentence to imprisonment or impose a suspended sentence on an adult who has reached twenty-one years of age at the time of the trial. Regarding judicial rehabilitation, expungement of record and legal consequences of the sentence, the sentence of imprisonment in this case shall have the same legal effect as a sentence to juvenile imprisonment.

Article 105

Imposing Correctional Measures on Younger Adults

(1) The court may impose an appropriate institutional correctional measure on an offender who has committed a criminal offence as an adult, but who has not reached twenty-one years of age at the time of trial, if, given his personality and circumstances in which he committed the criminal offence, it may reasonably be expected that the correctional measure would have the same result as an imprisonment sentence.

(2) Under the conditions defined in this Code, the court may impose on a young adult upon whom it had imposed a correctional measure any security measure prescribed in this Code, other than the security measure of prohibition to carry out a certain occupation, activity or duty.

(3) The correctional measure imposed may last only until the offender reaches twenty-three years of age.

Article 106

Imposing Security Measures to a Juvenile

(1) Security measures under Article 71 (*Types of Security Measures*), items a), b) and e) of this Code may, under conditions determined in law, be imposed on a juvenile offender upon whom a correctional measure or a sentence to juvenile imprisonment has been imposed.

(2) A security measure of mandatory treatment for addiction may not be imposed together with disciplinary measures.

(3) Instead of a security measure of mandatory psychiatric treatment, a correctional measure of confinement in another training/rehabilitation institution may be imposed if the treatment and the supervision may be enforced in that institution and thus the purpose of the security measure attained. In addition, the security measure of forfeiture may also be imposed.

Article 107
Impact of Punishment on Correctional Measures

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

Article 108
Effect of Correctional Measures and Sentencing to Juvenile Imprisonment

- (1) Correctional measures and juvenile imprisonment do not entail the legal consequences consisting of the bar to acquire certain rights as set under Article 118 (*Types of Legal Consequences Following Conviction*), paragraph 2 of this Code.
- (2) The provisions of Article 112 (*Labour by Convicted Persons*) of this Code also apply to the persons serving the correctional measure of confinement in a corrective training home/an educational-reformatory home or sentence of juvenile imprisonment.

Article 109
Records on Correctional Measures Imposed

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

CHAPTER ELEVEN
GENERAL PROVISIONS ON EXECUTION OF CRIMINAL SANCTIONS

Article 110
Execution of Sentence of Imprisonment

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

(3) Notwithstanding the provision under Paragraph (2) of this Article, a long-term sentence may be carried out in semi-open institutions if the convicted person had served two thirds of the sentence and if they comply with the regulations regarding the privileges used outside the institution.

(4) The procedure of transferring a convicted person referred to in Paragraph (3) of this Article shall be regulated accordingly by the provisions on transfer of convicted persons under the Law on the Execution of Criminal Sanctions of the Federation of Bosnia and Herzegovina.

(5) The house arrest with electronic surveillance shall be executed on the premises in which the convicted person resides in the place of permanent or temporary residence.

Comment [HS48]: OG FBiH 46/16

Comment [u49]: OG FBiH 42/11

Article 111

Limits on the Execution of Punishments

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

Article 112

Labour by Convicted Persons

(1) A person sentenced to imprisonment, long-term imprisonment or juvenile imprisonment, if able to work, may work if he consents to it.

(2) If a convicted person requests or consents to work, he shall be enabled to perform such work.

(3) The work of convicted persons should be useful and should correspond as much as possible to the contemporary way of performing the same kind of work at liberty, and to the professional and other abilities of the convicted persons.

Article 113

Execution of Sentence of Juvenile Imprisonment

(1) The sentence of juvenile imprisonment is served by senior juveniles in special institutions for juvenile offenders, where they are allowed to stay until they reach eighteen years of age. Those who have reached eighteen but who have not reached twenty-three years of age (younger adults) shall serve the sentence of juvenile imprisonment in special institutions for younger adults or in a special department of the institution where adults are serving sentence, where measures are to be taken in order to ensure that contact of younger adults and older convicted persons is prevented. If a person has not completed serving the punishment until the time he reached twenty-three years of age, he shall be sent to prison for adults.

(2) A younger adult may stay in the institution for juvenile offenders as long as it is necessary in order to complete his schooling or training. A younger adult may not stay, under any circumstances, in the institution for juvenile offenders if this would be detrimental, in any way, for juveniles serving the sentence there.

(3) The choice of occupation for convicted juveniles shall be made in accordance with their abilities and inclinations towards some occupation, aiming to occupational training and in accordance with the possibilities available at the institution for juvenile offenders. Younger adult shall also have the possibility for education and training regardless of whether they are serving the sentence in special institutions or in special departments of prisons for adults.

(4) Working hours of the convicted juveniles are set so to enable schooling and vocational training and to leave enough time for physical exercise and entertainment.

(5) The convict can be released on parole if he has served one third of his sentence, but not before one year of the time to be spent in the institution for juvenile offenders has elapsed. During the parole, the court may order the correctional measure of intensified supervision by a competent social welfare body. Revocation of parole shall be done in accordance with the provisions of Article 46 (*Revocation of Parole*) of this Code.

(6) The convicted juveniles, except in special circumstances, shall be entitled to maintain contacts with their family through letters and visits.

CHAPTER TWELVE FORFEITURE OF PROCEEDS OF CRIME AND LEGAL CONSEQUENCES OF CONVICTION

Article 114

The Basis of Forfeiture of Proceeds of Crime

(1) Nobody is allowed to retain any material gain acquired as the result of the commission of a criminal offence (proceeds of crime).

(2) The gain under paragraph 1 of this Article shall be forfeited by the court decision, which established the commission of a criminal offence, under the terms set forth under this Code.

~~(3) The court may also forfeit the gain under paragraph 1 of this Article in a separate proceeding if there are reasonable grounds to believe that the gain is the proceeds of a criminal offence and the owner or possessor is not able to give evidence that the gain was acquired legally.~~

Article 114a

Expanded Confiscation of Material Gain Acquired Through Perpetration of a Criminal Offence

In cases of criminal proceedings for criminal offences referred to in chapters XXII, XXIX, and XXXI of this Law, the court can also decide, on basis of Article 114 paragraph (2), to order confiscation material gain for which the prosecutor provides sufficient evidence that there is reasonable suspicion that it was acquired through execution of these criminal offences, and the accused person did not provide evidence to prove that the material gain was acquired legally.

Comment [u50]: OG FBiH 42/10

Article 115

Ways of Forfeiture of Proceeds of Crime

(1) All the money, valuable objects and every other proceeds of crime shall be forfeited from the offender, and in case the forfeiture is not feasible - the offender shall be obliged to pay an amount of money which corresponds to the proceeds of crime. Proceeds of crime may be forfeited from persons to whom it has been transferred without compensation or with compensation which does not correspond to the real value, if the persons knew or should have known that the material gain had been acquired by the commission of a criminal offence.

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(In case of any issue regarding authenticity of text or translation, the local language version shall prevail)

(2) If proceeds of a criminal offence have been combined with property acquired from legitimate sources, such property shall be subject to forfeiture not exceeding the assessed value of the combined proceeds.

(3) Profit made through proceeds of crime, property into which proceeds of crime have been converted, or property with which proceeds of crime have been intermingled shall also be subject to the measures under this Article, in the same manner and extent as any proceeds of crime.

Article 116

Protection of Injured Party

(1) If criminal procedure has resulted in satisfying the property claim of the injured party, the court shall order the forfeiture of proceeds of crime if they exceed the satisfied property claim of the injured party.

(2) The injured party who has been directed to initiate civil litigation in the course of criminal proceedings regarding his property claim, may demand that he be reimbursed from the amount of the forfeited property, provided that the civil case is started within six months from the day when the decision by which he has been directed to litigate took effect and if he demands to be compensated from the forfeited property within three months from the day when his claim was legally established.

(3) An injured party who did not report a property claim during the course of a criminal proceedings may demand compensation from the forfeited property, if he has begun litigating his claims within three months from the day when he found out about the judgement on the forfeiture of proceeds of crime, but no longer than within two years from the day when the decision on the forfeiture of proceeds of crime took effect, or if within three months from the day when the decision by which his claim was established he demands compensation from the forfeited property.

Article 117

Legal Consequences of Conviction

(1) Sentences for particular criminal offences may entail as legal consequences the termination or loss of certain rights, or bar on the acquisition of certain rights.

(2) Legal consequences following conviction may not occur when the offender has received a fine or a suspended sentence, or when the court has released him from punishment.

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

Article 118

Types of Legal Consequences of Conviction

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

- a) Cessation of the performance of particular jobs or functions in government agencies, trade companies or other legal persons;
- b) Termination of employment or cessation of the performance of a particular profession, occupation or activity;

c) **Confiscation of permits or approvals issued by an authority or status recognized by the decision of the authority;**

e) **d) Revocation of decorations.**

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

a) Bar on the performance of certain jobs or functions in government agencies, trade companies or other legal persons;

b) Bar on the acquisition of a particular office, title, position or promotion in service;

c) ~~Bar on the acquisition of particular permits or licenses that are issued by a decision of government agencies~~ **Prohibition of obtaining any permits or approvals issued by an authority or status recognized by the decision of the authority.**

Comment [u51]: OG FBiH 42/10

Article 119

Beginning and Duration of Legal Consequences of Conviction

(1) The legal consequences following conviction take effect on the day of effectiveness of the sentence.

(2) The legal consequences following conviction which consist of a bar on the acquisition of particular right may not exceed ten years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitations, except for certain legal consequences for which law provides a shorter period of duration.

(3) The legal consequences following conviction cease by the expungement of record.

Article 120

Termination of Security Measures and Legal Consequences of Conviction on the Basis of the Court Decision

(1) The court may decide to discontinue the application of the security measure on the prohibition to carry out a certain occupation, activity or duty, if three years have elapsed from the day on which the security measure took effect.

(2) The court may decide to terminate the legal consequence of a sentence consisting of the bar on the acquisition of a certain right after the lapse of three years from the day on which the punishment has been served, pardoned or amnestied, or barred by the statute of limitations.

(3) In deciding whether to order the termination of a security measure or a legal consequence of a sentence, the court shall take into account the conduct of the convicted person after the conviction, his readiness to compensate for damage caused by the commission of the criminal offence and to return material gain acquired by the commission of a criminal offence, as well as other circumstances which indicate justification for the termination of a security measure or a legal consequence of a sentence.

(4) The termination of legal consequences following conviction in no way affects the rights of third parties originating from the judgement.

CHAPTER THIRTEEN JUDICIAL REHABILITATION, AMNESTY, PARDON AND EXPUNGEMENT OF RECORD

Article 121 Judicial Rehabilitation

(1) Following release from the institution where they had served sentences of imprisonment, long-term imprisonment or juvenile imprisonment or after being pardoned or amnestied, or after the punishment was barred by the statute of limitations, convicted persons shall freely enjoy all rights provided by the constitution, law and other regulations, and may acquire all rights other than those whose exercise is limited as a result of a security measure imposed on them or a legal consequence of the conviction.

(2) The provision of paragraph 1 of this Article also applies to persons on parole, unless their rights are limited by special provisions on release on parole.

Article 122 Amnesty

(1) By an amnesty, the persons covered by it are given a release from prosecution, complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one, expungement of record, or cancellation of legal consequences following conviction.

(2) An amnesty for the criminal offences prescribed under this Code and other laws of the Federation of Bosnia and Herzegovina, may be granted by the Parliamentary Assembly of the Federation of Bosnia and Herzegovina by virtue of a law and for the criminal offences prescribed under cantonal laws an amnesty may be granted by Cantonal Parliaments.

(3) Any amnesty shall be granted by act of law.

Article 123 Pardon

(1) By means of pardon, the specifically designated person is given a release from prosecution, complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one, expungement of record, or annulment or shortening the duration of the security measure of prohibition to carry out a certain occupation, activity or duty, or a certain legal consequence following conviction.

(2) A pardon for the criminal offences prescribed under criminal legislation of the Federation of Bosnia and Herzegovina **that fall under the authority of the Federation of Bosnia and Herzegovina**, may be granted by the decision of the President of the Federation of Bosnia and Herzegovina **in accordance with law on the basis of a separate law**.

Comment [a52]: OG FBiH 69/04 and 18/05

Comment [a53]: OG FBiH 69/04 and 18/05

Comment [a54]: OG FBiH

Article 124 Impact of Amnesty and Pardon on Third Parties' Rights

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

Article 125 Expungement of Record

~~(1) A sentence by which a person who has committed a criminal offence has been released from punishment shall be expunged from the criminal record, provided he does not commit a new criminal offence within the period of one year from the date of entry into force of the decision.~~

~~(2) A suspended sentence shall be expunged from the criminal record after the period of one year from the expiration of the probation period has elapsed, unless the person convicted has committed another criminal offence within that period.~~

~~(3) A sentence of a fine shall be expunged from the criminal record after the lapse of the period of three years from the day on which the punishment has been executed, pardoned or annested, or barred by the statute of limitations, provided the convicted person does not commit a new criminal offence within that period.~~

~~(4) The sentences of imprisonment for a maximum term of one year or to juvenile imprisonment for a maximum term of one year, shall be expunged from the criminal record after the lapse of the period of five years from the day on which the punishment has been served, pardoned or annested, or has been barred by the statute of limitations, provided that the convicted person does not commit a new criminal offence within that period.~~

~~(5) Upon appeal by a convicted person, the court may decide to expunge a sentence of imprisonment for a term between one year and three years from the criminal record, if a period of five years has expired from the day on which the punishment has been served, pardoned or annested, or barred by lapse of time, provided that the convicted person has not committed a new criminal offence within that period. In deciding on expunging the sentence, the court shall take into account the conduct of the convicted person after serving his sentence, the nature of the criminal offence, and other circumstances that might be relevant for the evaluation of the justifiability of the expungement of record.~~

~~(6) Sentences may not be expunged from criminal records for as long as security measures are in force.~~

~~(7) If, during the period set for expungement of record, the convicted person is punished by imprisonment for a term exceeding three years, neither previous nor subsequent sentences shall be expunged from criminal record.~~

~~(8) Several sentences which have been imposed on the same person may be expunged from the criminal record only simultaneously, and only if conditions exist for each of the sentences to be expunged.~~

(1) Provided that the perpetrator is not convicted again of a new criminal offence, there shall be a mandatory deletion of the sentence upon the expiry of the following deadlines:

a) A sentence by which a person who has perpetrated a criminal offence has been released from punishment shall be deleted from the criminal records, provided he

does not perpetrate a new criminal offence within the period of one year from the date of entry into force of the verdict.

b) A suspended sentence shall be deleted from the criminal record after the period of one year from the expiration of the probation period has elapsed, unless the person convicted has perpetrated another criminal offence within that period.

c) A fine and imprisonment for a term not exceeding one year shall be deleted from the criminal records after the lapse of the period of three years from the day on which the punishment has been executed, pardoned or amnestied, or barred by the statute of limitations, provided that the convicted person does not perpetrate a new criminal offence within that period.

d) A sentence of imprisonment for a term between a year and three years shall be deleted from the criminal records after the lapse of the period of five years from the day on which the punishment has been executed, pardoned or amnestied, or barred by the statute of limitations, provided that the convicted person does not perpetrate a new criminal offence within that period.

e) A sentence of imprisonment for a term between three years and five years shall be deleted from the criminal records after the lapse of the period of ten years from the day on which the punishment has been executed, pardoned or amnestied, or barred by the statute of limitation, provided that the convicted person does not perpetrate a new criminal offence within that period.

f) A sentence of imprisonment for a term between five years and ten years shall be deleted from the criminal records after the lapse of the period of fifteen years from the day on which the punishment has been executed, pardoned or amnestied, or barred by the statute of limitation, provided that the convicted person does not perpetrate a new criminal offence within that period.

(2) Upon request by a convicted person, the court may decide to delete a sentence of imprisonment for a term exceeding ten years, if a period of twenty years has expired from the day on which the punishment has been served, pardoned or amnestied, or barred by the statute of limitations, provided that the convicted person has not perpetrated a new criminal offence within that period.

(3) In deciding on deleting the sentence referred to in paragraph 2, the court shall take into account the conduct of the convicted person after serving his sentence, the nature of the criminal offence, and other circumstances that might be relevant to the evaluation of the justifiability of the deletion.

(4) A sentence of long-term imprisonment may not be deleted from the criminal records.

(5) A sentence may not be deleted from the criminal records during criminal proceedings on a new criminal offence.

(6) A sentence cannot be deleted from the criminal records neither during application of security measures nor before full completion of confiscation of material gain acquired through criminal activities.

(7) Upon the deletion of the sentence from the criminal records under the conditions referred to in paragraphs (1) through (3) of this Article, it shall be considered that the perpetrator of the criminal offence has no prior convictions.

Article 125a

Criminal Records Data

- (1) Data from the criminal records are not public data.**
(2) A citizen has the right to request and obtain data about him from the criminal records if these data are necessary for exercising his rights and interests.
(3) Replacement of the imposed fine with a community service or imprisonment, as well as replacement of imprisonment with the community service or fine shall be registered in the criminal records.

Comment [u55]: OG FBiH 42/10

CHAPTER FOURTEEN LIABILITY OF LEGAL PERSONS FOR CRIMINAL OFFENCES

Article 126 Liability of Legal Persons

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

Article 127 Territorial Applicability of this Code Relating to the Criminal Liability of Legal Persons

- (1) Pursuant to this Code, national and foreign legal persons shall be liable for criminal offences committed within the territory of the Federation of Bosnia and Herzegovina.
- (2) Pursuant to this Code, national and foreign legal persons, which have their head office in the territory of the Federation of Bosnia and Herzegovina or if they carry out their activities in the territory of the Federation of Bosnia and Herzegovina, shall also be liable for a criminal offence committed outside the territory of the Federation of Bosnia and Herzegovina, if the offence was committed against the State of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, its citizens or national legal persons.
- (3) Pursuant to this Code, a national legal person shall also be liable for a criminal offence committed outside the territory of the Federation of Bosnia and Herzegovina against a foreign state, foreign citizens or foreign legal persons, subject to the conditions under Article 13 (*Applicability of Criminal Legislation of the Federation of Bosnia and Herzegovina for Offences Committed Outside the Territory of the Federation of Bosnia and Herzegovina*) of this Code.

Article 128 **Basis of Liability of a Legal Person**

For a criminal offence committed in the name of, on account of, or for the benefit of the legal person, the said legal person shall be liable:

- a) when the purpose of the criminal offence arises from any decision, conclusion, order or permission of its managerial or supervisory bodies; or
- b) when its managerial or supervisory bodies have influenced the offender or enabled him to commit the criminal offence; or
- c) when a legal person disposes of illegally obtained property or uses any objects acquired in a criminal offence; or
- d) when its managerial or supervisory bodies have failed to carry out proper supervision of the legality of the work of its employees.

Article 129 **Limits of Liability of a Legal Person**

(1) In addition to the conditions under Article 128 above (*Basis of Liability of a Legal Person*), a legal person shall also be liable for a criminal offence when the offender is not himself ~~criminally liable~~ **culpable** for such offence.

(2) The liability of the legal person shall not exclude ~~criminal liability~~ **culpable** of any responsible person for the committed criminal offence.

Comment [u56]: OG FBiH 42/10

(3) For criminal offences due to negligence, a legal person may be liable under the conditions referred to in Article 128 item d) above, and in such case, the legal person may be punished less severely.

(4) When, within the legal person, there is no other individual person or body except the offender himself, which could direct or supervise the offender, the legal person shall be liable for the criminal offence within the limits of the offender's liability.

Article 130 **Liability During the Change of Status of a Legal Person**

(1) A legal person in bankruptcy may be ~~criminally~~ liable for a criminal offence, regardless of the fact that the criminal offence was committed before the beginning of bankruptcy proceedings or in the meantime, but no punishment may be imposed on a legal person in bankruptcy, save for the security measure of forfeiture of property or proceeds of crime.

(2) In the event that the legal person has ceased to exist before criminal proceedings are completed with a finally binding judgement, and in those criminal proceedings that legal person was found ~~criminally~~ liable, punishments and other criminal sanctions shall be imposed on the legal person which is its legal successor, if its managerial or supervisory bodies had knowledge of the committed criminal offence before the cessation of the existence of the legal person.

(3) The security measure of forfeiture of property or proceeds of crime shall be imposed upon the legal person, which is the legal successor of the legal person for which ~~criminal~~ liability has been established, if its management or supervisory bodies had knowledge of the committed criminal offence.

Comment [u57]: OG FBiH 42/10

(4) In the event of the legal person ceasing to exist upon the completion of criminal proceedings, the criminal sanction shall be executed pursuant to the provisions of paragraphs 2 and 3 of this Article.

Article 131 Liability of a Legal Person for an Attempt

- (1) Where a legal person commences a planned criminal offence, but does not complete such offence, under the conditions of Article 128 above (*Basis of Liability of a Legal Person*), the legal person shall be liable where the law prescribes that the attempt is so punishable.
- (2) The legal person shall be punished for any attempt as a full criminal offence, but may be punished less severely.
- (3) Where the managerial or supervisory authorities of the legal person prevent the offender from completing the full criminal offence, the legal person may be released from punishment.

Article 132 ~~Continued Criminal Offence and Criminal Liability of Legal Person~~

~~Where the same grounds for liability of the legal person exist with respect to several similar and time-related criminal offences committed by several persons, such legal person shall be criminally liable as if a single criminal offence was committed.~~

Continued Criminal Offence and Liability of Legal Person

Where the same grounds for liability of the legal person exist with respect to several similar and time-related criminal offences committed by several persons, such legal person shall be liable as if a single criminal offence was committed.

Comment [u58]: OG FBiH 42/10

Article 133 Complicity of Legal Persons

- (1) Where two or more legal persons are found to have participated in the commission of a criminal offence, each shall be subject to liability pursuant to Article 128 above (*Basis of Liability of a Legal Person*).
- (2) Where there is complicity involving legal persons under paragraph 1 above, each separate legal person shall be held accountable in the same way as if it were the only legal person ~~criminally~~ responsible for the offence.

Comment [u59]: OG FBiH 42/10

Article 134 Mitigation in the Punishment of Legal Persons or Release from Punishment

- (1) A legal person, whose managerial or supervisory authority reports the offender for a criminal offence, may be punished less severely.
- (2) A legal person, whose managerial or supervisory authority, following the commission of a criminal offence, decides to return any illegally gained material, to remove any harmful effects or to communicate information on the grounds for holding other legal persons responsible, may be released from punishment.

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Article 135 Punishment of Legal Persons

The following types of punishment may be imposed upon legal persons:

- a) fines;
- b) forfeiture of property; and
- c) dissolution of the legal entity.

Article 136 Fines on Legal Persons

(1) Fines to be imposed on a legal person shall be no less than 5,000 KM and shall not exceed 5,000,000 KM.

(2) Where, in committing any criminal offence, the legal person causes material damage to another party or in any way benefits from such offence, the scope of the fine imposed may be set at twice the amount of the said damage or benefit.

(3) If a fine is not paid within the deadline set forth in the verdict, the procedure for forcible collection shall be implemented immediately.

Comment [u60]: OG FBiH 42/10

Article 137 Forfeiture of Property

(1) Forfeiture of property may be imposed for any criminal offences with a liability to imprisonment of a minimum term of five years.

(2) At least half of the property or the major part of the property or the entire property of a legal person may be subject to forfeiture.

(3) In the event of bankruptcy proceedings as a consequence of the aforesaid forfeiture, the creditors shall be allowed settlement of their claims out of the so forfeited bankruptcy assets.

Article 138 Dissolution of the Legal Person

(1) Dissolution of a legal person may be imposed, where its activities are wholly or partly used for the purpose of committing a criminal offence.

(2) In addition to dissolution of a legal person, forfeiture of property may be imposed.

(3) In addition to the dissolution of a legal person, the court shall propose liquidation proceedings.

(4) Creditors may be paid from the property of the legal person so dissolved.

Article 139 Imposition of Punishment on Legal Persons

(1) When imposing punishment on a legal person, in addition to the general principles on the imposition of punishments under Article 49 above (*General Principles on the Imposition of Punishments*), the economic power of the legal person shall be taken into account.

(2) When imposing a fine for a criminal offence for which, in addition to a fine, property shall be subject to forfeiture, such forfeiture shall not exceed one half of the legal person's property.

Article 140 **Imposing a Suspended Sentence on a Legal Person**

- (1) The court may impose a suspended sentence on the legal person in place of a fine.
(2) When imposing a suspended sentence, the court may impose a fine not exceeding 1,500,000.00 KM, but may, at the same time, decide that such fine shall not be imposed unless the legal person becomes liable for a further criminal offence within a time period between one and five years.

Article 141 **Security Measures**

In addition to the security measure of forfeiture under Article 78 (*Forfeiture*) above, the following security measures may be imposed for criminal offences committed by legal persons:

- a) publication of judgement;
b) a ban on the performance of certain **economic** activities.

Comment [u61]: OG FBiH 42/10

Article 142 **Publication of Judgement**

(1) A security measure of a judgement publication shall be ordered where it is in the public interest to learn of such judgement, particularly where its publication could result in the removal of a threat to people's life and health, safety of traffic ~~or the general economy~~ **or for protection or encouragement of social values.**

Comment [u62]: OG FBiH 42/10

(2) In deciding the significance of any particular criminal offence, the court shall also take into account the need for the public to learn about the judgement, the need for the judgement to be published in the printed media, by way of radio or television or in all branches of the media and at the same time to decide whether the judgment should be published wholly or in part. The court shall ensure that, whatever the method of publication, all those concerned by or in the judgement shall be informed.

Article 143 **~~Ban on Certain Economic Activities~~**

~~(1) In ordering the security measure of a ban on certain economic activities, the court may prohibit a legal person from manufacturing certain products, performing certain business, performing trade activities in certain commodities or from performing any other economic activity.~~

~~(2) The security measure under paragraph 1 of this Article may be imposed on a legal person if its further performance of a particular economic activity would be likely to present a threat to the safety or life of any person, be prejudicial to the economic and financial operation of other legal persons or to the national economy in general, or if the said legal person has~~

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already been sentenced for the same or a similar criminal offence within the two years preceding the commission of the criminal offence.

(3) The security measure under paragraph 1 of this Article may be imposed for a period of six months to five years, commencing on the day of the entering into force of the judgement.

Ban on Certain Activity

(1) In ordering the security measure of a ban on certain activity, the court may prohibit a legal person from manufacturing certain products, performing certain business, performing trade activities in certain commodities or from performing any other activity.

(2) The security measure under paragraph 1 of this Article may be imposed on a legal person if its further performance of a particular activity would be likely to present a threat to the safety or life of any person, be prejudicial to the economic and financial operation of other legal persons or to the national economy in general, or if the said legal person has already been sentenced for the same or a similar criminal offence within the two years preceding the commission of the criminal offence.

(3) The security measure under paragraph 1 of this Article may be imposed for a period of six months to five years, commencing on the day of the entering into force of the judgement.

Comment [u63]: OG FBiH 42/10

Article 144

Forfeiture of Proceeds of Crime from a Legal Person

Where a legal person acquires material gain through the commission of a criminal offence, any proceeds of crime shall be subject to forfeiture.

Article 145

Legal Consequences Following Conviction of a Legal Person

(1) Legal consequences following conviction of a legal person are:

- a) Prohibition of work based on any permit, authorisation or concession issued by the authorities of foreign countries;
- b) Prohibition of work based on any permit, authorisation or concession issued by the institutions of the Federation of Bosnia and Herzegovina.

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

Article 146

Application of Statute of Limitations Regarding the Institution of Criminal Prosecution and Execution of Criminal Sanctions Imposed on Legal Persons

(1) Article 15 (*Application of Statute of Limitations Regarding the Institution of Prosecution*) of this Code shall be applied to bar criminal prosecution of a legal person in the event of lapse of time.

Comment [u64]: OG FBiH 42/10

(2) The imposition of a sentence on the legal person shall be time-barred when the following periods from the date of the entry into force of the judgement, whereby such sentence has been imposed, have elapsed:

- a) Three years for the payment of a fine;
- b) Five years for execution of forfeiture of property and of dissolution of the legal person.

(3) The execution of a security measure shall become time-barred after the lapse of:

- a) Six months from the date of entry into force of the judgement whereby publication of the judgement was imposed;
- b) A period equal to that for which a ban on performing certain economic activities is imposed.

Comment [u65]: OG FBiH 42/10

Article 147

Laws Prescribing the Criminal Offences of Legal Persons

Legal persons may be held criminally accountable for criminal offences defined in this Code and other criminal offences defined by laws of the Federation of Bosnia and Herzegovina.

Comment [u66]: OG FBiH 42/10

Article 148

Punishments for Criminal Offences

(1) In the case of criminal offences for which a fine or imprisonment for a maximum term of three years is prescribed, a legal person shall be punished by a fine not exceeding 850.000 KM, not exceeding ten times the amount of the damage caused or the proceeds of the said offence, whichever is the greater.

(2) In the case of criminal offences for which imprisonment for a term not less than three years is prescribed, a legal person shall be punished by a fine not exceeding 2.500.000 KM, not exceeding twenty times the amount of the damage caused, or the proceeds of the said offence, whichever is the greater.

(3) In the case of criminal offences by a legal person for which imprisonment for a term of five years or more is prescribed, forfeiture of property may be imposed in place of a fine.

(4) In the case of criminal offences under paragraph 1 of this Article, the punishment of dissolution of the legal person may be imposed on a legal person in place of the fine, subject to the provisions of Article 138 (*Dissolution of a Legal Person*) above.

SPECIAL PART

CHAPTER FIFTEEN CRIMINAL OFFENCES AGAINST THE CONSTITUTIONAL ORDER OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

Article 149

Attack on the Constitutional Order of the Federation of Bosnia and Herzegovina

Whosoever, by physical force or threat of physical force, attempts to change the constitutional order of the Federation of Bosnia and Herzegovina, or to overthrow its highest institutions, shall be punished by imprisonment for a minimum term of five years.

Article 150

Endangering the Territorial Integrity of the Federation of Bosnia and Herzegovina

Whosoever attempts to detach a part of the territory of the Federation of Bosnia and Herzegovina by use of force or threat of force, or to annex any part of the territory thereof to the other entity, shall be punished by imprisonment for a minimum term of five years.

Article 151

Rendering the Federation of Bosnia and Herzegovina into a Position of Subjugation or Dependency

Any citizen of the Federation of Bosnia and Herzegovina attempting to render the Federation of Bosnia and Herzegovina into a position of subjugation or dependency in relation to another State, shall be punished by imprisonment for a minimum term of five years.

Article 152

Opposing War Efforts

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

Article 153

Service in the Army of the Enemy

(1) Any citizen of the Federation of Bosnia and Herzegovina who serves in an enemy's army or armed formations in time of war or armed conflict, or who participates in a war or armed conflict as a combatant against the Federation of Bosnia and Herzegovina or its allies, shall be punished by imprisonment for a minimum term of three years.

(2) Whosoever enlists citizens of the Federation of Bosnia and Herzegovina into service in an enemy's army or armed formations, or for participation in a war or armed conflict against the Federation of Bosnia and Herzegovina or its allies, shall be punished by imprisonment for a minimum term of five years

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Article 154
Assisting the Enemy

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

(2) A citizen of the Federation of Bosnia and Herzegovina who, with the intention of assisting an enemy either politically or economically, collaborates with the enemy at a time of war, shall be punished by imprisonment for a minimum term of three years.

Article 155
Undermining Military and Defensive Capacity

(1) Whosoever, with the intention of diminishing the defensive power of the Federation of Bosnia and Herzegovina, destroys, renders ineffective, enables to pass into the hands of an enemy, any defence installations, objects, positions, arms or other military or defensive means, surrenders troops to the enemy or, with the same intention, hinders or endangers any military or defence measures, shall be punished by imprisonment for a minimum term of three years.

(2) Whosoever procures means for committing an offence under paragraph 1 above, shall be punished by imprisonment for a term of between one and ten years.

Article 156
Armed Rebellion/Mutiny

(1) Whosoever takes part in an armed rebellion which is aimed against the constitutional order of the Federation of Bosnia and Herzegovina or against its highest institutions, shall be punished by imprisonment for a term of not less than three years.

(2) Whosoever organises or directs, at any level, the commission of an offence under paragraph 1 above, shall be punished by imprisonment for a minimum term of five years.

(3) Whosoever procures the means to commit an offence under paragraph 1 above, shall be punished by imprisonment for a term of between one and ten years.

Article 157
Espionage

(1) Whosoever discloses, delivers or renders available a secret of the Federation of Bosnia and Herzegovina, a military or an official secret to a foreign State, foreign organisation or a person in the service thereof, shall be punished by imprisonment for a term of between one and ten years.

(2) Whosoever within the Federation of Bosnia and Herzegovina creates an intelligence service detrimental to the Federation of Bosnia and Herzegovina on behalf of a foreign State or organisation, or whosoever runs such service, shall be punished by imprisonment for a term of not less than five years.

(3) Whosoever becomes a member of a foreign intelligence service, collects information for such service or in any other way assists activities of such service, shall be punished by imprisonment for a term of between one and ten years.

(4) Whosoever obtains a secret of the Federation of Bosnia and Herzegovina, a military or official secret, with the intention of disclosing or delivering such secret to a foreign State, organisation or a person in the service thereof, shall be punished by imprisonment for a term of between one and ten years.

(5) Whosoever procures the means to commit an offence under paragraph 1 above, shall be punished by imprisonment for a term of between one and ten years.

Article 158

Disclosing a Secret Belonging to the Federation of Bosnia and Herzegovina

(1) An authorised person who, in contravention of any law or regulation of the institutions of the Federation of Bosnia and Herzegovina, passes on or renders accessible any State secret entrusted to him or to any other person, shall be punished by imprisonment for a term of between one and ten years.

(2) Whosoever discloses or passes on to another person or mediates in disclosing information or any document which he knows to constitute a secret belonging to the Federation of Bosnia and Herzegovina, and which was obtained illegally, shall be punished by imprisonment for a term of between six months and five years.

(3) If an offence under paragraph 1 above is committed during a state of war or imminent threat of war, or if it leads to the endangerment of the security, economic or military power of the Federation of Bosnia and Herzegovina, the offender shall be punished by imprisonment for a minimum term of three years.

(4) Any authorised person who commits an offence under paragraph 1 above through negligence, shall be punished by imprisonment for a term of between six months and five years.

(5) There shall be no offence under paragraph 2 above where any person makes public, or mediates in making public, a secret of the Federation of Bosnia and Herzegovina, the contents of which are in contravention of the constitutional order of the Federation of Bosnia and Herzegovina, with the intention of disclosing to the public facts which constitute a violation of the constitutional order or of an international agreement, provided that such publication does not undermine the national security of the Federation of Bosnia and Herzegovina.

Article 159

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

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

Article 160

Importing Hazardous Material into the Federation of Bosnia and Herzegovina

(1) Whosoever, in contravention of the regulations of the Federation of Bosnia and Herzegovina, imports into the Federation of Bosnia and Herzegovina radioactive material or other such wastes or material harmful to the life or health of any person, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) Whosoever, by abuse of his position or authority, contrary to regulations, facilitates the importation of radioactive, waste or other material harmful to the life or health of any person into the Federation of Bosnia and Herzegovina, shall be punished by imprisonment for a term of between six months and five years.

Article 161

Assassination of the Highest Officials of the Federation of Bosnia and Herzegovina

Whosoever, with the intention of endangering the constitutional order of the Federation of Bosnia and Herzegovina or security of the Federation of Bosnia and Herzegovina, deprives of life an official person in the institutions of the Federation of Bosnia and Herzegovina in the discharge of his duties, or the President or the Vice-president of the Federation of Bosnia and Herzegovina, the Prime Minister of the Federation of Bosnia and Herzegovina, the Chair of either House of the Parliamentary Assembly of the Federation of Bosnia and Herzegovina, the President of the Constitutional Court of the Federation of Bosnia and Herzegovina, the President of the Supreme Court of the Federation of Bosnia and Herzegovina or the Chief Prosecutor of the Federation of Bosnia and Herzegovina when not on duty, shall be punished by imprisonment for a minimum term of ten years or to life imprisonment.

Article 162

Kidnapping the Highest Officials of the Federation of Bosnia and Herzegovina

(1) Whosoever, with the intention of endangering the constitutional order of the Federation of Bosnia and Herzegovina or security of the Federation of Bosnia and Herzegovina, unlawfully confines, keeps confined or in some other manner deprives an official person of the institutions of the Federation of Bosnia and Herzegovina in the discharge of his duties of his freedom of movement, or restricts that person in any other way, with the aim of forcing him or any other person to do or to fail to do something, shall be punished by imprisonment for a minimum term of three years.

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(2) Whosoever, with the intention of endangering the constitutional order of the Federation of Bosnia and Herzegovina or security of the Federation of Bosnia and Herzegovina, unlawfully confines, keeps confined or in some other manner deprives the President or the Vice-president of the Federation of Bosnia and Herzegovina, the Prime Minister of the Federation of Bosnia and Herzegovina, the Chair of either House of the Parliamentary Assembly of the Federation of Bosnia and Herzegovina, the President of the Constitutional Court of the Federation of Bosnia and Herzegovina, the President of the Supreme Court of the Federation of Bosnia and Herzegovina or the Chief Prosecutor of the Federation of Bosnia and Herzegovina of the freedom of movement, or restricts that person in some other way, with the intention of forcing him or some other person to do or to fail to do something, shall be punished by imprisonment for a minimum term of five years.

Article 163

Inciting National, Racial or Religious Hatred, Discord or Hostility

(1) Whosoever publicly incites and inflames national, racial or religious hatred, discord or hostility among constituent peoples and others who live in the Federation of Bosnia and Herzegovina shall be punished by imprisonment for a term of between ~~one and five years~~ **three months and three years.**

(2) Whosoever commits an offence under paragraph 1 above by employing duress and torture, jeopardizing the safety of any person, exposing national, ethnic or religious symbols to derision, damaging other people's belongings, desecrating monuments or graves, shall be punished by imprisonment for a term of between one to eight years.

(3) ~~The aforesaid liability under paragraph 2 above shall extend to whomever commits an offence under paragraph 1 above by abuse of his official capacity, or if the offence results in riots, violence or any other serious consequence to the co-existence of the constituent peoples and others who live in the Federation of Bosnia and Herzegovina.~~ **Whoever perpetrates the criminal offence referred to in paragraph (1) of this Article by abuse of office or authority shall be punished by imprisonment for a term between one and ten years.**

Comment [u67]: OG FBiH 42/10

(4) Whosoever commits an offence under paragraphs 2 above by abuse of his official capacity, or if the offence results in riots, violence or any other serious consequence to the co-existence of the constituent peoples and others who live in the Federation of Bosnia and Herzegovina, shall be punished by imprisonment for a term of between one and ten years.

(5) Whoever commits the criminal offence referred to in paragraph 1 of this Article by public denial or justification of genocide, crimes against humanity or war crimes established by a legally binding decision of International Court of Justice, International Criminal Tribunal for the former Yugoslavia or a national court shall be punished by imprisonment for a term of between three months and three years.

Comment [HS68]: OG 76/14

Article 164

Punishment for the Gravest Criminal Offences against the Constitutional Order of the Federation of Bosnia and Herzegovina

(1) For a criminal offence under Articles 149 (*Attack on the Constitutional order*), 150 (*Endangering Territorial Integrity*), 155 (*Undermining the Military and Defensive Power*),

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156 (*Armed Rebellion*) or 157 (*Espionage*) of this Code, which causes the death of a person or a number of persons, or causes danger to human life, or is coupled with heavy violence or large-scale destruction, the offender shall be punished by imprisonment for a term of not less than ten years or long-term imprisonment.

(2) If, in the course of committing an offence under paragraph 1 above, the offender intentionally deprives any person of his life, he shall be punished by imprisonment for a minimum term of ten years or to long-term imprisonment.

Article 165

Setting up an Association or Procuring Means for the Commission of Criminal Offences Defined in this Chapter

Whosoever sets up any association with the intention of committing a criminal offence as defined in this Chapter, or whosoever procures the means of committing a criminal offence as defined in this Chapter, shall be punished by imprisonment for a term of ~~between one and ten years~~ minimum three years.

Comment [u69]: OG FBiH 42/10

CHAPTER SIXTEEN CRIMINAL OFFENCES AGAINST LIFE AND LIMB

Article 166

Murder

(1) Whosoever deprives another person of his life shall be punished by imprisonment for a minimum term of five years.

(2) The liability to imprisonment for a minimum term often years or to life imprisonment shall be imposed on any person who:

- a) cruelly or insidiously deprives another person of his life;
- b) violently deprives another person of his life;
- c) deprives another person of his life ~~on racial, national or religious grounds~~ out of hatred;
- d) deprives another person of his life through greed, revenge, to commit or conceal another criminal offence, or for any other base motive;
- e) ~~takes the life of an official or military person in the exercise of his duty in safeguarding public peace, order and security, apprehending an offender of any criminal offence or guarding any person deprived of his freedom~~ whoever murders a judge or a prosecutor in connection with the discharge of their judicial or prosecutorial duties, an official or military person in the discharge of the duties pertaining to security or maintaining public order, arresting a perpetrator of a criminal offence or guarding a person deprived of liberty.

Comment [HS70]: OG FBiH 46/16

Comment [HS71]: OG FBiH 46/16

Article 167
Homicide Caused by Irresistible Impulse (Voluntary Manslaughter)

Whosoever kills a human being, having been innocently provoked into a state of extreme anger or terror by the victim's attack, torture or serious insult, shall be punished by imprisonment for a term of between one and ten years.

Article 168
Negligent Homicide

Whosoever kills a human being through negligence, shall be punished by imprisonment for a term of between six months and five years.

Article 169
Infanticide

A mother who kills her newly born child at birth or immediately thereafter shall be punished by imprisonment for a term of between one and five years.

Article 170
Assisting Suicide

(1) Whosoever induces another to commit suicide or renders assistance in committing suicide, and the suicide is thereby committed, shall be punished by imprisonment for a term of between three months and five years.

(2) Whosoever commits an offence under paragraph 1 above against a juvenile, or against a person whose ability to understand the meaning of his actions or to control his actions is substantially diminished, shall be punished by imprisonment for a term of between one and ten years.

(3) Whosoever commits an offence under paragraph 1 above against a child or against a person who is unable to understand the meaning of his actions or to control his actions, shall be punished pursuant to Article 166 (*Murder*), paragraph 1, above.

(4) Whosoever brutally or inhumanely treats a person who is in any way subordinate to, or dependent on, him, as a result of which that person commits suicide, shall be punished by imprisonment for a term of between six months and five years.

Article 171
Illegal Abortion

(1) Whosoever, in contravention of abortion regulations, performs an abortion on a pregnant woman with her consent, commences performing an abortion, or assists her in procuring her own miscarriage, shall be punished by imprisonment for a term of between three months and three years.

(2) Whosoever performs or commences performing an abortion on a pregnant woman without her consent, shall be punished by imprisonment for a term of between one and eight years.

(3) If grievous bodily harm, serious illness or the death of any pregnant woman occurs as a result of any offence under paragraph 1 above, the offender shall be punished by imprisonment for a term of between six months and five years.

(4) If grievous bodily harm, serious illness, or the death of any pregnant woman occurs as a result of an offence under paragraph 2 above, the offender shall be punished by imprisonment for a minimum term of one year.

Article 172 Grievous Bodily Harm

(1) Whoever inflicts grievous bodily harm upon another person or gravely impairs his health, shall be punished by imprisonment for a term of six months to five years.

(2) Whoever commits an offence under paragraph 1 above against his spouse, co-habiting partner, or against the parent of his child with whom he does not cohabit, shall be punished by imprisonment for a term of between one and five years.

(3) Whoever inflicts bodily harm upon another or impairs his health in such a serious manner that the life of the injured person is endangered, if an important part or organ of his body is destroyed or permanently weakened, if the injured person's earning ability has been impaired permanently or if permanent and serious damage to his health or disfigurement takes place, shall be punished by imprisonment for a term of between one and ten years.

(4) Whoever commits an act under paragraph 1 above ~~on racial, national or religious grounds~~ *out of hatred*, shall be punished pursuant to paragraph 3 above.

Comment [HS72]: OG FBiH 46/16

(5) Should the injured person die as a result of any offence committed under paragraphs 1 to 4 above, the offender shall be punished by imprisonment for a term of between one and twelve years.

(6) Whoever negligently commits any offence under paragraphs 1 to 3 above, shall be punished by imprisonment for a maximum term of three years.

(7) Whoever commits any offence under paragraphs 1 to 3 above in the heat of passion, having been innocently provoked into a state of extreme anger or terror by the victim's physical or serious verbal attack, shall be punished by imprisonment for a term of between three months and three years.

(8) Whoever commits any offence under paragraph 4 above in the heat of passion, having been innocently provoked into a state of extreme anger or terror by the victim's physical or serious verbal attack, shall be punished by imprisonment for a term of between six months and five years.

Article 173 Minor Bodily Harm

(1) Whoever inflicts minor bodily harm upon another or impairs his health in a minor way, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whoever commits any offence under paragraph 1 above upon his spouse, co-habiting partner or non-co-habiting parent of his child, shall be punished by imprisonment for a maximum term of one year.

(3) The court may administer a judicial admonishment to the offender under paragraph 1 above if the offender was provoked by the rude or indecent behavior of the injured person.

Article 174
Participation in a Brawl

Whosoever participates in a brawl which results in the death of any person, or in the infliction of grievous bodily harm to a any person, shall be punished by imprisonment for a term of between three months and three years.

Article 175
Failure to Render Help

(1) Whosoever leaves another person without help in life-threatening circumstances, although he could have rendered help without any risk to himself and others, shall be punished by a fine or imprisonment for a maximum term of six months.

(2) Whosoever leaves another person without help in life-threatening circumstances, which he himself has caused, shall be punished by a fine or imprisonment for a maximum term of one year.

(3) If any offence under paragraph 2 above results in the death or grievous bodily injury or grave impairment of health to the person exposed to such danger, the offender shall be punished by imprisonment for a term of between three months and three years.

Article 176
Abandonment of a Helpless Person

(1) Whosoever leaves a helpless person who has been entrusted to his care without assistance in circumstances dangerous to life or health shall be punished by a fine or imprisonment for a maximum term of one year.

(2) If any offence under paragraph 1 above results in the death or grievous bodily injury or grave impairment to health of the helpless person, the offender shall be punished by imprisonment for a term of between three months and three years.

CHAPTER SEVENTEEN

CRIMINAL OFFENCES AGAINST FREEDOM AND RIGHTS OF INDIVIDUALS AND CITIZENS

Article 177

Infringement of the Equality of Individuals and Citizens

(1) Whosoever, on the grounds of race, skin colour, national or ethnic background, religious, political or other belief, sex, sexual orientation, language, education, social status or social origins, denies or restricts the civil rights of any person as provided for by any international agreement, the Constitution, any law, other regulation or general act of the Federation of Bosnia and Herzegovina or, whosoever, on the grounds of these differences or background or other status, grants unjustified privileges or favours to any person, shall be punished by imprisonment for a term of between six months and five years.

(2) Any official or responsible person in the Federation of Bosnia and Herzegovina, who commits any offence under paragraph 1 above, shall be punished by imprisonment for a term of between one and eight years.

(3) Any official or responsible person in any of the institutions of the Federation of Bosnia and Herzegovina who, in contravention of the regulations on the equal use of languages and alphabets of the constituent peoples and others living on the territory of Bosnia and Herzegovina, restricts or denies any citizen the free use of his language or alphabet while addressing bodies or institutions of the Federation of Bosnia and Herzegovina, trade companies or other legal persons in order to exercise his rights, shall be punished by a fine or imprisonment for a maximum term of one year.

(4) Any official or responsible person in the institutions of the federation of Bosnia and Herzegovina, who denies or limits the right of citizens to free employment within the entire territory of Bosnia and Herzegovina and under the same prescribed terms, shall be punished by imprisonment for a term of between six months and five years.

Article 178

Prevention of Return of Refugees and Displaced Persons

(1) Whosoever, by use of force, serious threat or other illegal means, prevents refugees and displaced persons from returning to their homes of origin, or from having use of the property of which they were deprived in the course of the hostilities since 1991, shall be punished by imprisonment for a term of between one and ten years.

(2) Whosoever participates in a group of people, committing the offence under paragraph 1 above, shall be punished by imprisonment for a minimum term of three years

(3) Whosoever organises or directs in any way such group of people committing a criminal offence under paragraph 1 above, shall be punished by imprisonment for a minimum term of five years.

Article 179 **Unlawful Deprivation of Freedom**

(1) Whosoever unlawfully imprisons another, keeps him imprisoned or otherwise restricts his freedom of movement, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) If the unlawful deprivation of freedom under paragraph 1 above lasts for more than thirty days, or if cruelty is involved, or if grave impairment to a person's health or other serious consequences ensue, the offender shall be punished by imprisonment for a term of between two and eight years.

(3) If the person who is illegally deprived of his freedom loses his life as a result of the deprivation of freedom under paragraph one above, the offender shall be punished by imprisonment for a minimum term of five years.

Article 180 **Abduction**

(1) Whosoever unlawfully imprisons another person, keeps him imprisoned or otherwise restricts his freedom of movement in order to force him or some other person to do or not to do some act, or to suffer, shall be punished by imprisonment for a term of between six months and five years.

(2) Whosoever commits an offence under paragraph 1 above against a child or juvenile, or threatens to kill or inflict grievous bodily harm upon the abducted person for the reasons set out in paragraph 1 above, or who commits the said offence as one of a group of people or organized group of people, shall be punished by imprisonment for a term of between one and ten years.

(3) Any offender under paragraphs 1 or 2 above, who voluntarily releases the hostage before his demands are satisfied, may be released from liability for the offence.

Article 181 **Extraction of Statements**

(1) Any official who, in the discharge of his duty, uses force, threat or other unauthorized method or means to extract information or some other statement from any defendant, any witness, expert witness or any other person, shall be punished by imprisonment for a term of three months to five years.

(2) If the extraction of the said information or statement under paragraph 1 above is accompanied by serious threat or violence, or if the defendant suffers serious physical or mental consequences as a result of making his statement under duress, the offender shall be punished by imprisonment for a term of between one and ten years.

Article 182 **Maltreatment in Discharge of Duty**

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(In case of any issue regarding authenticity of text or translation, the local language version shall prevail)

Any official who, in the discharge of his duty, maltreats, or inflicts grievous physical or mental suffering on any person, shall be punished by imprisonment for a term of between three months and five years.

Article 183 Threatening Security

(1) Whosoever threatens the security of another by way of a serious physical attack, or, in so doing, causes serious concern to others around him, shall be punished by imprisonment for a maximum term of six months.

(2) Whosoever threatens the security of a group of persons by way of a serious physical attack, or, in so doing, causes serious concern to others around him, shall be punished by imprisonment for a term of between three months and five years.

(3) Whosoever, by stalking, frequent following, disturbing or otherwise, threatens the safety of his spouse, co-habiting partner, parent of his child or any other person with whom he has, or has had in the past, a close relationship, shall be punished by a fine or imprisonment for a maximum term of one year.

Article 184 Infringing the Inviolability of Dwelling

(1) Whosoever enters, without authorisation, into the private dwelling or other premises belonging to another, or fails to leave the said dwelling or premises upon the request of the owner or authorised person, shall be punished by imprisonment for a maximum term of three years.

(2) If the offence under paragraph 1 above is committed by an official on duty, he shall be punished by imprisonment for a term of between three months and three years.

Article 185 Illegal Search

Any official who, in the discharge of his duty conducts, an illegal search of a dwelling, premises or person, shall be punished by imprisonment for a term of between three months and three years.

Article 186 Violations of Secrecy of Letters and Other Consignments

(1) Whosoever, without authorisation, opens any letter, telegram, fax or any other sealed, written material or consignment belonging to another, or in any other way breaches its confidentiality or withholds it, without authorisation, or who conceals, destroys or delivers to the wrong person any letter, telegram, fax, sealed written material or consignment belonging to another, shall be punished by imprisonment for a maximum term of six months.

(2) Whosoever, without authorisation, accesses the database of another or uses the data thereby accessed, or enables another to have access to the said data, shall be punished by imprisonment for a maximum term of six months.

(3) Whosoever, with the intention of gaining a benefit for himself or another, or for the purpose of inflicting damage to another, commits any offence under paragraphs 1 and 2 above, shall be punished by imprisonment for a maximum term of three years.

(4) Any official who, in the course of his duty, commits any offence under paragraphs 1 and 2 above shall be punished by imprisonment for a term of between three months and three years.

(5) Any official who, in the course of his duty, commits an offence under paragraph 3 above shall be punished by imprisonment for a term of between three months and five years.

Article 187

Unauthorized Disclosure of a Secret

(1) Any lawyer, medical practitioner, or any other person who, without authorisation discloses any secret which becomes known to him during the exercise of his professional duties, shall be punished by imprisonment for a maximum term of one year.

(2) Whosoever discloses a secret with reasonable excuse, in the public interest or in the interest of another, shall not be liable for the offence set out under paragraph 1 above.

Article 188

Unauthorized Tapping and Sound Recording

(1) Whosoever, by use of any device and without authorisation, taps or electronically records any conversation or statement which is not intended for public or private knowledge, or enables another to have knowledge of any conversation or statement that is tapped or recorded without authorisation, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) If the offence under paragraph 1 above is committed by any official in the course of his duty, he shall be punished by imprisonment for a term of between six months and five years.

Article 189

Unauthorized Photographing and Filming

(1) Whosoever takes any photograph, film or other visual recording of another in his personal premises without that person's consent, or who passes on or displays such a photograph to a third person, or enables the third person in some other way to have direct access to the photograph, film or recording, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) If the offence under paragraph 1 above is committed by any official in the course of his duty, he shall be punished by imprisonment for a term of between six months and three years.

(3) Whosoever takes any photograph, film or other visual recording of any child, with a view to developing photographs, audio-visual tapes or other pornographic materials, or who possesses, imports, sells, projects or otherwise deals in such material, shall be punished by imprisonment for a term of between one and five years.

(4) Any articles intended for or used in the commission of any offences under paragraphs 1 to 3 above shall be subject to forfeiture, and any articles produced through the commission of any offence under paragraph 1 to 3 above shall be subject to forfeiture and destruction.

Article 190
Preventing or Hindering a Public Gathering

(1) Whosoever prevents or hinders the right of citizens to public assembly, shall be punished by imprisonment for a maximum term of three years.

(2) If the offence under paragraph 1 above is committed by any official who abuses his position or authority, he shall be punished by imprisonment for a term of between six months and five years.

Article 191
Preventing the Printing and Dissemination of Printed Materials

Whosoever unlawfully prevents the printing, sale or dissemination of books, magazines, newspapers or any other printed material, shall be punished by imprisonment for a maximum term of one year.

Article 192
Violation of the Right to Submit Complaints and Petitions

Any official or responsible person in the Federation of Bosnia and Herzegovina who abuses his position or authority and prevents another person from exercising his right to submit an appeal, objection, request, petition or complaint, shall be punished by a fine or imprisonment for a maximum term of ~~one year~~ **three years**.

Comment [u73]: OG FBiH 42/10

Article 193
Unauthorized Use of Personal Data

Any official or responsible person in the Federation of Bosnia and Herzegovina who, without the consent of any person and contrary to any conditions stipulated by the law, collects, processes or uses that person's personal data, or uses such data contrary to the statutory purpose of its collection, shall be punished by a fine or imprisonment for a maximum term of six months.

Article 194 **Violation of Electoral Rights**

Whosoever, in the discharge of the duty entrusted to him with respect to any elections for the institutions of the Federation of Bosnia and Herzegovina, with the purpose of preventing any person from exercising his electoral rights, fails to enter a name in a voting list, excludes a name from the electoral roll or prevents a person from voting in any other way, shall be punished by a fine or imprisonment for a maximum term of three years.

Article 195 **Violating the Free Decision-making of Voters**

(1) Whosoever, during elections for the institutions of the Federation of Bosnia and Herzegovina, a recall vote or at a referendum, coerces any voter in the Federation of Bosnia and Herzegovina by use of force, serious threat, bribery or other method, to vote for or against a particular candidate, or for or against a list of candidates, or for or against the recall, or for or against a proposal to be decided upon at the referendum, or not to vote at all, shall be punished by a fine ~~or imprisonment for a maximum term of three years~~ **and imprisonment for a maximum term of three years.**

Comment [u74]: OG FBiH 42/10

(2) Any member of an election commission or any other person who commits an offence under paragraph 1 above in the discharge of any duty entrusted to him with respect to any elections, vote or referendum, shall be punished by imprisonment for a term of between six months and five years.

Article 196 **Voting Fraud**

Whosoever at an election for the institutions of the Federation of Bosnia and Herzegovina or for the recall of the representatives in the institutions of the Federation of Bosnia and Herzegovina or at a referendum held within the Federation of Bosnia and Herzegovina, votes under the name of or in place of another person, or votes, or attempts to vote, more than once, shall be punished by ~~a fine or imprisonment for a maximum term of three years~~ **imprisonment between three months and five years.**

Comment [u75]: OG FBiH 42/10

Article 197 **Violation of Secrecy of Voting**

(1) Whosoever breaches the secrecy of the vote at an election for the institutions of the Federation of Bosnia and Herzegovina, a recall vote of representatives in the institutions of the Federation of Bosnia and Herzegovina or a referendum held within the Federation of Bosnia and Herzegovina, shall be punished by a fine or imprisonment for a maximum term of six months.

(2) Whosoever, by force, serious threat or other method, requires a citizen to state for whom and how he voted, or whether he voted for or against a recall, shall be punished by a fine or imprisonment for a maximum term of one year.

(3) A member of an election commission or any other person, who commits the offence under paragraph 1 above in the discharge of any duty related to the elections or vote, shall be punished by a fine or imprisonment for a maximum term of three years.

Article 198 Election Forgery

Whosoever falsifies the results of an election or the vote for the institutions of the Federation of Bosnia and Herzegovina, by adding, subtracting or taking out votes or signatures, by an inaccurate count of the votes cast, by making false records of the results in election documents, or who discloses elections or vote results **as the final** which do not correspond with the voting carried out, shall be punished by imprisonment for a term of between six months and five years.

Comment [u76]: OG FBiH 42/10

Article 199 Destroying Election Documents

Whosoever at an election in the institutions of the Federation of Bosnia and Herzegovina, at a recall vote of representatives in the institutions of the Federation of Bosnia and Herzegovina or at a referendum held within the Federation of Bosnia and Herzegovina, destroys, conceals, damages or removes any document or other object relating to the election, recall vote or referendum, shall be punished by imprisonment for a term of between six months and five years.

Article 199a Giving False Statements in the Course of the Appointment Procedure

(1) Whosoever with the aim of deceiving or maintaining in deception the authority competent for appointments in the FBiH about fulfilling requirements for the appointment at the position of the premier or the FBiH Government minister and/or certification, in the course of appointment and certification procedure to the positions, which is conducted pursuant to the law, gives false written or oral statement about data or information necessary for confirmation of fulfilment of the requirements, which he is obliged to provide in accordance with the law, and thus conceals or alters facts significant for rendering decision on appointment or certification, shall be fined or punished by imprisonment sentence for maximum three years.

(2) If the perpetrator voluntarily withdraws his false statement before the final decision on certification has been rendered, he shall be fined or punished by imprisonment for maximum six months, and may be released from punishment.

Comment [u77]: OG FBiH 42/10

CHAPTER EIGHTEEN CRIMINAL OFFENCES OF TERRORISM

Article 200 Taking of Hostages

(1) Whosoever unlawfully confines, keeps confined or in some other way deprives another of his liberty, restricts his freedom of movement, captures, detains, threatens to kill, injure or continue to detain that person as a hostage, with the intention of compelling the Federation of Bosnia and Herzegovina to perform or to abstain from performing any act, as an explicit or implicit condition for the release of a hostage, shall be punished by imprisonment for a term of between one and ten years.

(2) If, as a result of any offence committed under paragraph 1 above, the death of any hostage is caused, the offender shall be punished by imprisonment for a minimum term of five years.

(3) If, in the course of the commission of any offence under paragraph 1 above, the offender deprives a hostage of his life intentionally, he shall be punished by imprisonment for a minimum term of ten years or to long-term imprisonment.

Article 201 Terrorism

(1) Whosoever commits an act of terrorism with the intention of seriously intimidating a population or unduly compelling the authorities of the Federation of Bosnia and Herzegovina to perform, or to abstain from performing any act, or with the aim of seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of the Federation of Bosnia and Herzegovina, shall be punished by imprisonment for a minimum term of three years.

(2) If the death of any person results from the commission of an offence under paragraph 1 above, the offender shall be punished by imprisonment for a minimum term of five years.

(3) If, in the course of the commission of an offence under paragraph 1 above, the offender intentionally deprives another person of his life, he shall be punished by imprisonment for a minimum term of ten years or long-term imprisonment.

(4) "An act of terrorism", in terms of this Article, means one of the following intentional acts which, given its nature or its context, may cause serious damage to the State or international organisation:

- a) An attack upon a person's life, which may cause death;
- b) An attack upon the physical integrity of any person;
- c) Any unlawful confinement, keeping confined or in some other way depriving another of his liberty, or restricting his freedom of movement, capturing, detaining, or continuing to detain that person as a hostage, with the intention of compelling him or some other person to perform or refrain from performing any act or to suffer (abduction);
- d) Causing serious damage to the facilities of the Federation of Bosnia and Herzegovina, public facilities, the transport system, infrastructural facilities, including any information system, a fixed platform located on the continental shelf, a public place or private property, and likely to endanger any person or result in major economic loss;
- e) Hi-jacking of aircraft, ships or other means of public transport or freight carriage;

- f) Manufacture, possession, acquisition, transport, supply, use of, or training for the use of, weapons, explosives, nuclear, biological or chemical weapons or radioactive material, including research into, and development of, biological and chemical weapons or radioactive material;
- g) Releasing dangerous substances, or causing fire, explosion or floods, the effect of which is likely to endanger human life;
- h) Interfering with or disrupting the supply of water, power or any other fundamental natural resources, the effect of which is likely to endanger human life;
- i) Threatening to commit any of the offences under items a) to h) of this paragraph.

Article 202 Funding of Terrorist Activities

~~Whoever, by any means, directly or indirectly, provides or collects funds with an intention that they should be used, or knowing that they are to be used, in full or in part, to commit:~~

- ~~a) Any offence under Articles 200 (Taking of Hostages) and 201 (Terrorism) of this Code;~~
- ~~b) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in any hostilities during armed conflict, where the purpose of such act, by its very nature or context, is to intimidate a population, or to compel the authorities of the Federation of Bosnia and Herzegovina to perform or to abstain from performing any act, shall be punished by imprisonment for a term of between one and ten years.~~

(1) Whoever by any means, directly or indirectly, provides or collects funds with the aim that they are used or knowing that they are to be used, in full or in part, for the purpose of perpetrating: a) a criminal offences referred to in Article 200 (Taking of Hostages) and Article 201 (Terrorism) of this Code;

b) any other criminal offense that can result in death or serious bodily injury of a civilian or a person who is not actively engaged in hostilities in an armed conflict, when the purpose of such offence, by its nature or context, is to intimidate population or to compel the authorities of the Federation of Bosnia and Herzegovina to perform or to abstain from performing an act, regardless of the fact whether the terrorist activities have been conducted or not and whether the funds have been used for conduct of terrorist activities, shall be punished by imprisonment for a term of one to ten years.

(2) The punishment referred to in the Paragraph (1) of this Article will be applicable to anyone who in any manner, directly or indirectly, provides or collects or ensures funds in another way:

a) with a purpose that they are used in full or in part for any purposes by terrorist organizations or individual terrorists, or

b) knowing that they would, in full or in part, be used for the perpetration of criminal offences referred to in the Paragraph (1) of this Article by terrorist organizations or individual terrorists.

(3) The collected funds that are intended to be used for perpetration or have been created by perpetration of a criminal offense referred to in the Paragraph (1) of this Article, shall be confiscated.

(4) Funds referred to in the Paragraphs (1) and (2) of this Article are considered to be any funds, items or rights, material or non-material, moveable or real estate, regardless of their origin as well as legal documents or instruments in any form, including electronic or digital.

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that prove the ownership or title to property, including and not limited to bank loans, travel checks, banking checks, cash orders, shares, securities, bonds, bill of exchange and letters of credit.

Comment [HS78]: OG FBiH 46/16

CHAPTER NINETEEN CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM AND MORALITY

Article 203

Rape

(1) Whosoever compels another person to have sexual intercourse with him by force or threat of immediate physical attack upon that person or upon someone close to that person, shall be punished by imprisonment for a term of between one and ten years.

(2) Whosoever commits an offence under paragraph 1 above in an aggravated, cruel or degrading manner, or if at the same time more instances of sexual intercourse or sex acts tantamount to sexual intercourse are performed by more offenders, shall be punished by imprisonment for a term of between three and fifteen years.

(3) If any offence under paragraph 1 above results in grievous bodily injury, a serious effect on health, the death of the victim or pregnancy of the female victim, the offender shall be punished by imprisonment for a minimum term of three years.

(4) The liability to sentence under paragraph 2 above shall apply to whomsoever commits the offence under paragraph 1 above on the grounds of national or ethnic origin, race, religion, sex or language out of hatred.

Comment [HS79]: OG FBiH 46/16

(5) Whosoever commits the offence under paragraph 1 above against a juvenile, shall be punished by imprisonment for a minimum term of three years.

(6) Whosoever commits any offence under paragraphs 2 to 4 above against a juvenile, shall be punished by imprisonment for a minimum term of five years.

(7) If the offence under paragraph 2 above results in the consequences set out under paragraph 3 above, the offender shall be punished by imprisonment for a minimum term of five years.

Article 204

Sexual Intercourse with a Helpless Person

(1) Whosoever has had sexual intercourse, or performs sex acts tantamount to sexual intercourse, with a person, taking advantage of that person's mental disability, temporary mental disorder, infirmity or any other condition which makes him/her incapable of resisting, shall be punished by imprisonment for a term of between one and eight years.

(2) Whosoever commits any offence under paragraph 1 above against a person whose incapability to resist, the offender has himself caused, or participated in causing, shall be punished pursuant to Article 203(1) (*Rape*) of this Code.

(3) Whosoever commits the offence under paragraph 1 above in an aggravated, cruel or degrading manner, or if at the same time more instances of sexual intercourse or sex acts tantamount to sexual intercourse are performed by more offenders, shall be punished by imprisonment for a term of between one and ten years.

(4) Whosoever commits any offence under paragraph 2 above in an aggravated, cruel or degrading manner, or if at the same time more instances of sexual intercourse or sex acts tantamount to sexual intercourse are performed by more offenders, shall be punished pursuant to Article 203(2) of this Code

(5) If the offence under paragraph 1 above results in grievous bodily injury, a serious effect on health, the death of the victim or pregnancy of the female victim, the offender shall be punished by imprisonment for a term of between one and ten years.

(6) If the offence under paragraphs 3 and 4 above results in the consequences set out in paragraph 5 above, the offender shall be punished by imprisonment for a minimum term of three years

Article 205 **Sexual Intercourse by Abuse of Position**

(1) Whosoever induces into sexual intercourse, or sex acts tantamount to sexual intercourse, a person who is in a dependent position in relation to him, due to that person's financial, family, social, health or other circumstances, shall be punished by imprisonment for a term of between three months and three years.

(2) Any instructor, educator, guardian, adoptive parent, step-parent or any other person who, by abuse of his status, has sexual intercourse with a juvenile, shall be punished by imprisonment for a term of between six months and five years.

Article 206 **Forced Sexual Intercourse**

Whosoever coerces another person into sexual intercourse, or sex acts tantamount to sexual intercourse, by use of serious threat to cause harm, shall be punished by imprisonment for a term of between six months and five years.

Article 207 **Sexual Intercourse with a Child**

(1) Whosoever has sexual intercourse, or sex acts tantamount to sexual intercourse, with a child, shall be punished by imprisonment for a term of between one and eight years.

(2) Whosoever has forced sexual intercourse, or sex acts tantamount to sexual intercourse, with a child (Article 203(1) *Rape*), or a helpless child (Article 204(1) *Sexual Intercourse With a Helpless Person*), shall be punished by imprisonment for a minimum term of three years.

(3) Whosoever has sexual intercourse, or sex acts tantamount to sexual intercourse, with a child by abuse of his position (Article 205(2) *Sexual Intercourse by Abuse of Position*), shall be punished by imprisonment for a term of between one and ten years.

(4) Whosoever commits any offence under paragraphs 1 to 3 above in an aggravated, cruel or degrading manner, or if at the same time more instances of sexual intercourse or sex acts tantamount to sexual intercourse are performed by more offenders, shall be punished by imprisonment for a minimum term of five years.

(5) If any offence under paragraphs 1 to 3 above results in grievous bodily injury, a serious effect on health, the death or pregnancy of the female child, the offender shall be punished by imprisonment for not less than five years or to life imprisonment.

Article 208
Lechery (Lewd Behaviour)

(1) Whosoever, in the offences under Articles 203 (*Rape*), 204 (*Sexual Intercourse With a Helpless Person*), 205 (*Sexual Intercourse by Abuse of Position*) and 206 (*Forced Sexual Intercourse*) of this Code, does not commit a full offence, but only a lecherous act, shall be punished by imprisonment for a term of between three months and three years.

(2) Whosoever, in the offences under Article 207 (*Sexual Intercourse With a Child*) of this Code, commits no full offence, but only a lecherous act, or who commits an offence under paragraph 1 above against a child or juvenile, shall be punished by imprisonment for a term of between six months and five years.

Article 209
Satisfying Lust in Front of a Child or Juvenile

Whosoever engages in his or another's debauchery in front of a child or juvenile, or who incites a child to engage in debauchery in front of him or another, shall be punished by imprisonment for a term of between six months and three years.

Article 210
Enticing into Prostitution

~~(1) Whosoever entices, incites or lures another into prostitution, introduces a person to another for the exercise of prostitution or takes part in organizing or managing prostitution, shall be punished by imprisonment for a term of between one and five years.~~

~~(2) Whosoever, in order to achieve material gain, introduces another into prostitution by force or threat of infliction of harm, or by deceit, shall be punished by imprisonment for a term of between one and ten years.~~

(1) Whoever for profit or other benefit entices, encourages or lures another person to provide sexual services or in some other way enables handing him/her over to another person for the purpose of providing sexual services, or in any way participates in organizing or managing the provision of sexual services, shall be punished by imprisonment for a term between six months and five years.

(2) Whether the person enticed, encouraged or lured into prostitution has already been engaged in prostitution is of no relevance for the existence of a criminal offence.

~~(3) Any liability to punishment under paragraph 2 above shall apply to anyone who, in order to achieve material gain, has forced or incited a person into prostitution in the manner set out in paragraph 2 above by taking advantage of any hardship or other situation the person may be suffering, including being a foreigner in the country.~~

~~(4) Whosoever commits any offence under paragraphs 1 to 3 above against a child or juvenile, shall be punished by imprisonment for a term of between three and fifteen years.~~

~~(5) No account shall be taken of any record of prostitution of any person who has been enticed, incited, lured or forced into prostitution under this Article.~~

Comment [HS80]: OG FBiH 46/16

Comment [HS81]: OG FBiH 75/17

Article 210a
Trafficking in Human Beings

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(In case of any issue regarding authenticity of text or translation, the local language version shall prevail)

(1) Whoever, by use of force or threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power or influence or a position of vulnerability, or by giving or receiving payments or other benefits to achieve the consent of a person having control over another person, recruits, transports, transfers, harbours or receives a person for the purpose of exploitation of that person, shall be punished by imprisonment for a term of at least five years.

(2) Whoever recruits, solicits, transports, transfers, harbours or receives a person younger than 18 years of age with the purpose of exploitation through prostitution or other forms of sexual exploitation, forced labour or services, slavery or similar status, servitude or the removal of body parts or of some other type of exploitation, shall be punished by imprisonment for a term of at least ten years.

(3) Exploitation, for the purpose of this Article, means: prostitution of another person or other forms of sexual exploitation, forced labour or services, forced begging, slavery or similar status, servitude or the removal of body parts or some other type of exploitation.

(4) If the criminal offense referred to in Paragraphs (1) and (2) of this Article is committed by an official person while discharging official duties, the perpetrator shall be punished by imprisonment for a term of at least ten years.

(5) Whoever counterfeits, procures or issues travel or identification document, or uses, withholds, seizes, alters, damages or destroys travel or identification documents of another person with the purpose of facilitating trafficking in human beings, shall be punished by imprisonment for a term between one and five years.

(6) Whoever uses the services of a victim of trafficking in human beings shall be punished by imprisonment for a term of six months to five years.

(7) If the perpetration of the criminal offense referred to in Paragraphs (1) and (2) of this Article caused serious health damage, grievous bodily harm or the death of the persons referred to in Paragraphs (1) and (2) of this Article, the perpetrator shall be punished by imprisonment for a term of at least ten years or long-term imprisonment.

(8) Items, vehicles and facilities used for the perpetration of the offense shall be confiscated.

(9) Consent of the victim of trafficking in human beings to the exploitation bears no relevance to the existence of the criminal offense of trafficking in human beings.

(10) No criminal proceedings will be conducted against a victim of trafficking in human beings who was forced, by the perpetrator of the offence, to participate in the commission of another criminal offence if such action was direct result of his/her status of the victim of trafficking in human beings.

Article 210b

Organized Trafficking in Human Beings

(1) Whoever organizes or manages a group of people, an organized group of people or an organized crime group that jointly perpetrates or attempts to perpetrate the criminal offense referred to in Article 210a (Trafficking in Human Beings) of this Code shall be punished by imprisonment for a term of at least ten years or a long-term imprisonment.

(2) Whoever commits a crime as a member of a group referred to in Paragraph (1) of this Article, shall be punished by imprisonment for a term of at least ten years.

(3) A member of the group referred to in Paragraph (1) of this Article who reveals this group or association may be exonerated of punishment.

Comment [HS82]: OG FBiH 46/16

Article 211
Abuse of a Child or Juvenile for Pornography

(1) Whosoever photographs or films a child, with a view to developing photographs, audio-visual tapes or other pornographic materials or who possesses or imports or sells or deals in or projects such material, or incites such persons to play in pornographic shows, shall be punished by imprisonment for a term of between one and five years.

(2) The articles intended or used for the commission of any offence under paragraph 1 above shall be subject to forfeiture and any articles produced as a result of the commission of an offence under paragraph 1 above shall be subject to forfeiture and destruction.

Article 212
Showing Pornography to a Child

(1) Whosoever sells, shows or renders available through public display or in any other manner, writings, pictures, audio-visual or other objects containing pornographic material to a child, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Any object used in committing the offence under the paragraph 1 above shall be subject to forfeiture.

Article 213
Incest

(1) Whosoever has sexual intercourse, or commits sex acts tantamount to sexual intercourse, with a lineal relative or a sibling, shall be punished by a fine or imprisonment for a term of between six months and two years.

(2) Whosoever commits an offence under paragraph 1 above with a juvenile, shall be punished by imprisonment for a term of between one and five years.

(3) Whosoever commits the offence under paragraph 1 above with a child, shall be punished by imprisonment for a term of between two and ten years.

CHAPTER TWENTY
CRIMINAL OFFENCES AGAINST MARRIAGE AND THE FAMILY

Article 214
Bigamy

(1) Whosoever, being married, enters into a new contract of marriage, shall be punished by imprisonment for a maximum term of one year.

(2) The liability to punishment set out in paragraph 1 above shall also be imposed on any person who enters into a contract of marriage with another, knowing such person to be married.

Article 215
Connivance in Contracting an Illegal Marriage

An authorized person before whom a contract of marriage is being conducted, or a registrar who, in the exercise of his duty, knowingly permits a contract of marriage to be entered into, which is prohibited, null and void or non-existent under the law, shall be punished by imprisonment for a maximum term of one year.

Article 216
Non-Matrimonial Cohabitation with a Junior Juvenile

- (1) Any unwed adult who co-habits with a juvenile, who is under the age of 16, shall be punished by imprisonment for a term of between three months and three years.
- (2) The liability to punishment under paragraph 1 above shall extend to a parent, adoptive parent or guardian who permits or induces a juvenile who is between the ages of 14 and 16 to live in a non-matrimonial union with another person.
- (3) If the offence under paragraph 2 above is committed for material gain, the offender shall be punished by imprisonment for a term of between six months and five years.
- (4) In the event that a valid marriage is contracted in the circumstances set out in paragraphs 1 and 2 above, no prosecution shall be instituted, or if it has been so instituted, it shall be discontinued.

Article 217
Abduction of a Child or Juvenile

- (1) Whosoever unlawfully takes a child or juvenile away from his parents, adoptive parents, guardian or any person into whose care he has been entrusted, who holds or prevents such child or juvenile from being with the person under whose care he should be entrusted, or who prevents the execution of a court decision on custody of such child or juvenile, shall be punished by imprisonment for a maximum term of three years.
- (2) Where by the commission of an offence under paragraph 1 above the child or juvenile has left the territory of the Federation of Bosnia and Herzegovina or Bosnia and Herzegovina, the offender shall be punished by imprisonment for a term of between three months and five years.
- (3) If the offender surrenders the child or juvenile voluntarily, he may be released from punishment.

Article 218
Change of Family Status

Whosoever, by abandoning or forcing a child to live with another, substituting that child or in some other way, changes the family status of that child, shall be punished by imprisonment for a term of between three months and three years.

Article 219
Maltreating or Neglecting a Child or Juvenile

(1) Any parent, adoptive parent, guardian or any other person who maltreats or grossly neglects a child or a juvenile in whose care that child or juvenile is entrusted, shall be punished by imprisonment for a term of between three months and three years.

(2) The liability to punishment under paragraph 1 above shall extend to any parent, adoptive parent, guardian or any other person who abuses the child or juvenile, compels the child or juvenile to carry out excessive work or work that is not appropriate for a child or juvenile of his age or to beg, or, for personal gain, forces him to engage in other activities damaging to his upbringing.

(3) If serious harm to the child's or juvenile's mental or physical health occurs as a result of the acts or omissions under paragraphs 1 and 2 above, or if the child or juvenile is forced into begging, prostitution, other unacceptable behavior or delinquency, the offender shall be punished by imprisonment for a term of between three months and five years.

Article 220
Abandonment of a Child

Whosoever abandons a helpless child in his care with the intention of permanent abandonment, shall be punished by imprisonment for a term of between six months and three years.

Article 221
Breach of Family Obligations

(1) Whosoever, in gross violation of his legal family obligations, leaves a member of his family, incapable of taking care of himself, in a position of physical or mental hardship, shall be punished by imprisonment for a term of between three months and three years.

(2) Should a member of the family lose his life or should his health be severely damaged as a result of an offence under paragraph 1 above, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) Where a suspended sentence under paragraphs 1 and 2 above is passed, the court may additionally impose a condition upon the offender to fulfill his obligations of care, education and support.

Article 222
Domestic Violence

(1) Whosoever, by use of violence, threatening behavior or mental cruelty violates the peace, life, physical or mental health of any member of his family, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whosoever commits an offence under paragraph 1 above against a member of his household, shall be punished by a fine or imprisonment for a maximum term of three years.

(3) If during the commission of any offence under paragraphs 1 and 2 above, any weapons, dangerous implements or other instruments capable of inflicting grave bodily injury or harm

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are used, the offender shall be punished by imprisonment for a term of between three months and three years.

(4) If the commission of any offence under paragraphs 1 to 3 above results in grievous bodily harm to, or impairment of health of any member of his family, or if any offence under paragraphs 1 to 3 above is committed against a child or juvenile, the offender shall be punished by imprisonment for a term of between one and five years.

(5) If the commission of any offence under paragraphs 1 to 4 above results in the death of any member of his family, the offender shall be punished by imprisonment for a term of between two and fifteen years.

(6) Whosoever causes the death of any member of his family whom he has previously mistreated shall be punished by imprisonment for a minimum term of ten years or to long-term imprisonment.

Article 223

Avoiding Payment of Maintenance

(1) Whosoever fails to provide support for another whom he is obliged to support pursuant to a decision of the court, or pursuant to any agreement entered into before another competent body, shall be punished by imprisonment for a maximum term of three years.

(2) Where a suspended sentence under paragraph 1 above is passed, the court may additionally impose a condition upon the offender to regularly pay maintenance and any due liabilities.

(3) If any person committing an offence under paragraph 1 above fulfils his obligations before the end of trial, he may be released from punishment.

Article 224

Preventing and not Applying Measures for Protection of Juveniles

(1) Whosoever prevents implementation of correctional and other measures imposed by the court, or other institutions in charge of protecting juveniles, shall be punished by imprisonment for a maximum term of one year.

(2) Any person who, in the course of his duty, in any body or institution responsible for the protection, education or vocational training of juveniles acts without due care, thereby severely damaging the health or development of any juvenile, shall be punished by imprisonment for a term of between three months and three years.

**CHAPTER TWENTY ONE
CRIMINAL OFFENCES AGAINST PUBLIC HEALTH**

**Article 225
Transmitting a Contagious Disease**

(1) Whosoever, fails to comply with any regulation or ordinance whereby a competent health-care body orders medical examinations, disinfection, quarantine or other measure designed to suppress or prevent the spread of any contagious disease in human beings and in so doing causes a contagious disease to be transmitted, shall be punished by imprisonment for a maximum term of one year.

(2) The liability to punishment under paragraph 1 above shall be similarly imposed on any person who fails to suppress or prevent the spread of a contagious disease in animals and thereby causes transmitting of the disease to human beings.

(3) Whosoever commits any offence under paragraphs 1 and 2 above through negligence, shall be punished by a fine or imprisonment for a maximum term of six months.

**Article 226
Failure to Comply with Sanitary Regulations During an Epidemic**

Whosoever, at the outbreak of an epidemic or a contagious disease, fails to comply with any ordinance or decision made on the basis of the regulations of competent institution which establishes measures for its suppression or prevention, shall be punished by imprisonment for a maximum term of one year.

**Article 227
Transmission of Venereal Disease**

Whosoever, knowing himself to be infected with a venereal disease, communicates the same to another through sexual intercourse, sex acts tantamount to sexual intercourse or in some other way, shall be punished by imprisonment for a maximum term of one year.

**Article 228
Employment of Persons Suffering from a Contagious Disease**

(1) Whosoever, in any hospital, maternity hospital, boarding school, school, business enterprise, other statutory institution, retail food outlet, cleaning service or in any similar organization or establishment, in contravention of sanitary regulations, employs or keeps in his employment any person suffering from a contagious disease, thereby causing the transmission of such contagious disease, shall be punished by imprisonment for a maximum term of one year.

(2) If any offence under paragraph 1 above is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of six months.

Article 229
Failure to Apply Proper Treatment to Patients

(1) Any medical practitioner or dentist who, in rendering any medical or dental treatment, blatantly fails to use the proper means, apply the proper method of treatment or hygienic standards, thereby causing the deterioration of another's health, shall be punished by imprisonment for a maximum term of three years.

(2) The liability to punishment under paragraph 1 above shall further extend to any health-care worker who, in rendering medical aid or care, fails to apply such aid or care in a proper manner, thereby causing the deterioration of another's health.

(3) If any offence under paragraphs 1 above is committed by a medical practitioner or dentist through negligence, the offender shall be punished by imprisonment for a maximum term of one year.

(4) The liability to punishment under paragraph 3 above shall further extend to any health-care worker who commits any offence under paragraph 2 above through negligence.

Article 230
Medical Treatment without Patient's Consent

(1) Whosoever medically treats another without his consent, shall be punished by a fine or imprisonment for a maximum term of six months.

(2) A medical doctor or dentist who performs surgery or an operation on another without his proper written consent, shall be punished by a fine or imprisonment for a maximum term of six months.

(3) No criminal liability for the offences set out under paragraphs 1 and 2 above shall exist in cases where obligatory medical treatment is prescribed, or the treatment or operation is performed on any person who is unconscious or of unsound mind, and a responsible member of his family or legal representative is not available, and any delay in treatment or performing an operation would jeopardise a person's life or the health.

Article 231
Prohibited Transplanting of Parts of a Human Body

(1) Whosoever, without justifiable medical grounds, removes an organ of a human body for the purpose of transplantation with the consent of a live donor, or whosoever, without justifiable medical grounds, implants an organ of a human body with the consent of the receiver, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) The liability to punishment under paragraph 1 above shall extend to whomsoever, on justifiable medical grounds, removes any organ of a human body for the purpose of transplantation without the consent of a live donor, or to whomsoever, with justifiable medical grounds, implants an organ of a human body without the consent of the receiver.

(3) Whosoever, without justifiable medical grounds, removes an organ of a human body for the purpose of transplantation without the consent of a live donor, or whosoever, without justifiable medical grounds, implants an organ of a human body without the consent of the receiver, shall be punished by imprisonment for a term of between six months and five years.

(4) Whosoever removes an organ from a corpse for the purpose of transplantation before death is officially certified shall be punished by imprisonment for a term of between three months and three years.

(5) Whosoever removes an organ from a corpse for the purpose of transplantation, in the knowledge that the deceased opposed such organ removal, having recorded such wish whilst alive, or whosoever removes an organ from the corpse of a juvenile or someone mentally disturbed for the purpose of transplantation, without the written consent of his legal representative, shall be punished by a fine or imprisonment for a maximum term of one year.

(6) Whosoever, for remuneration or reward, sells an organ of his body or an organ of the body of another, live or deceased, for the purpose of transplantation or acts as an intermediary in it, shall be punished by a fine or imprisonment for a maximum term of two years.

(7) Any medical practitioner who commits any offence under paragraphs 1, 2 or 4 above shall be punished by imprisonment for a term of between six months and five years, while any medical practitioner who commits an offence under paragraph 3 above shall be punished by imprisonment for a minimum term of three years.

Article 232

Failure To Render Medical Treatment

Any medical practitioner or dentist who, contrary to his medical or dental duty, refuses to render medical or dental treatment to a patient whose life is in immediate danger, although he was or should have been aware that such action may cause serious deterioration in the health, condition or death of that patient, shall be punished by imprisonment for a maximum term of three years.

Article 233

Quackery

Whosoever, having undergone no proper professional training nor authorization, offers medical treatment or engages in some other medical activity, shall be punished by a fine or imprisonment for a maximum term of one year.

Article 234

Manufacturing and Circulating Tainted Food Products

(1) Whosoever (knowingly) manufactures, sells, offers for sale or in any way circulates any foodstuffs, drinks or other such products likely to be harmful to health, shall be punished by imprisonment for a term of between three months and three years.

(2) Whosoever commits any offence under paragraph 1 above through negligence, shall be punished by a fine or imprisonment for a maximum term of six months.

(3) Any such harmful products and objects under paragraphs 1 and 2 above shall be subject to forfeiture.

Article 235
Improper Inspection of Meat Destined to be Used as Food

(1) Any veterinary surgeon or other authorised veterinary worker who fails to exercise due diligence in inspecting livestock to be slaughtered or meat for consumption, or contrary to regulations, fails to carry out a proper inspection, thereby enabling meat, harmful to people's health, to be put into circulation, shall be punished by imprisonment for a maximum term of one year.

(2) If the offence under paragraph 1 above is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of one year.

Article 236
Pollution of Drinking Water and Foodstuff

(1) Whosoever, by the introduction of any injurious substance to drinking water or foodstuff, threatens the safety of any person's life or health, shall be punished by imprisonment for a maximum term of three years.

(2) Whosoever commits the offence under paragraph 1 above through negligence, shall be punished by a fine or imprisonment for a maximum term of three months.

Article 237
Serving Alcoholic Beverages to Junior Juveniles

Whosoever, in any catering outlet or other facility used for the sale of alcoholic beverages, serves a juvenile who is under the age of 16 with strong liquor, or serves him with some other alcoholic beverage in quantities that may lead to the intoxication of the juvenile, shall be punished by a fine or imprisonment for a maximum term of six months.

Article 238
Unauthorized Production and Sale of Narcotics

(1) Whosoever, without authority, processes, sells, offers for sale, purchases, keeps or transfers for sale, acts as an intermediary in any sale or purchase or otherwise puts into circulation substances or preparations which are listed intoxicating drugs, shall be punished by imprisonment for a term of between one and ten years.

(2) Whosoever organizes a group of people with a view to committing an offence under paragraph 1 above, or whosoever becomes a member of such group, shall be punished by imprisonment for a minimum term of three years.

(3) Whosoever, without authority, manufactures, procures, possesses or in any way uses equipment, material or substances, knowing they are intended for the production of intoxicating drugs, shall be punished by imprisonment for a term of between six months and five years.

(4) Any intoxicating drugs and the means whereby they are produced shall be subject to forfeiture.

Article 239
Possessing and Enabling Another to Enjoy Narcotics

(1) Whosoever induces another to enjoy intoxicating narcotics, or gives to another such narcotics for his or the use of a third person, renders available premises for the enjoyment of any such narcotics or otherwise enables another to enjoy any such narcotics, shall be punished by imprisonment for a term of between three months and five years.

(2) If the offence under paragraph 1 above is committed against a child, juvenile or a number of persons, or if the offence results in particularly serious consequences, the offender shall be punished by imprisonment for a term of between one and ten years.

(3) Whosoever possesses intoxicating drugs without authorisation, shall be punished by imprisonment for a maximum term of one year.

(4) Any unauthorised intoxicating drugs shall be subject to forfeiture.

Article 240
Grave Offences Against Public Health

(1) If, as a result of an offence under paragraphs 1 and 2 of Article 225 (*Transmitting a Contagious Disease*), paragraph 1 of Article 228 (*Employing Persons Infected with a Contagious Disease*), paragraphs 1 and 2 of Article 229 (*Failure to Apply Proper Treatment to Patients*), paragraph 1 of Articles 233 (*Quackery*) and 234 (*Manufacturing and Circulating Tainted Food Products*), paragraph 1 of Article 235 (*Improper Inspection of Meat Destined to be Used as Food*) and paragraph 1 of Article 236 (*Pollution of Drinking Water and Foodstuff*) of this Code, a person suffers grievous bodily harm, his health is seriously impaired or any existing disease is thereby aggravated, the offender shall be punished by imprisonment for a term of between one and eight years.

(2) If any offence under paragraph 1 above results in the death of any person, the offender shall be punished by imprisonment for a term of between one and twelve years.

(3) If as a result of any offence under paragraph 3 of Article 225, paragraph 2 of Article 228, paragraph 3 of Article 229, paragraph 2 of Article 234, paragraph 2 of Article 235 and paragraph 2 of Article 236, 2 of this Code, a person suffers grievous bodily harm, his health is seriously impaired or any existing disease is thereby aggravated, the offender shall be punished by imprisonment for a term of between six months and five years.

(4) If any offence under paragraph 3 above results in the death of any person, the offender shall be punished by imprisonment for a term of between one and eight years.

CHAPTER TWENTY TWO
CRIMINAL OFFENCES AGAINST THE ECONOMY, TRADE AND SECURITY OF
PAYMENT SYSTEMS

Article 241
Violation of Equality in Performing Economic Activities

(1) Whosoever, by abuse of his official position, influence or powers, restricts the free movement of people, goods, services or capital in the territory of the Federation of Bosnia and Herzegovina, denies or restricts the right of a business enterprise or any other legal person to engage in trade and sale of goods and services in the territory of the Federation,

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places a business enterprise or any other legal person in an unequal position in relation to other organisations with respect to conditions for work or turnover of goods and services or restricts the free exchange of goods and services among the Entities and the Federation of Bosnia and Herzegovina, shall be punished by imprisonment for a term of between six months and five years.

(2) Any official or competent person in the Federation of Bosnia and Herzegovina, who, by abuse of his official position, influence, or powers, restricts the free movement of people, goods, services or capital between the Entities and among the Entities and the Brčko District of Bosnia and Herzegovina, denies or restricts the right of a business enterprise or any other legal person to engage in trade and sale of goods and services in the territory of the other Entity or the Brčko District of Bosnia and Herzegovina, or places a business enterprise or any other legal person in an unfavourable position in relation to other organisations with respect to conditions for work or turnover of goods and services, or restricts free exchange of goods and services among the Entities and the Brčko District of Bosnia and Herzegovina, shall be punished by imprisonment for a term of between one and eight years.

Article 242 **Business Mismanagement**

(1) Any representative or authorised official of a legal person who, despite knowledge of the illegality of his actions carries out such illegal action, thereby causing significant material damage to the legal person, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) If the damage from the commission of an offence under paragraph 1 above, results in the compulsory winding up or bankruptcy of the legal person, the offender shall be punished by imprisonment for a term of between six months and five years.

Article 243 **Causing Bankruptcy**

(1) Whosoever, in the full knowledge of his own insolvency and with a view to diminishing his bankruptcy estate, stops the collection of his outstanding debts, unreasonably spends resources, transfers property at a gross undervalue, excessively runs into debt, assumes excessive engagements, makes or renews contracts with insolvent entities, fails to enforce claims on time or in any other way diminishes the value of his property in contravention of good financial practice, shall be punished by imprisonment for a term of between six months and five years.

(2) A responsible person in an enterprise who has committed an offence under paragraph 1 above in a legal person shall be punished in accordance with paragraph 1 above.

(3) If an offence under paragraphs 1 and 2 above is committed as a result of negligence, the offender shall be punished by a fine or imprisonment for a maximum term of three years.

Article 244 **Fraud on Creditors**

(1) Whosoever, by actually or ostensibly diminishing the value of his property with the intention of avoiding payment of his debts, causes bankruptcy whereby:

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- a) he sells the whole or part of his property, actually or ostensibly transfers it for little or no consideration, conceals or destroys it;
- b) he makes false contracts or acknowledges false liabilities;
- c) he conceals, destroys, changes or keeps statutory business books, documents and files in such a manner that a true financial account cannot be kept or, by making false documents or in any other way, records a financial position that leads to the institution of bankruptcy proceedings

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

(2) If an offence under paragraph 1 above results in any serious consequences to any creditor, the offender shall be punished by imprisonment for a term of between one and ten years.

Article 245 Abuses in Bankruptcy

(1) Whosoever files a false claim or seeks a false order of payment in bankruptcy, in order to exercise a right he does not possess, shall be punished by imprisonment for a maximum term of one year.

(2) The liability to punishment under paragraph 1 above shall extend to any creditor, member of a creditors' board or receiver who obtains for himself or another any material gain or promise thereof, in order to pass or fail to pass a particular decision or to harm in some other way any other creditor in bankruptcy proceedings.

(3) The liability to punishment under paragraph 1 above shall extend to anyone who offers or promises any pecuniary advantage to any creditor, member of a creditors' board or receiver for the commission of any criminal offence under paragraph 2 of this article.

Article 246 Damaging Creditors

(1) Whosoever, knowing that he is insolvent, pays debts or in any other way places any creditor in a more favourable position, thereby causing substantial financial damage to another creditor, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Any representative or authorised official of a legal person who, in the knowledge that the legal person has become insolvent, and with the intention of defrauding or causing financial damage to creditors, acknowledges a false claim, draws up false contracts or by some other fraudulent act financially damages a creditor of the legal person, shall be punished by imprisonment for a term of between six months and five years.

(3) Where an offence under paragraphs 1 and 2 above causes financial damage in excess of 500,000.00 KM, or if the injured party has to undergo rehabilitation or to file for bankruptcy, the offender shall be punished by imprisonment for a term of between one and ten years.

Article 247 Abusing Powers in Business

(1) Any representative or authorised official of a legal person, which commercially engages in a business activity, who, with the intention of acquiring illegal profit for the legal person for which he is employed:

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- a) creates or keeps illicit funds in the country or abroad;
- b) by drawing up false documents, balance-sheets, appraisals, inventories, other misrepresentations, factual concealments and false display of the financial situation, flow of assets and business results, misleads any managing body in the legal person whilst making decisions on management activities;
- c) fails to pay taxes and honour other fiscal obligations to the Federation, as determined by law;
- d) misuses any powers or means he has available;
- e) in some other way abuses his powers relating to the disposal, use or management of property belonging to the legal person,

shall be punished by imprisonment for a term of between six months and five years.

(2) Where an offence under paragraph 1 above results in a pecuniary advantage to the offender in excess of 200,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years.

Article 248 Abuse of Privatization

(1) Whosoever, in any process of privatization, with a view to acquiring gain for himself or another, causes financial damage to others or seriously violates their rights, reduces the selling price or allows purchase at a significantly lower price than that determined in the process of privatization, by supplying false information and concealing data on assets, revenues, encumbrances, expenditures and other rights or facts relevant to the determination of the price, shall be punished by imprisonment for a maximum term of five years.

(2) Where an offence under paragraph 1 above results in a pecuniary advantage or loss in excess of 300,000.00 KM, the offender shall be punished by imprisonment for a term of between one and ten years.

(3) Where an offence under paragraph 1 above results in a pecuniary advantage or loss in excess of 800,000.00 KM, the offender shall be punished by imprisonment for a term of between one and twelve years.

(4) Any official or competent person who, with full knowledge of the offence under paragraph 1 above and practicing malfeasance, misfeasance or nonfeasance (abusing his official position or powers, exceeding his official powers or failing to act when a duty to act exists), wrongly carries out or fails to carry out any official act required in the process of privatization, shall be punished by imprisonment for a term of between one and ten years.

Article 249 Drawing Up a False Balance Sheet

Whosoever, with a view to acquiring financial gain for himself or another, causing financial damage to others, draws up a false balance sheet of a legal person, presenting profit and loss accounts of the legal person or recording shares belonging to shareholders in those profit and loss accounts, shall be punished by imprisonment for a term of between six months and five years.

Article 250
Abuse of Appraisals

(1) Any certified appraiser, who abuses his official powers whilst making appraisals, with the intention of acquiring financial gain for himself or another, thereby causing financial loss to others, shall be punished by imprisonment for a term of between one and five years.

(2) Where an offence under paragraph 1 above results in a pecuniary advantage or loss in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) Where an offence under paragraph 1 above results in a pecuniary advantage or loss in excess of 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one and ten years.

Article 251
Corporate Fraud

(1) Whosoever, in his capacity as an agent or representative of a legal person, with a view to acquiring financial gain for the legal person or any other legal person, issues returned acceptance orders, bad cheques, misleads in some other way any person, or maintains his deception, thereby inducing that person to act, or fail to act, to the detriment of his property or any other's property, shall be punished by imprisonment for a term of between six months and ten years.

(2) Where an offence under paragraph 1 above results in a pecuniary advantage or loss in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) Where an offence under paragraph 1 above results in a pecuniary advantage or loss in excess of 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one and ten years.

Article 252
Making a Prejudicial Contract

(1) Whosoever, acting as an agent or representative of a legal person in its line of business, makes any contract being aware of its prejudicial nature to the legal person, or whosoever enters into a contract contrary to the authority vested in him, thereby causing financial damage to the legal person, shall be punished by imprisonment for a term of between three months and three years.

(2) Any person committing an offence under paragraph 1 above who additionally receives a bribe, or if the financial damage thereby incurred is in excess of 200,000.00 KM, shall be punished by imprisonment for a term of between one and ten years.

Article 253
Monopolisation

If any representative or authorised official of a legal person enters into an agreement with any other legal or other person to restrict another legal or other persons' freedom in the

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commercial market within a particular region, or enters into an agreement to obtain a monopoly for any other legal or other person in the commercial market, he shall be punished by imprisonment for a term of between six months and five years.

Article 254

Disclosure and Unauthorised Procuring of Trade Secrets

(1) Whosoever, without authorisation, communicates, passes on or in any way makes accessible to another person any trade or business secret, or obtains such trade or business secret with the intention of passing it to an unauthorised person, shall be punished by imprisonment for a term of between three months and three years.

(2) Whosoever commits an offence under paragraph 1 above with a view to taking the trade secret abroad, or if by the commission of such offence the offender obtains a pecuniary advantage or causes significant financial damage, shall be punished by imprisonment for a term of between six months and five years.

Article 255

Disclosure and Unauthorised Procuring of Stock Market Secrets

(1) Whosoever communicates to an unauthorised person any stock market information unavailable to all stock brokers, or whosoever comes into possession of such information and uses it in the stock market with the intention of obtaining material gain, shall be punished by imprisonment for a term of between three months and five years.

(2) Where an offence committed under paragraph 1 above results in a pecuniary advantage in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) Where an offence committed under paragraph 1 above results in a pecuniary advantage in excess of 50,000.00 KM, the offender shall be punished by imprisonment for a term of between two and ten years.

Article 256

Counterfeiting of Securities

(1) Whosoever creates false securities, alters genuine securities or obtains false securities, with the intention of placing them into circulation as genuine, shall be punished by imprisonment for a term of between one and ten years.

(2) Whosoever, having received any false or altered security, knowing it to be false or altered, circulates such security, shall be punished by a fine or imprisonment for a maximum term of one year.

(3) Any false security shall be subject to forfeiture.

Article 257

Counterfeiting of Credit and Debit Cards

(1) Whosoever manufactures a false credit or debit card with the intention of using it as genuine, alters any such genuine card or uses such false card as genuine, shall be punished by imprisonment for a maximum term of three years.

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- (2) Where an offence under paragraph 1 above results in any pecuniary advantage, the offender shall be punished by imprisonment for a term of between one and five years.
- (3) Where an offence under paragraph 1 above results in a pecuniary advantage in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years.
- (4) Where an offence under paragraph 1 above results in a pecuniary advantage in excess of 50,000.00 KM, the offender shall be punished by imprisonment for a term of between two and ten years.
- (5) Any false credit or debit cards shall be subject to forfeiture.

Article 258 **Counterfeiting of Instruments of Monetary Value**

- (1) Whosoever produces false revenue or mail stamps or other instruments of monetary value issued on a regulatory basis, alters any of those genuine instruments of monetary value, with the intention of passing them off as genuine, permitting another to use them, uses such false instruments of monetary value as genuine or obtains them with such intention, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) If any false instruments of monetary value under paragraph 1 above are of a higher value, the offender shall be punished by imprisonment for a term of between six months and five years.
- (3) Whosoever removes the cancelling stamp from any instrument of monetary value under paragraph 1 above, or in any other way, and for the purpose of repeated use, attempts to make such false instruments appear unused, utilises used instruments or sells them as valid, shall be punished by a fine or imprisonment for a maximum term of three years.
- (4) Any false instruments of monetary value shall be subject to forfeiture.

Article 259 **Counterfeiting of Trade Marks, Measures and Weights**

- (1) Whosoever, with the intention of passing them off as genuine, manufactures false trademarks used in the identification of domestic or foreign commodities, such as seals, stamps or hallmarks for branding gold, silver, livestock, wood or other commodities, or whosoever, with the same intention, alters such genuine trademarks, or whosoever uses false trademarks as genuine, shall be punished by imprisonment for a term of between six months and five years.
- (2) The criminal liability under paragraph 1 above shall similarly extend to any person who falsifies measures or weights.
- (3) Any false trademarks, measures and weights shall be subject to forfeiture.

Article 260 **Manufacturing, Buying, Possessing, Selling and Lending Equipment for Counterfeiting**

- (1) Whosoever manufactures, buys, sells or lends equipment for the manufacture of counterfeit money, false credit or debit cards, or other false securities, shall be punished by imprisonment for a term of between six months and five years.

(2) Whosoever manufactures, buys, sells or lends equipment for the manufacture of false instruments of monetary value, labels, measures and weights, shall be punished by a fine or imprisonment for a maximum term of three years.

(3) Any equipment used in any offence committed under paragraphs 1 and 2 above shall be subject to forfeiture.

Article 261

Counterfeiting or Destruction of Business or Commercial Books or Documents

(1) Whosoever enters false data in statutory business or trade books, documents or files, fails to enter the requisite data, by use of his signature or official seal, certifies a business or trade book, document or file containing false data, or by affixing his signature or official seal, permits the drawing up of such business or trade book, document or file containing false data, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) The liability for an offence under paragraph 1 above shall extend to any person who uses a false business or trade book, document or file as genuine, or who destroys, damages, conceals or in some other way renders worthless any business or trade book, document or file.

Article 262

Breach of Inventor's Rights

Whosoever, in the course of business activities, without authorisation, uses registered, patented or protected invention belonging to another, shall be punished by imprisonment for a term of between three months and five years.

Article 263

Unauthorized Use of Trade Marks Belonging to Another

(1) Whosoever, without authorisation, uses in the marketplace, on his own product, registered and protected trade mark, packaging, labelling, or design belonging to another, shall be punished by imprisonment for a maximum term of three years.

(2) Whosoever, without authorisation, releases the subject of prototype or model registration belonging to another, shall be punished by a fine and imprisonment for a maximum term of five years.

Article 264

Unauthorized Use of Trade-Name Belonging to Another

Whosoever, with the intention of defrauding purchasers or those who use his services, makes use of trade-name, seal, trade-mark or other mark of distinction belonging to another, or inserts certain features of those marks into his own trade-name, seal or trademark or into his own mark of distinction, shall be punished by imprisonment for a maximum term of one year.

Article 265
Defrauding Purchasers

(1) Whosoever, with the intention of defrauding purchasers, sells in the marketplace products with a mark showing information that does not comply with the content, brand, origin or quality of the product, places into circulation products whose weight or quality does not comply with the requisite standards, or sells a product in the marketplace without the prescribed marking of the content, brand, origin or quality, shall be punished by a fine and imprisonment for a maximum term of three years.

(2) Whosoever, with the intention of defrauding purchasers, falsely publishes a statement that the price of the goods has been reduced, that there is a “sale” of goods, that a price increase is expected or in any way utilises any false means of advertising, shall be punished by a fine or imprisonment for a maximum term of one year.

Article 266
Illicit Trade in Gold Coins or Gold

(1) Whosoever, unlawfully engages in trading in gold coins or bullion to a value in excess of 10.000 KM, shall be punished by imprisonment for a maximum term of three years.

(2) Whosoever commits an offence under paragraph 1 above and organises a ring of middlemen, handlers or re-sellers, shall be punished by imprisonment for a term of between six months and five years.

(3) Any gold coins or bullion, the subject of an offence under paragraphs 1 and 2 above, shall be subject to forfeiture.

Article 267
Illicit Commerce

(1) Whosoever, without a valid licence, purchases any goods to a value in excess of 10.000 KM with the intention of re-sale or who, without licence, trades or acts as an intermediary or agent in selling commodities and services on a large scale, shall be punished by imprisonment for a term of between three months and three years.

(2) Any person committing an offence under paragraphs 1 above, who thereby sets up a ring of middlemen or retailers, or makes a profit in excess of 30,000 KM or purchases, sells or exchanges goods or items whose trade is forbidden or restricted, shall be punished by imprisonment for a term of between six months and five years.

(3) Any goods or commodities the subject of an offence under paragraphs 1 and 2 above shall be subject to forfeiture.

Article 268
Deception in Getting Loans and Subventions

(1) Whosoever, with a view to obtaining for himself or another a loan, investment funds, subvention or other grant, gives to the grantor or other person, competent to make such loan or grant, false or incomplete details with respect to his financial situation or other details

required for such loan or grant, shall be punished by imprisonment for a term of between six months and three years.

(2) Where an offence committed under paragraph 1 above involves a loan or grant in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and five years.

(3) Where an offence committed under paragraph 1 above involves a loan or grant in excess of 50,000.00 KM, the offender shall be punished by imprisonment for a term of between two and ten years.

(4) Whosoever puts any loan, investment funds, subvention or other grant to a use other than that for which it is intended, shall be punished by a fine and imprisonment for a maximum term of two years.

Article 269 **Illicit Banking**

(1) Whosoever, without licence, or in contravention of any requirement under a licence, sets up or runs a banking institution, shall be punished by imprisonment for a term of between three months and five years.

(2) Where an offence under paragraph 1 above results in a pecuniary advantage exceeding 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) Where an offence under paragraph 1 above results in a pecuniary advantage exceeding 50,000.00 KM, the offender shall be punished by imprisonment for a term of between two and ten years.

(4) Where an offence under paragraph 1 above results in a pecuniary advantage exceeding 200,000.00 KM, the offender shall be punished by imprisonment for a minimum term of five years.

Article 270 **Illicit Production**

(1) Whosoever manufactures goods or processes materials whose manufacture and processing are forbidden, and if such criminal offence does not involve another criminal offence punishable by a more severe sentence, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) Any goods, materials or their means of production, the subject of an offence under paragraph 1 above and shall be subject to forfeiture.

Article 271 **Abuse of Cheques and Cards**

(1) Whosoever, by misusing any cheque, credit or debit card belonging to him, requires a bank or other legal person to pay an amount he knows will, contrary to any authorization or contract, render his account overdrawn, shall be punished by a fine and imprisonment for a maximum of three years.

(2) Where an offence under paragraph 1 and 2 above results in a pecuniary advantage in excess of 50,000 KM, the offender shall be punished by imprisonment for a term of between two and ten years.

Article 272 Money Laundering

~~(1) Whoever receives, exchanges, keeps, disposes of or uses in corporate or other business or conceals or tries to conceal money or property he knows of to have been proceeds of crime, shall be punished by imprisonment for a term of between six months and five years.~~

~~(2) If the money or property under paragraph 1 is of high value, the offender shall be punished by imprisonment for a term of between one and ten years.~~

~~(3) If, while committing the criminal offences under paragraphs 1 and 2 of this article, the offender acts negligently concerning the fact that the money or property was obtained through the commission of a criminal offence, he shall be punished by a fine or imprisonment for a maximum term of three years.~~

~~(4) Any money and property under paragraphs 1 through 3 of this article shall be subject to forfeiture.~~

(1) Whoever, directly or indirectly, receives, exchanges, withholds, disposes with, uses in commercial or other form of business, makes conversion or transfers or conceals in any other way the nature, origin, location, disposal, flow, ownership or other right, money or other property knowing those have been procured through commission of a crime proscribed by this Code law in the Federation, shall be punished by imprisonment for a term of six months to five years.

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(2) If the perpetrator of the act referred to in Paragraph (1) of this Article is also a perpetrator of or an accomplice to the criminal offense whose perpetration resulted in the money or property gain referred to in the previous Paragraph, the perpetrator shall be punished by imprisonment for a term of one to eight years.

(3) If the money or property gain referred to in Paragraphs (1) of this Article is of a great value, the perpetrator shall be punished by imprisonment for a term of one to ten years.

(4) If offences referred to in Paragraphs (1), (2) and (3) of this Article are perpetrated by several persons who joined together for the purpose of committing such crimes, the perpetrator shall be punished by imprisonment for a term of two to 12 years.

(5) If the perpetrator, during the perpetration of the criminal offence referred to in Paragraphs 1 and 2 of this Article, acted negligently with respect to the fact that the money or property gain has been acquired through perpetration of a criminal offence, he shall be punished by a fine or imprisonment for a term not exceeding three years.

(6) Money, property gain, income, profit or other benefit from the property gain procured through commission of a crime referred to in Paragraphs (1) to (4) of this Article shall be confiscated.

Comment [HS84]: OG FBiH 46/16

CHAPTER TWENTY THREE TAX RELATED CRIMINAL OFFENCES

Article 273 Tax Evasion

(1) Whosoever evades payment of sums required under the laws on taxes in the Federation of Bosnia and Herzegovina, or contributions to pension schemes or health insurance, by failing to submit any required information, or by submitting false information relating to taxable income or to other facts affecting the determination of the amount of such liability, and where the liability evaded exceeds the sum of 10,000.00 KM, shall be punished by ~~a fine or imprisonment for a maximum term of three years~~ **imprisonment from six months to five years**.

Comment [u85]: OG FBiH 42/10

(2) Whosoever commits the offence under paragraph 1 above, where the liability evaded exceeds the sum of 50,000.00 KM, shall be punished by imprisonment for a term of between one and ten years.

(3) Whosoever commits the offence under paragraph 1 of this Article, where the liability evaded exceeds the sum of 200,000.00 KM, shall be punished by imprisonment for a minimum term of three years.

Article 274 False Tax Related Documents

(1) Whosoever issues any false document required under the laws on taxes in the Federation of Bosnia and Herzegovina or whosoever fails to issue any document required under the laws on taxes in the Federation of Bosnia and Herzegovina, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whosoever commits an offence under paragraph 1 above involving a large number of documents, or if his offence results in the loss of substantial public revenue, shall be punished by a fine or imprisonment for a maximum term of three years.

Article 275 Wrong Appropriation of Funds by a Legal Person

Any competent representative or official of a legal person, who is personally responsible for the tax liabilities of that legal person under the laws on taxes in the Federation of Bosnia and Herzegovina and who approves the appropriation of funds for purposes other than the payment of tax liabilities of that legal person, thereby rendering that legal person insolvent and unable to pay his tax liabilities on time, shall be punished by a fine or imprisonment for a maximum term of three years.

Article 276
Filing a False Tax Return

Whosoever files a false tax return or other false information required under the laws on taxes in the Federation of Bosnia and Herzegovina, shall be punished by a fine or imprisonment for a maximum term of three years.

Article 277
Obstructing an Internal Revenue Service Official in Execution of his Official Activity

(1) Whosoever, by force or threat of immediate use of force, prevents or attempts to prevent an Internal Revenue Service (IRS) official from carrying out any official activity falling within the scope of his powers, or whosoever, using such force or threat, compels him not to carry out an official activity, shall be punished by imprisonment for a term of between three months and three years.

(2) If, in the course of committing an offence under paragraph 1 above, the offender insults or abuses the IRS official, or if he inflicts upon him minor bodily injury, or if he threatened him with the use of any weapon, he shall be punished by imprisonment for a term of between six months and three years.

(3) If the offender under paragraphs 1 to 2 above is provoked by the unlawful behaviour of the official, he may be released from liability for the offence.

Article 278
Attacking an Internal Revenue Service Official Whilst Carrying Out His Duties

(1) Whosoever attacks or threatens to attack any IRS official or any person assisting an IRS official in detecting and investigating violations of tax laws in the Federation of Bosnia and Herzegovina, shall be punished by imprisonment for a term of between three months and three years.

(2) If, in the course of the commission of any offence under paragraph 1 above, minor bodily injury is inflicted upon any IRS official or the person assisting him, or if the offender threatens attack with the use of a weapon, the offender shall be punished by imprisonment for a term of between six months and five years.

(3) If, in the course of the commission of the offence under paragraph 1 above, severe bodily injury is inflicted upon any IRS official or the person assisting him, the offender shall be punished by imprisonment for a term of between one and ten years.

(4) If the offender under paragraphs 1 to 3 above is provoked by the unlawful behaviour of any IRS official or the person assisting him, he may be released from liability for the offence.

(5) The offences set out under paragraphs 1 to 3 above shall be applicable in all cases involving any official in the Federation of Bosnia and Herzegovina who may be detecting and investigating violations of tax laws.

CHAPTER TWENTY FOUR
LABOUR RELATED CRIMINAL OFFENCES

Article 279
Breach of Right to Equal Treatment at Work

Whoever denies or limits the right all of citizens to equal treatment at work throughout the Federation of Bosnia and Herzegovina, shall be punished by a term of imprisonment of between three months and three years

Article 280
Breach of Rights Arising out of Employment

Whoever knowingly disobeys laws, bylaws or collective agreements on the entering into or the termination of contracts of employment, wages or other remuneration, working hours, vacation or leave, the protection of women, young and disabled, or on a prohibition on overtime or night work, and thereby denies a right to which the employee is entitled, shall be fined or sentenced to a maximum term of one year's imprisonment.

Article 281
Breach of Rights during Periods of Unemployment

Whoever knowingly fails to comply with regulations or general provisions relating to citizens' rights during periods of unemployment, and who thereby denies to another rights to which he/she is entitled under the said regulations or general provisions, shall be fined or punished by imprisonment for a term of not more than one year.

Article 282
Breach of Rights to Social Security

Whoever knowingly fails to comply with regulations or general provisions relating to social security, and thereby denies or limits a right, to which another person is entitled by reason of social insurance, shall be fined or punished by imprisonment for a term of not more than one year.

Article 283
Abuse of Rights to Social Security

Whoever feigns or causes an illness or working disability and thereby is granted a right to a social insurance benefit which he otherwise would not be entitled under the regulations or general provisions, shall be fined or punished by a term of imprisonment of not more than one year.

Article 284
Failure to Implement A Decision on Reinstatement of a Person in a Former Post

An official or responsible person in a legal body or a self-employed person, who fails to comply with a finally binding decision as to the reinstatement of a worker in her/his former post,

shall be punished by a term of imprisonment of more than three months but not more than three years.

Article 285
Failure to Implement Safety at Work Regulations

(1) The responsible person in a legal body or a self-employed person who knowingly fails to comply with the law and other regulations or general provisions on safety at work,

shall be fined or punished by a term of imprisonment of not more than one year.

(2) In imposing a suspended sentence, the court may impose a condition on the offender that she/he should comply with the regulations on safety at work within a set time-limit.

CHAPTER TWENTY FIVE
CRIMINAL OFFENCES AGAINST PROPERTY

Article 286
Theft

(1) Whoever unlawfully takes and carries away personal property belonging to another with the intention of depriving the owner of the property and of converting it to the use of the taker or some person other than the owner,

shall be punished by a fine or a term of imprisonment of not more than three years.

(2) Where the stolen property is of low value and the offender intended to acquire a material gain of that value,

h/she shall be punished by a fine or a term of imprisonment of not more than six months.

(3) Whoever having committed any criminal offence under paragraphs 1 and 2 of this article returns the stolen property to the injured party before her/his criminal offence has been discovered,

she/he may be released from punishment.

Article 287
Aggravated Theft

(1) Whoever commits the criminal offence of theft (Article 286, *Theft*, paragraph 1) shall be punished by a term of imprisonment of more than six months but not more than five years if a larceny are committed:

- a) by breaking open or breaking into a closed building, room, strong-box or safe or other enclosed premises or space;
- b) in a particularly dangerous or reckless manner;
- c) during a fire, flood, earthquake or a similar calamity,
- d) by exploiting the distress or other impaired state of the other person.

(2) The punishment under paragraph 1 of this article shall also be imposed on whoever commits an act of theft (Article 286, paragraph 1.)

- a) where the stolen property is of high value, and the offender has acted with the intention of appropriating an object of such value;

b) where the stolen property has a religious purpose, or the property has been stolen from a religious or another building, or premises that are used for religious purposes;

c) where the stolen property is of cultural value or is an object of special scientific, artistic, historical or technical significance, or is a part of public collection, protected private collection, or has been on display to the public.

(3) The punishment of a fine or a term of imprisonment of not more than three years shall be imposed on whoever commits any theft (Article 286, paragraph 2) in the manner and in the circumstances under paragraph 1 or 2, item 2 and 3 of this article.

(3) The punishment of a term of imprisonment of more than one but not more than eight years shall be imposed on whoever commits theft (Article 286, paragraph 1) as a member of a group, or whilst in possession of a weapon or dangerous articles for the purposes of theft.

Article 288 Robbery

(1) Whoever disturbed in the act of theft, and with the intention of retaining possession of the stolen property, uses force against another person or threatens an immediate attack on her/his life or limb,

shall be punished by a term of imprisonment of more than one but not more than ten years.

(2) If during a robbery, grievous bodily injury is intentionally inflicted on a person, or if the robbery is committed by a group or a gang, or a weapon or dangerous articles are used during the criminal act,

the offender shall be punished by a term of imprisonment of not less than five years.

(3) If during a robbery, a person is intentionally killed,

the offender shall be punished by a term of imprisonment of not less than ten years or by long term imprisonment.

Article 289 Aggravated Robbery

(1) Whoever, by use of force against another or by threatening an immediate attack against her/his life or limb, takes personal property belonging to another with the intention of depriving the owner of it and converting it for her/his own use,

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

(2) Where in the course of a criminal offence under paragraph 1 of this article, grievous bodily injury is intentionally inflicted on a person, or if the robbery is committed by a group or a gang, or a weapon or dangerous articles are used during the offence,

the offender shall be punished by a term of imprisonment of not less than five years.

(3) Where in the course of a criminal offence under paragraph 1 of this article, a person has been intentionally killed,

the offender shall be punished by a term of imprisonment of not less than ten years or by long term imprisonment.

Article 290 Embezzlement

(1) Whoever, with the intention of making an unlawful material gain for himself or for another person, unlawfully appropriates personal property of another which has been placed in her/his care,

shall be fined or punished by a term of imprisonment of not more than one year.

(2) Where an offence under paragraph 1 of this article is committed by a guardian, s/he shall be punished by a term of imprisonment of not more than three years.

(3) If the embezzled property is an object of special cultural, scientific, artistic, historical or technical significance or is of high value and the offender acts with the purpose of appropriating property of such value,

S/he shall be punished by a term of imprisonment of between six months and five years.

(4) If the embezzled property is of low value and the offender acts with the intention of appropriating property of such value, the offender shall be punished by a fine or term of imprisonment of not more than six months.

(5) The punishment under paragraph 4 of this article shall be applied to anyone who, with the intention of making a material gain for her/himself or another, unlawfully keeps personal property belonging to another which s/he has found or of which has accidentally come into possession.

(6) Whoever having committed any offence under paragraphs 1, 4 and 5 of this article, returns the embezzled property to the injured party before the offence has been discovered, may be released from punishment.

Article 291

Appropriating Personal Property Belonging to Another

(1) Whoever unlawfully appropriates or takes away personal property of another, with no intention of deriving a material gain there from,

shall be fined or punished by a term of imprisonment of not more than one year.

(2) The punishment under paragraph 1 of this article shall also be imposed upon anyone who attempts to steal ~~a car~~ **mean of transport**.

(3) Whoever having committed an offence under paragraph 1 of this article returns stolen property, other than ~~a car~~ **mean of transport**, to the injured party before the criminal offence has been discovered,

may be released from punishment.

Comment [u86]: OG FBiH 42/10

Article 292

Unlawful Occupation of Public Property

(1) Whoever in breach of the law occupies real estate or a part of real estate which is development land,

shall be fined or imprisoned for a maximum of six months.

(2) Where an offence under paragraph 1 of this article involves real estate which has been declared a public domain, ancient monument, natural rarity or resource or if it is a part of a protected forest or a forest which has a special purpose, a national park or some other protected natural site or land which has a special purpose,

the offender shall be punished with a term of imprisonment of between three months and three years.

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Article 293
Malicious Mischief

(1) Whoever damages, destroys or renders unusable any property belonging to another shall be fined or punished by a term of imprisonment of not more than six months.

(2) Whoever damages, distorts, destroys or renders unusable any property used for religious purposes or cultural benefit situated in a public place, any especially protected natural feature, any object of art, any object of scientific or technical significance, which is part of public collection or is on display to the public, or any object which serves a public need or enhances the appearance of any square, street or park, shall be fined or punished by a term of imprisonment of not more than one year.

(3) The punishment under paragraph 2 of this article shall also be imposed on whoever who commits an offence under paragraph 1 of this article ~~motivated by a difference in ethnic or national background, race, religion, sex or language~~ *out of hatred*.

Comment [HS87]: OG FBiH 46/16

Article 294
Fraud

(1) Whoever, with the intention of making an unlawful material gain for himself or for another, deceives another by a falsely representing or suppressing facts, or allows another to be deceived, thereby inducing another to do or not to do something to the detriment of property belonging to that person or another, shall be punished by a term of imprisonment of not more than three years.

(2) Where the loss exceeds BAM 30,000 and the offender has acted with the intention of appropriating property of this value, the offender shall be punished by a term of imprisonment of between six months and five years.

(3) If the loss is minor and the offender has acts with the intention of appropriating property of this value, the offender shall be punished by a fine or a term of imprisonment of not more than six months.

(4) Whoever commits an offence under paragraph 1 of this article with the intention of causing harm to another, without the intention of making an unlawful material gain for himself or for another, shall be fined or punished by a term of imprisonment of not more than year.

Article 295
Extortion

(1) Whoever in order to obtain an unlawful material gain for her/himself or another by force or serious threat compels another to do or not to do an act to the detriment of her/his property or property belonging to another, shall be punished by a term of imprisonment of more than three months but not more than five years.

(2) Whoever in the course of committing an offence under paragraph 1 of this article uses a weapon or dangerous article or a significant material gain is obtained, or commits the offence as a member of a group of people or **organized criminal group**, shall be punished by a term of imprisonment of more than exceeding one but not more than ten years.

Comment [u88]: OG FBiH 42/10- no relevance for eng version

Article 296 Blackmail

(1) Whoever, with the intention of obtaining an unlawful material gain for her/himself or another, threatens another to reveal a matter about that person or someone close to her/him of a nature likely to injure her/his honour or reputation, and thereby compels that person to do or not to do an act to the detriment of her/ his property or property belonging to another, shall be punished by a term of imprisonment of more than three months but not more than five years.

(2) Whoever in the course of committing an offence under paragraph 1 of this article obtains significant material gain, or commits the offence as a member of a group of people or **organized criminal group**, shall be punished by a term of imprisonment of more than one but not more than ten years.

Comment [u89]: OG FBiH 42/10- no relevance for eng version

Article 297 Abuse of Trust

(1) Whoever representing the property interests of another or exercising care of another's property fails to perform her/his duty or misuses the authority vested in her/him with the intention thereby of obtaining an unlawful material gain for her/himself or another or of causing injury to the person whose property interests s/he represents or over whose property s/he exercises care,

shall be fined or punished by a term of imprisonment of not more than one year.

(2) Where an offence under paragraph 1 of this article are committed by a guardian or by an attorney, s/he shall be punished by a term of imprisonment of more than three months but not more than three years.

(3) Whoever having committed an offence under paragraph 1 of this article compensates the injured party for the damage before the offence has been discovered, may be released from punishment.

Article 298 Usury

(1) Whoever, in return for a service rendered to another, receives or obtains for her/himself or another a disproportionate material gain by exploiting the financial situation, difficult housing conditions, state of emergency, lack of experience or the limited judgment of that person, shall be punished by a term of imprisonment of not more than one year and by a fine.

(2) Where an offence under paragraph 1 of this article results in major damage to the injured party,

the offender shall be punished by a fine or a term of imprisonment of between three months and five years.

(3) The punishment under paragraph 2 of this article shall be imposed upon whoever lends money charging an excessive rate of interest.

Article 299 Fraud in Law

(1) Whoever, for the purpose of frustrating the satisfaction of a claim to property, conveys to another, destroys or removes property on which another person has a lien or a right to use, and in doing so causes damage to that person, shall be fined or punished by a term of imprisonment of not more than one year.

(2) The punishment under paragraph 1 of this article shall also be imposed on whoever destroys, alienates or renders unusable all or part of her/his property or assumes false liability, or enters into a fraudulent contract or takes any other fraudulent step apparently or actually to diminish her/his assets or give the appearance of doing so and thereby causes damage to a creditor.

Article 300 Concealment

(1) Whoever by sale or exchange, accepting as a pawn, or otherwise procures, conceals or passes on an article knowing it to have been obtained by the commission of a criminal offence, or it to have been obtained by sale or barter in place of something which has been obtained by commission of a criminal offence, shall be punished by a fine or term of imprisonment of not more than three years.

(2) Whoever commits an offence under paragraph 1 of this article without knowing that the relevant article has been obtained by the commission of a criminal offence, although s/he ought to have known it, shall be fined or punished by a term of imprisonment of not more than six months.

Article 301 Arson

(1) Whoever maliciously burns a dwelling or house belonging to another or any commercial or industrial property or public property, shall be punished by a term of imprisonment of between one and eight years.

(2) Where damage to property of more than BAM 100,000.00 has occurred as a result of the criminal offence under paragraph 1 of this Article, or if the offence was committed with the intention of defrauding an insurance company, the offender shall be punished by a term of imprisonment of between two and twelve years.

Article 302 Abuse of Insurance

(1) Whoever, with a view to receiving payment under an insurance policy, destroys, damages or conceals property that has been insured against destruction, damage, loss or theft and claims damages,

shall be fined or punished by a term of imprisonment of not more than two years.

(2) The punishment under paragraph 1 of this article shall be imposed upon anyone who, with a view to collecting payment under any insurance policy against bodily impairment, bodily injury or health impairment, causes harm to her/himself.

(3) Whoever having committed an offence under paragraphs 1 and 2 of this article gives up the claim before the offence has been discovered,

may be released from punishment.

CHAPTER TWENTY SIX CRIMINAL OFFENCES AGAINST ENVIRONMENT, AGRICULTURE AND NATURAL RESOURCES

Article 303

Pollution of the Environment

(1) Whoever, in breach of legislation, pollutes air, soil, running, still or underground water, watercourses, the sea, the sea floor or underground or in some other way endangers the purity and quality of air, soil, water, watercourses, or the sea, the sea floor or underground or natural genetic harmony of biological diversity over a wide area or in any way worsens the living conditions for humans and animals or endangers forests and plants,

shall be punished by a term of imprisonment of more than three months but not more than five years.

(2) The punishment under paragraph 1 of this article shall also be imposed on any person who pollutes air, soil, running, still or underground water, watercourses, the sea, the sea floor or underground or in some other way endangers the purity and quality of air, soil, water, watercourses, or the sea, the sea floor or underground or the natural genetic harmony of biological diversity and thereby causes a danger to the lives and health of humans and animals or causes destruction or major damage to forests and plants.

(3) If the criminal offence under paragraphs 1 and 2 of this article is committed through negligence,

the offender shall be fined or punished by a term of imprisonment of not more than one year.

(4) If an offence under paragraphs 1 and 2 of this article results in severe bodily injury or major damage to property,

the offender shall be punished by a term of imprisonment of more than one but not more than ten years.

(5) If any offence under paragraphs 1 and 2 of this article results in the death of one or more persons,

the offender shall be punished by a term of imprisonment of more than one but not more than twelve years.

(6) If any offence under paragraph 3 of this article results in severe bodily injury or major damage to property.

the offender shall be punished by a term of imprisonment of more than six months but not more than five years.

(7) If any offence under paragraph 3 of this article has results in the death of one or more persons,
the offender shall be punished by a term of imprisonment of more than one but not more than eight years.

Article 304

Pollution through the Operation of Equipment

(1) Whoever, in breach of legislation, operates equipment or does not adhere to a manufacturing process with the result that pollutants are released into the air, soil, water, watercourses or seas over a wider area or disrupt the marine ecology causing a deterioration in the living conditions of humans and animals or forests and plants to be endangered, shall be punished by a fine or a term of imprisonment of not more than one year.

(2) A responsible person in a legal body who, in breach of legislation, fails to install purification equipment or permits the construction, opening or operation of plants and or factories causing pollution, shall be punished by a fine or term of imprisonment of not more than three years.

Article 305

Pollution by Waste

(1) Whoever, in breach of legislation, dumps, deposits, collects, stores, recycles or transports waste or generally treats waste in such a manner that s/he pollutes the air, soil, water, watercourses, the sea, the sea floor or underground over a wide area or causes a deterioration in the living conditions of humans and animals or forests and plants to be endangered, shall be punished by a fine or a term of imprisonment of not more than three years.

(2) The punishment under paragraph 1 of this article shall also be imposed on the whoever dumps, deposits, collects, stores, recycles or transport waste or generally treats waste in such a manner that s/he endangers the purity and quality of air, soil, water, watercourses, or the sea, the sea floor or underground or natural genetic harmony of biological diversity and thereby causes a danger to human life and health and animals or causes the destruction of or significant damage to forests and plants over a wide area.

(3) Where any criminal offence under paragraphs 1 and 2 of this article are committed through negligence, the offender shall be fined or punished by a term of imprisonment of not more than three months.

Article 306

Noise Affecting the Environment

(1) Whoever, in breach of legislation, creates noise so as to cause serious harm to the health of a large number of people, shall be fined or punished by a term of imprisonment of not more than three years.

(2) Where an offence under paragraph 1 of this article is committed through negligence, the offender shall be fined or punished by a term of imprisonment of not more than one year.

Article 307
Producing Injurious Preparations for the Treatment of Livestock

(1) Whoever manufactures for the purposes of sale, or puts into circulation preparations for the treatment or prevention of disease among livestock or poultry which are harmful to their health and life,

shall be punished by a fine or term of imprisonment of not more than six months.

(2) Where livestock or poultry die in large numbers or a contagious disease spreads as a result of the offence under paragraph 1 of this article,

the offender shall be punished by a term of imprisonment of more than three months but not more than three years.

(3) Where any offence under paragraphs 1 and 2 of this article are committed through negligence,

the offender shall be fined or punished by a term of imprisonment of not more than three months.

Article 308
Treatment by Unconscientious Veterinary Surgeon

(1) A veterinary surgeon or an authorized veterinary assistant who, in rendering veterinary treatment, prescribes or administers a manifestly inadequate preparation or a manifestly inadequate method of treatment, or who generally acts in an unconscientious manner and thereby causes the death of a large number of livestock or poultry,

shall be punished by a term of imprisonment of not more than three years.

(2) Where an offence under paragraph 1 of this article are committed through negligence,

the offender shall be fined or punished by a term of imprisonment of not more than six months.

Article 309
Treatment by Unqualified Veterinary Surgeon

Whoever being unqualified or incompetent treats animals or performs other duties of a veterinary surgeon,

shall be punished by a term of imprisonment of not more than one year.

Article 310
Failure to Comply with Regulations for the Suppression of Animal and Plant Diseases

(1) Whoever, at the time of an epidemic of livestock disease endangering cattle breeding, fails to comply with an order or decision of the relevant authority enforcing measures for the suppression or prevention of the disease,

shall be punished by a term of imprisonment of not more than one year.

(2) The punishment under paragraph 1 of this article shall also be imposed on anyone who, during an epidemic or pestilence threatening flora, fails to comply with an order or decision of the relevant authority made on the basis of regulations, stipulating measures for the suppression and prevention of disease or pests.

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(3) If substantial damage has occurred as a result of any of the offences under paragraphs 1 and 2 of this article,

the offender shall be punished by a term of imprisonment of not more than three years.

(4) Where any of the offences under paragraphs 1 to 3 of this article have been committed through negligence,

the offender shall be fined or punished by a term of imprisonment of not more than one year.

Article 311

Concealing the Existence of A Contagious Animal Disease

Whoever conceals the existence of a contagious animal disease or doubts its existence and fails to report it to the public veterinary surgeon or relevant authority, which results in the spreading of the disease and death amongst animals,

shall be fined or punished by a term of imprisonment of not more than one year.

Article 312

Contaminating Fodder or Water Used by Livestock

(1) Whoever, by the use of any injurious substance, contaminates fodder or pollutes water in rivers, streams, springs, wells or cisterns, or any other water source for the watering of livestock, poultry or game, and thereby endangers the life and health of the animals, shall be fined or punished by a term of imprisonment of not more than one year.

(2) Where the death of a large number of animals occurs as a result of an offence under paragraph 1 of this article,

the offender shall be punished by a term of imprisonment of more than three months but not more than three years.

Article 313

Destruction of Plantations

Whoever, by using any harmful substance, causes the destruction of plants, fruit trees or other cultivated crop, and whoever thereby inflicts wide scale damage,

shall be punished by a term of imprisonment of not more than three years.

Article 314

Unconscientious Acts in the Circulation of Pesticide

Whoever puts any pesticide into circulation without permission or substitutes another pesticide or intoxicating substances for that prescribed in circumstances when substitution is forbidden, or otherwise unconscientiously acts in the circulation of pesticides or other intoxicating substances and thereby endangers the life or health of humans, animals and the environment, shall be fined or sentenced to a maximum of two years' imprisonment.

Article 315

Depredation of Forests

(1) Whoever, in breach of any regulations or ordinances issued by the relevant authorities, fells or clears a forest, or whoever strips the bark off trees, or in some other way devastates a forest, shall be fined or punished by a term of imprisonment of not more than one year.

(2) Whoever commits any offence under paragraph 1 of this article in a protected forest, national park or in some other forest of a special purpose, shall be punished by a maximum of three years' imprisonment.

Article 316 Forest Theft

(1) Whoever, intending to steal, cuts down one or more trees in a forest and the quantity of timber cut exceeds two cubic metres, shall be punished by a term of imprisonment of not more than three years.

(2) Where an offence under paragraph 1 of this article are committed with the intention of selling the cut timber, or if the quantity of the cut timber exceeds five cubic metres, or if any act under paragraph 1 of this article are committed in a protected forest, national park or some other forest of a special purpose, the offender shall be punished by between one and five years' imprisonment.

Article 317 Causing Forest Fire

(1) Whoever causes a forest fire resulting in major damage or simultaneously causes more than one forest fire, shall be sentenced to between one and eight years' imprisonment.

(2) Whoever causes a fire in a protected forest, national park, orchard or other forest of a special purpose or in grain field, shall be sentenced to between two and twelve years' imprisonment.

(3) Whoever commits an offence under paragraph 1 of this article through negligence shall be fined or sentenced to a maximum of two years' imprisonment.

(4) Whoever commits the offence under paragraph 2 of this article through negligence shall be fined or sentenced to a maximum of three years' imprisonment.

Article 318 Torture and Killing of Animal

(1) Whoever grossly abuses an animal or exposes an animal to unnecessary or prolonged suffering, or whoever inflicts unnecessary pain upon animal or unlawfully destroys a large number of animal habitats or over a wide area, or unlawfully kills animals, shall be fined or sentenced to a maximum of six months' imprisonment.

(2) Whoever commits an offence under paragraph 1 of this article for a wager or some other material gain, or whoever causes the death of larger number of animals or protected species by committing an offence under paragraph 1 of this article, shall be fined or sentenced to a maximum of one year's imprisonment.

Article 319
Illegal Hunting

- (1) Whoever unlawfully kills, wounds or catches a large number of game or game of high value during the closed season, or game the hunting of which is forbidden, or without authority takes abroad a top trophy of a large number of game, or game of high value, shall be fined or sentenced to a maximum of one year's imprisonment.
- (2) Whoever commits an offence under paragraph 1 of this article in a manner prohibited by law, shall be sentenced to between three months and three years' imprisonment.
- (3) The game caught and hunting equipment shall be subject to forfeiture.

Article 320
Illegal Fishing

- (1) Whoever fishes during a closed season or in a prohibited fishing area, or fishes by using of explosives, electric power, poison, intoxicating substances, paralyzing substances or in any other way harmful to fish breeding or which are prohibited by law, shall be fined or sentenced to a maximum of one year's imprisonment.
- (2) Whoever commits an offence under paragraph 1 of this article and thereby causes the death of a large number of fish or other water organisms, shall be fined or sentenced to a maximum of two years' imprisonment.
- (3) The catch and fishing equipment shall be subject to forfeiture.

Article 321
Damage, Destruction and Unauthorized Export of Cultural Monuments and Protected Natural Objects

- (1) Whoever damages or destroys a cultural monument or a protected natural object, shall be fined or punished by a term of imprisonment of not more than three years.
- (2) Where an offence under paragraph 1 of this article are committed in respect of a cultural monument or a protected natural object of a special value or if substantial damage has occurred, the offender shall be punished by a term of imprisonment of between six months and five years.
- (3) Whoever exports or takes abroad a cultural monument or a protected natural object without the permission of the relevant authority, shall be punished by a term of imprisonment of not more than three years.
- (4) The punishment under Paragraph 3 of this Article shall also be imposed on the person who fails to return the cultural monument or protected object back upon expiry of the permission to take abroad the cultural monument or the protected object.

Article 322
Unauthorized Research and Appropriation of Cultural Monuments

- (1) Whoever, without proper permission given by the relevant authority carries out conservation, restoration or research work on a cultural monument, or notwithstanding a prohibition or without the permission of the relevant authority carries out archaeological
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excavations or research, as a result of which the monument is destroyed, seriously damaged or loses its character as a monument,

shall be fined or punished by a term of imprisonment of not more than one year.

(2) Where an offence under paragraph 1 of this article are committed in respect of a cultural monument of special value or significance, or if substantial damage has occurred, the offender shall be punished by a term of imprisonment of between six months and five years.

CHAPTER TWENTY SEVEN CRIMINAL OFFENCES AGAINST THE PUBLIC SAFETY OF PERSONS AND PROPERTY

Article 323 Causing Public Danger

(1) Whoever endangers human life or property of substantial value by fire, flood, explosion, poison or poisonous gas, ionizing radiation, mechanical force, electricity or other form of energy, or by shooting from firearms, shall be punished by a term of imprisonment of between three months and three years.

(2) The punishment under paragraph 1 of this article shall also be imposed on an official or any other responsible person who fails to install proper devices for protection against fire, explosion, flooding, poisonous gases or ionizing radiation, or fails to maintain the said devices in a proper condition, or fails to operate them, or generally fails to comply with rules or technical regulations on protective measures, and who thereby endangers human life or property on a large scale.

(3) Where any offence under paragraphs 1 and 2 of this article are committed in a gathering of a large number of people, the offender shall be punished by a term of imprisonment of between six months and five years.

(4) Whoever commits any offence under paragraphs 1 and 2 of this article through negligence, shall be punished by a term of imprisonment of not more than one year.

Article 324 Damaging or Destroying Important Economic or Public Facilities

(1) Whoever, by demolishing or burning down or otherwise destroying or damaging an important industrial, agricultural or economic facility, plant or facilities for the public use of water, heat, gas or energy, or communication system facilities or other public facilities, and thereby causes their stoppage or impaired operation, shall be punished by a term of imprisonment of between one year and ten years.

(2) Whoever unlawfully removes or closes down any facility or installation under paragraph 1 of this article and thereby causes a disruption to the orderly civil life, shall be sentenced to between six and five years' imprisonment.

(3) Whoever commits an offence under paragraph 1 of this article through negligence, shall be punished by a term of imprisonment of not more than five years.

(4) Whoever commits an offence under paragraph 2 of this article through negligence, shall be fined or sentenced to a maximum of one year's imprisonment.

Article 325
Damaging Safety Equipment at Work

- (1) Whoever destroys, damages or removes safety equipment in mines, factories, workshops or any other working sites, and thereby causes severe danger to human life or to property, shall be punished by a term of imprisonment of between one year and eight years.
- (2) Any person responsible for a mine, factory, workshop or any other working site who fails to install safety equipment or fails to maintain it in working condition, or fails to operate it when necessary, or generally fails to comply with regulations or technical rules on protective measures, and thereby causes a high degree danger to human life and property, shall be punished by a term of imprisonment of between three months and five years.
- (3) Where any offence under paragraphs 1 and 2 of this article are committed through negligence, the offender shall be punished by a term of imprisonment of not more than three years.
- (4) When passing a suspended sentence for any of the offences under paragraphs 2 and 3 of this article, the court may set a time limit for the offender to install the safety equipment.

Article 326
Breach of Building Rules and Lawful Construction

- (1) Any person in charge who, in the course of designing a project, directing or carrying out the construction of a building, or any other construction work, acts contrary to regulations and generally accepted technical rules, and thereby endangers human life or safety or major damage to property, shall be punished by a term of imprisonment of between one and five years.
- (2) Where any offence under paragraph 1 of this article are committed through negligence, the offender shall be punished by a term of imprisonment of not more than three years.

Article 327
Unconscientious Keeping of Dogs and Other Dangerous Animals

- (1) Whoever takes a dog or any other dangerous animal into a public places without a prescribed muzzle or other adequate protection and without keeping it under immediate control and thereby endangers human life or safety or property, shall be fined or sentenced to a maximum of six months' imprisonment.
- (2) Where anyone suffers injury as a result of an offence under paragraph 1 of this article, the offender shall be sentenced to a maximum of three years' imprisonment.

Article 328
Grave Offences Against Personal Safety and Property

- (1) Where grievous bodily injury to a person or major damage to property has occurred as a result of any of the offences under Article 323 (Causing Public Danger), paragraphs 1 to 3,

Article 324 (Damaging or Destroying Important Economic or Public Facilities), paragraphs 1 and 2, Article 325 (Damaging Safety Equipment at Work), paragraphs 1 and 2, and Article 326 (Breach of Building Rules and Lawful Construction), paragraph 1 of this Code, the offender shall be punished by a term of imprisonment of between one and ten years.

(2) Where the death of one or more persons has occurred as a result of any of the offences under Article 323, paragraphs 1 to 3, Article 324, paragraphs 1 and 2, Article 325, paragraphs 1 and 2, Article 326, paragraph 1 of this Code, the offender shall be punished by a term of imprisonment of between one and twelve years.

(3) If grievous bodily injury to a person or major damage to property has occurred as a result of any of the offences under Article 323, paragraph 4, Article 324, paragraphs 3 and 4, Article 325, paragraph 3 and Article 326, paragraph 2 of this Code, the offender shall be punished by a term of imprisonment of not more than five years.

(4) If the death of one or more persons has occurred as a result of any of the offences under Article 323, paragraph 4, Article 324, paragraphs 3 and 4, Article 325, paragraph 3 and Article 326, paragraph 2 of this Code, the offender shall be punished by a term of imprisonment of between one and eight years.

Article 329

Improper Transport of Explosive Substances or Inflammable Materials

Whoever contrary to regulations applicable to the transportation of explosive substances or highly inflammable materials consigns for transport those substances to any means of public transportation, or transports such material her/himself or transports it by way of public transportation, shall be fined or punished by a term of imprisonment of not more than one year.

Article 330

Damaging a Dam

Whoever damages any artificial or natural dam serving as protection against natural disaster, shall be fined or sentenced to a maximum of one year's imprisonment.

Article 331

Failure to Avert Danger

(1) Whoever fails to take steps to avert a fire, flood, explosion, traffic accident or some other danger to human life or physical safety or to a property on a wide scale, by notifying the relevant authorities in good time or in some other manner, even though s/he could have done so without exposing her/himself or another to danger, shall be fined or punished by a term of imprisonment of not more than one year.

(2) Whoever by dissuasion or otherwise prevents another from taking steps to avert a fire, flood, explosion, traffic accident or some other danger to human life or physical safety or to property on a wide scale,

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shall be punished by a term of imprisonment for a term of between three months and three years.

CHAPTER TWENTY EIGHT CRIMINAL OFFENCES AGAINST SAFETY OF TRAFFIC

Article 332 Endangering Public Traffic

(1) Where a road user fails to comply with traffic regulations and thereby jeopardizes public traffic to the point of creating an extensive danger to human life or property, and if as a result another is severely physically injured or if damage to property in excess of BAM 5000 occurs, he/she shall be punished by a term of imprisonment of not more than five years.

(2) Whoever creates a risk to railway, waterway, tramway, trolley bus, bus or cable railway traffic, and thereby extensively endangers human life or physical safety or to property, shall be punished by a term of imprisonment of not more than five years.

(3) Whoever commits any offence under paragraphs 1 and 2 of this article through negligence, shall be punished by a term of imprisonment of not more than three years.

Article 333 Endangering Traffic Due to Intoxication

(1) Whoever drives a **vehicle mean of transport** whilst under the influence of alcohol or any other intoxicating substances, and as a result is incapable of driving safely, and thereby jeopardizes traffic to the point of creating an extensive danger human life or physical safety or property, shall be punished by a term of imprisonment of not more than three years.

(2) Whoever commits an offence under paragraph 1 of this article through negligence, shall be punished by a fine or a term of imprisonment of not more than one year.

Comment [u90]: OG FBiH 42/10

Article 334 Endangering Traffic by Dangerous Behaviour

(1) Whoever, by destroying, removing or seriously damaging traffic equipment, devices, signs or signalling devices designed for traffic safety, or by giving false traffic signs or signals, erecting road blocks or in some other way, jeopardizes public traffic to the point of creating an extensive danger to human life or body or, shall be punished by a term of imprisonment of not more than three years.

(2) Whoever commits an offence under paragraph 1 of this article through negligence, shall be punished by a fine or imprisonment for a maximum term of one year.

Article 335 Careless Supervision of Public Traffic

(1) A responsible person who has the duty of supervising the maintenance of roads and allied equipment, transportation, public traffic, or the implementation of prescribed working conditions for drivers, or an authorized person who has the duty of managing traffic and who

in the careless performance of her his duties causes a risk of serious danger to human life or safety or property, shall be punished by a term of imprisonment of not more than five years.

(2) The punishment under paragraph 1 of this article shall also be imposed on a responsible person who issues a travel order or permits travel notwithstanding her/his being aware that the driver is incapable of safely operating her/his vehicle due to fatigue, illness, the influence of alcohol or some other reason, or if the vehicle is not in a proper condition, and who thereby causes a risk of extensive danger to human life or physical safety or property.

(3) Where any offence under 1 and 2 of this article are committed through negligence, the offender shall be punished by a term of imprisonment of not more than three years.

Article 336

Grave Offences Against Safety of Traffic

(1) Where a person has suffered grievous bodily injury as a result of any of the offences under Article 332 (Endangering Public Traffic), paragraphs 1 and 2, Article 333 (Endangering Traffic Due to Intoxication), paragraph 1, Article 334 (Endangering Traffic by Dangerous Behaviour), paragraph 1, and Article 335 (Careless Supervision of Public Traffic), paragraphs 1 and 2 of this Code, or if extensive damage to property has occurred, the offender shall be punished by a term of imprisonment of between six months and five years.

(2) Where the death of one or more persons has occurred as a result of any of the offences under Article 332, paragraphs 1 and 2, Article 333, paragraph 1, Article 334, paragraph 1, and Article 335, paragraphs 1 and 2 of this Code, the offender shall be punished by a term of imprisonment of not less than one year.

(3) Where a person has suffered grievous bodily injury as a result of any of the offences under Article 332, paragraph 3, Article 333, paragraph 2, Article 334, paragraph 2, and Article 335, paragraph 3 of this Code, or if extensive damage to property has taken occurred as a result, the offender shall be punished by a term of imprisonment of between six months and five years.

(4) Where the death of one or more persons has occurred as a result of any of the offences under Article 332, paragraph 3, Article 333, paragraph 2, Article 334, paragraph 2, and Article 335, paragraph 3 of this Code, the offender shall be punished by a term of imprisonment of between one and eight years.

Article 337

Failure to Render Aid to a Person Injured in a Traffic Accident

(1) The driver of ~~a motor vehicle or other~~ means of transport who injures another with that vehicle or whose injury s/he has caused and abandons that person without rendering aid, shall be punished by a term of imprisonment of not more than one year.

(2) Where grievous bodily injury or the death of the injured person occurs as a result of an offence under paragraph 1 of this article, the offender shall be punished by a term of imprisonment of between three months and three years.

Comment [u91]: OG FBiH 42/10

CHAPTER TWENTY NINE CRIMINAL OFFENCES AGAINST JUSTICE

Article 338
Conspiracy to Commit a Criminal Offence

Unless punishment for conspiracy to commit a particular offence is specifically prescribed, whoever agrees with another to commit a criminal offence prescribed by the law of Federation of Bosnia and Herzegovina, for which punishment by a term of imprisonment of three years or more may be passed, shall be fined or imprisoned for a term of not more than one year.

Article 339
Preparation for a Criminal Offence

Unless punishment for preparing to commit a particular offence is specifically prescribed whoever procures or prepares the means or facilitates or engages in any other activity that creates conditions for a commission, but is not a substantive part of the act of commission of a criminal offence prescribed by the law of Bosnia and Herzegovina, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, shall be fined or imprisoned for a term of not more than three years.

Article 340
Associating for the Purpose of Committing Criminal Offences

(1) Whoever organizes or directs at any level a group of people or otherwise associates with three or more persons with the intention of committing any criminal offence prescribed by the law of the Federation of Bosnia and Herzegovina, ~~for which a punishment of imprisonment of three years or more may be imposed,~~ unless a specific punishment is prescribed for the organizing or associating for the purpose of committing a particular criminal offence, shall be punished by a term of imprisonment of between ~~six months and five~~ **one and ten** years.

(2) Whoever joins a group of people or an association under paragraph 1 of this article, shall be fined or imprisoned for a term of not more than ~~one year~~ **three years**.

(3) A member of the group who reveals the existence of such a group or a member of the association who reveals the existence of such an association prior to her/his having committed a criminal offence within its ranks or for its aims, may be released from punishment.

(4) An organizer who prevents the commission of any criminal offence under paragraph 1 of this article by revealing the existence of the group or association or otherwise, shall be fined or imprisoned for a term of not more than one year, but may also be released from punishment.

Article 341
Participating in a Group Committing a Criminal Offence

(1) Whoever participates in a group which jointly causes the death of another or grievous bodily injury to another, commits arson, causes extensive damage to property or commits any

Comment [u92]: OG FBiH 42/10

other serious violence or attempts to commit any of these offences, shall be sentenced to a term of imprisonment of between three months and five years.

(2) Whoever organizes or directs in any way a group committing any offence under paragraph 1 of this article, shall be sentenced to a term of imprisonment of between one and ten years.

Article 342 **Organised Criminal Group**

Comment [u93]: OG FBiH 42/10- no relevance for eng version

(1) Unless a specific punishment is prescribed for a specific offence, whoever commits a criminal offence prescribed by the law of the Federation of Bosnia and Herzegovina as a member of an organized criminal group, shall be punished by a term of imprisonment of not less than three years.

Comment [u94]: OG FBiH 42/10- no relevance for eng version

(2) Unless a specific punishment is prescribed for a specific offence whoever as a member of an organized criminal group commits a criminal offence prescribed by the law of the Federation of Bosnia and Herzegovina, for which punishment of a term of imprisonment of three five years or more may be imposed,

Comment [u95]: OG FBiH 42/10- no relevance for eng version

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

Comment [u96]: OG FBiH 42/10

(3) Whoever organizes or directs at any level an organized criminal group which jointly commits or attempts to commit any criminal offence prescribed by the law of the Federation of Bosnia and Herzegovina, shall be punished by a term of imprisonment of not less than ten years or by long-term imprisonment.

Comment [u97]: OG FBiH 42/10- no relevance for eng version

(4) Unless a specific punishment is prescribed for a specific offence whoever joins an organized criminal group which jointly commits or attempts to commit any criminal offence prescribed by the law of the Federation of Bosnia and Herzegovina, unless a specific punishment is foreseen for a particular criminal offence, shall be punished by a term of imprisonment of not less than one year.

Comment [u98]: OG FBiH 42/10- no relevance for eng version

(5) A member of an organized criminal group under paragraphs 1 through 4 of this article, who reveals the existence of the group, may be released from punishment.

Comment [u99]: OG FBiH 42/10- no relevance for eng version

Article 343 **Manufacturing and Procuring Weapons and Instruments for the Purpose of Committing a Criminal Offence**

(1) Whoever manufactures, procures or facilitates the obtaining by another of weapons, explosive substances, toxic agents or materials necessary for their manufacture knowing they are to be used in the commission of a criminal offence shall be punished by a term of imprisonment of between three months and five years.

(2) Whoever creates or provides another with a false key, picklock or some other means for burglary knowing it is designed for the commission of a criminal offence, shall be punished by a term of imprisonment of not more than one year.

Article 344 **Failure to Report the Preparation of Criminal Offence**

(1) Whoever, knowing of continuing preparations to commit a criminal offence punishable by a term of imprisonment of three years or more by the law of the Federation of Bosnia and Herzegovina, fails to report the same at a time when the commission of the offence may be prevented, and the offence is committed or attempted, shall be punished by a term of imprisonment of not more than one year.

(2) Whoever fails to report any preparation to commit a criminal offence punishable by long-term imprisonment, shall be punished by a term of imprisonment of between six months and five years.

(3) No punishment for failing to report any preparation to commit a criminal offence under paragraphs 1 and 2 of this article shall be imposed on a person if that person is the offender's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child, the spouse or co-habiting partner of the offender's first-line blood relative, brother or sister, adoptive parent or adopted child, defence attorney, doctor or the confessional priest.

Article 345

Failure to Report a Criminal Offence or Offender

(1) Whoever, knowing the identity of someone committing a criminal offence punishable by long term imprisonment under statute, or whoever, knowing of the commission of such an offence, fails to report the same where detection of the offender or the offence is dependent upon such a report, shall be fined or punished by a term of imprisonment of not more than three years.

(2) The punishment under paragraph 1 of this article shall also be imposed upon an officer or responsible person who fails to report a criminal offence punishable by a term of imprisonment of five years or more which s/he has discovered in the course of her/his duties.

(3) No punishment for failure to report any of the criminal offences under paragraphs 1 and 2 of this article shall be imposed upon a person if that person is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child and their spouses or cohabiting partners, or defence lawyer, medical doctor or confessional priest of the offender.

(4) A doctor of medicine, dentist, midwife, medical worker, psychologist, notary public and social worker shall be liable for any of the offences under paragraphs 1 and 2 of this article if the offence was in respect of a child or juvenile.

Article 346

Accessory After the Fact

(1) Whoever harbours a person who has committed a criminal offence punishable by a term of imprisonment of a maximum three years, or aids her/him to avoid detection by concealing articles or the traces of an offence, or in some other way, or whoever harbours a convicted person or acts so as to prevent the execution of punishment, security measures or correctional measures against another or the confinement of another to a correctional institution, shall be punished by a term of imprisonment of not more than one year .

(2) Whoever renders any assistance under paragraph 1 of this article to a person having committed a criminal offence punishable by a term of imprisonment of five years or more, shall be punished by a term of imprisonment of between six months and five years.

(3) Whoever renders any assistance under paragraph 1 of this article to a person having committed a criminal offence punishable with long-term imprisonment, shall be punished by a term of imprisonment of between one and ten years.

(4) The punishment imposed for any of the offences under paragraphs 1 to 3 of this article may not exceed the punishment prescribed for the offence in respect of which the accessory after the fact has occurred.

(5) The punishment for any offence under paragraphs 1 to 3 of this article shall not be imposed upon anyone who is the offender's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child, the spouse of the offender's first-line blood relative, brother or sister, adoptive parent or adopted child, defence attorney, doctor or confessional priest.

Article 347 False Report

(1) Whoever, knowing that a person is not guilty, reports that person as having committed a criminal offence prescribed by the laws of the Federation of Bosnia and Herzegovina, shall be punished by a term of imprisonment of between six months and five years.

(2) The punishment under paragraph 1 of this article shall also be imposed on a person who fabricates evidence of a criminal offence or in some other way causes the institution of a prosecution for a criminal offence prescribed by the laws of the Federation of Bosnia and Herzegovina against another person whom s/he knows not to have committed an offence.

(3) Whoever charges her/himself with the commission of a criminal offence prescribed by the laws of the Federation of Bosnia and Herzegovina, although not guilty of criminal offence, shall be fined or punished by a term of imprisonment of not more than six months.

(4) The punishment under Paragraph 3 of this Article shall be imposed on anyone who reports a criminal offence prescribed by the laws of the Federation of Bosnia and Herzegovina although s/he knows that such offence has not been committed.

Article 348 Making a False Statement

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

(2) The punishment under paragraph 1 of this article shall be imposed on any person who gives false testimony in the hearing of a civil action or administrative proceedings in the Federation of Bosnia and Herzegovina, and the decision is based on such testimony.

(3) Where the false statement is made in the course of criminal proceedings in the Federation of Bosnia and Herzegovina, the offender shall be punished by a term of imprisonment of between six months and five years.

(4) Where there are exceptionally serious consequences for the accused as a result of an offence under paragraph 3 of this article,

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the offender shall be punished by a term of imprisonment of between one and ten years.

(5) If the offender voluntarily withdraws his false statement before the finally binding decision has been given,

s/he shall be fined or punished by a term of imprisonment of not more than six months, and may be released from punishment.

Article 349 Falsifying Evidence

(1) Whoever makes a witness or an expert witness give false testimony at a trial, in minor offence proceedings or in any administrative proceedings in the Federation of Bosnia and Herzegovina as a result of a threat or any other form of force or in return for the promise of a gift or some other benefit,

shall be punished by a term of imprisonment of six months and five years.

(2) Whoever, with the intention of preventing or impairing the gathering of evidence at trial, in minor offence proceedings or any administrative proceedings in the Federation of Bosnia and Herzegovina, conceals, destroys, damages or renders unusable property or documents belonging to another which may be used as evidence,

shall be fined or punished by a term of imprisonment of not more than three years.

(3) The punishment under paragraph 1 of this article shall be imposed on anyone who, with the intention of preventing or making significantly more difficult the presentation of evidence in court, minor offence proceedings or in administrative proceedings in the Federation of Bosnia and Herzegovina, removes, destroys, defaces, moves or dislocates a boundary marker, geodetic mark or any other marker designed to demarcate the ownership of real property or the right to use water, or who with the same intention places a marker in a way which is misleading.

Article 350 Breach of Confidentiality of Proceedings

Whoever without authority discloses information received in the course of proceedings in court or in the course of administrative or criminal proceedings in the Federation of Bosnia and Herzegovina, which must not be disclosed according to the law or has been deemed confidential by the relevant authority in the Federation of Bosnia and Herzegovina, shall be fined or punished by a term of imprisonment of not more than three years.

Article 351 Failure to Enforce or Comply with a Judgment of the Court

(1) Any responsible person in any government body or in any legal body or any other institution in the Federation of Bosnia and Herzegovina who fails to comply with the finally binding judgment of a court in the Federation of Bosnia and Herzegovina, shall be fined or sentenced to a maximum of three years' imprisonment.

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(2) The punishment under paragraph 1 of this article shall be imposed on a responsible person, who is obliged to, but refuses to enforce a decision of the Human Rights Chamber of the Federation of Bosnia and Herzegovina or the decision of the Constitutional Court of the Federation of Bosnia and Herzegovina.

(3) Where a serious breach of the right of another or extensive damage to property occurs as a result of any offence under paragraphs 1 and 2 of this article, the offender shall be sentenced to a term of imprisonment of between one and five years.

Article 352 **Disclosure of Identity of a Protected Witness**

A judge of the court in the Federation of Bosnia and Herzegovina or other official person who having heard the evidence of a protected witness in criminal proceedings conducted pursuant to the law of the Federation of Bosnia and Herzegovina, who discloses to an unauthorized person details of the identity of a protected witness, shall be punished by a term of imprisonment of between six months and five years.

Article 353 **Breach of Court Order on the Prohibition on the Performance of Certain Activities**

Whoever, knowing that another has been prohibited by the court from performing her/his work, engagements or other duties or any specific duties or is prohibited from doing so by reason of a lawful conviction, allows that person to perform any of those activities or duties, shall be fined or punished by a term of imprisonment of not more than one year.

Article 354 **Riot by Detained Persons**

(1) Whoever is lawfully detained and who associates with other lawfully detained persons with the intention of escaping by force or of jointly attacking a guard, or force or threatens to force a guard to do or not to do something that is contrary to duty, shall be sentenced to a maximum of three years of imprisonment.

(2) Where a person is seriously injured or extensive damage to property occurs as a result of an offence under paragraph 1 of this article, the offender shall be sentenced to a term of imprisonment of between one and ten years.

(3) Where the death of one or more persons results from an offence under paragraph 1 of this article, the offender shall be sentenced to a term of imprisonment of between one and twelve years.

Article 355 **Escape of a Detained Person**

Whoever, by force or by directly threatening the life or safety of another, escapes from a correctional institution or prison, shall be sentenced to a term of imprisonment term of between three months to five years.

Article 356
Facilitating the Escape of a Detained Person

(1) Whoever by force or threat of force, deceit or otherwise facilitates the escape of a person in lawful detention,

shall be punished by a term of imprisonment of between three months and five years.

(2) Where any offence under paragraph 1 of this Article is committed jointly by several persons,

each offender shall be punished by a term of imprisonment of between one and eight years.

Article 357
Breach of Law by a Judge

A judge of the Constitutional Court of the Federation of Bosnia and Herzegovina or of a court of the Federation of Bosnia and Herzegovina or of the Human Rights Chamber, who, with the intention of benefiting or harming the interests of another, gives an unlawful judgment or otherwise breaks the law,

shall be punished by imprisonment for a term between six months and five years.

CHAPTER THIRTY
CRIMINAL OFFENCES AGAINST PUBLIC ORDER AND LEGAL
TRANSACTIONS

Article 358
Obstructing an Official in the Execution of His Official Duty

(1) Whoever by force or the threat of immediate use of force prevents an official from carrying out or compels him to carry out any official duty within the remit of her/his powers, shall be punished by a term of imprisonment of between three months and ~~three~~ **five** years.

(2) Where in the course of committing a criminal offence under paragraph 1 of this article an offender insults or abuses the official, or if s/he inflicts upon the official minor bodily injury, or if the offence under paragraph 1 of this article are committed with a threat of use of weapons,

he shall be punished by a term of imprisonment of between six months and three years.

(3) Whoever commits an offence under paragraphs 1 and 2 of this article towards a judge or a prosecutor, or an official engaged in performing duties of public security in the Federation of BiH security or of maintaining public order, or apprehending offenders or guarding detained persons,

shall be punished by a term of imprisonment term of between ~~three months and five~~ **one and ten** years.

(4) Whoever commits any of the offences under paragraphs 1 to 3 of this Article having been provoked by any unlawful or harsh treatment by the official, s/he may be released from punishment.

Article 359

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Comment [u100]: OG FBiH 42/10

Comment [HS101]: OG FBiH 46/16

Comment [u102]: OG FBiH 42/10

Attacking an Official in the Execution of Security Duties

(1) Whoever attacks or seriously threatens to attack a judge or a prosecutor, or an official or a person assisting an official in the execution of duties related to the public security or security of the Federation of Bosnia and Herzegovina, or duties related to the maintenance of public order,

Comment [HS103]: OG FBiH 46/16

shall be punished by a term of imprisonment of between three months and three years.

(2) Where in the course of the commission of an offence under paragraph 1 of this article, minor bodily injury is inflicted upon the official or upon her/his assistant, or if an offender under paragraph 1 of this article threatens to use a weapon,

the offender shall be punished by a term of imprisonment of between six months and five years.

(3) Where in the course of the commission of an offence under paragraph 1 of this article, a severe bodily injury has been inflicted upon the official or upon the person assisting her/him, the offender shall be punished by a term of imprisonment of between one and ten years.

(4) Whoever commits any offence under paragraphs 1 to 3 of this article having been provoked by the unlawful or harsh treatment by an official or her/his assistant, may be released from the punishment.

Article 359a

Coercion of a Judicial Official

(1) Whoever coerces a judge or a prosecutor to do, not to do or to tolerate something, using force or a serious threat, shall be punished by imprisonment for a term of two years.

(2) Whoever commits the offence referred to in Paragraph (1) of this Article by threatening to cause death, grievous bodily harm, abduction or as a part of an organized crime group, shall be punished by imprisonment for a term of six months to five years.

Comment [HS104]: OG FBiH 46/16

Article 360

Participation in a Group Obstructing an Official in the Execution of Her/His Official Duty

(1) Whoever participates in a group which jointly obstructs or attempts to obstruct an official in the execution of her/his official duty, or compels an official to carry out her/his official duty,

shall be punished by a term of imprisonment of not more than three years.

(2) Whoever organizes or in any way directs a group committing an offence under paragraph 1 of this article,

shall be punished by a term of imprisonment of between one and five years.

Article 361

Organizing Resistance

(1) Whoever organizes or incites others to resist forcibly the execution of any lawful decision or measure issued by a competent body or to resist an official in the execution of her/his duty, shall be fined or punished by a term of imprisonment of not more than three years.

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(In case of any issue regarding authenticity of text or translation, the local language version shall prevail) 124

(2) Where a failure to execute a lawful decision or measure of a competent body occurs as a result of an offence under paragraph 1 of this article, or their execution is made significantly difficult, the offender shall be sentenced to a term of imprisonment of between three months and three years.

(3) Whoever organizes or in any way directs a group which committing an offence under paragraph 1 of this article, shall be sentenced to a term of imprisonment of between six months and five years.

Article 362 **Violent Behaviour**

(1) Whoever harshly insults, abuses, or commits an act of violence against another, provokes a fight or otherwise behaves in particularly insolent or arrogant manner and thereby disturbs public peace,

shall be punished by a term of imprisonment of between three months and three years.

(2) Where an offence under paragraphs 1 of this article are committed by two or more persons, or if members of the public are seriously insulted, or if a minor bodily injury is inflicted upon another in the course of the offence,

the offender shall be punished by a term of imprisonment of between six months and five years.

Article 363 **Unauthorized Control of a Radio or Television Station and Violation of the Public Peace**

(1) Whoever in breach of regulations on communication systems and without authority takes controls of a radio or television station or operates a radio or TV station, shall be fined or sentenced to a maximum of one year's imprisonment.

(2) Whoever in serious breach of the professional code of conduct for media workers and journalists uses provocative and hateful language which incites violence, national and ethnic conflict and thereby endangers public peace and order, shall be fined or sentenced to a maximum of three years of imprisonment.

Article 364 **Unauthorized Performance of Certain Activity**

Whoever without permission performs a certain activity for cash reward, where there is a legal requirement to obtain permission to do so from the relevant authority, shall be fined or sentenced up to a maximum of one year's imprisonment.

Article 365 **Failure to Participate in Averting Public Danger**

Whoever in breach of an order issued by the relevant authority and without reasonable excuse refuses to participate in averting a danger of fire, flood or similar, shall be fined or punished by a term of imprisonment of not more than six months.

Article 366

Unofficially consolidated by Halisa Skopljak

(In case of any issue regarding authenticity of text or translation, the local language version shall prevail)

Removing or Damaging an Official Seal or Sign

Whoever removes or damages an official seal or sign applied by an authorized official for the purpose of safe-keeping particular items or premises, or whoever without removing or damaging the sign enters such premises, shall be punished by a term of imprisonment of between three months and three years.

Article 367 Removing or Destroying Official Seal or Official Files

Whoever unlawfully removes, conceals, destroys, damages or in some other way renders useless an official seal, book, file or document belonging to or in the possession of an institution of the Federation of Bosnia and Herzegovina or another legal person performing public functions, shall be punished by a term of imprisonment of not more than three years.

Article 368 Destroying or Concealing Archive Materials

Whoever destroys, conceals or renders useless archive materials, or takes them out of the country without obtaining the prior consent of the relevant authority, shall be punished with a term of imprisonment of between three months and three years.

Article 369 Impersonation

- (1) Whoever falsely claims to be an official or a military person, or without authority wears any insignia of an official or a military officer, with a view to obtaining a benefit for her/himself or another, or to cause damage to a third person, shall be fined or punished by a term of imprisonment of not more than one year.
- (2) The punishment under paragraph 1 of this article shall also be imposed on anyone performing an activity which only a designated official or a military official is authorized to perform.

Article 370 Vigilantism

- (1) Whoever uses force or the serious threat of force in the exercise of a right or a right s/he believes s/he has, shall be fined or punished by term of imprisonment of not more than six months.
- (2) Whoever commits an offence under paragraph 1 of this article acting as a member of group formed with the intention of committing that offence, shall be punished by a term of imprisonment of between three months and three years.

Article 371 Illegal Possession of Weapons or Explosive Substances

(1) Whoever without authority manufactures, remodels, sells, procures or exchanges any firearms, ammunition or explosive substances, or whoever without authority possesses any firearms, ammunition or explosive substances which private individuals are forbidden to obtain,

shall be punished by term of imprisonment for a maximum term of three years.

(2) Where an offence under paragraph 1 of this article involves a large quantity of firearms, ammunition or explosive substances,

the offender shall be punished by a term of imprisonment of between one and ten years.

(3) Where an offender voluntarily surrenders articles under paragraph 1 of this article to the competent body, s/he may be punished leniently.

Article 372

Abuse of Emergency and Warning Signals

Whoever misuses an emergency or warning signal, or makes a groundless call for help with the intention of alerting state bodies or fire-fighters to take action, or with the intention of stopping traffic, shall be fined or punished by a term of imprisonment of not more than six months.

Article 373

Forging Documents

(1) Whoever creates a false document or alters a genuine document for the purpose of using it as being genuine, or whoever uses a false or altered document as being genuine, shall be fined or punished by a term of imprisonment of not more than three years.

(2) Where an offence under paragraph 1 of this article are committed in respect of a public document, will, bill of exchange, cheque, public or official record or any other record maintained under a legal requirement ,

the offender shall be punished by a term of imprisonment of between three months and five years.

Article 374

Special Cases of Forging Documents

A person shall be deemed to have committed an act of forging documents, and subject to punishment under Article 373 (Forging Documents) of this Code if:

a) s/he, without authority, completes a document, form or some other file containing a statement that creates legal relations which has already been signed by another person;

b) s/he deceives another person as to the content of a certain document and if the other person signs the document believing that s/he is signing a document of another kind or with some other content;

c) s/he issues a document on behalf of another person without authority or on behalf of a person who does not exist;

d) s/he issues a document falsely claiming by her/ his signature to hold a certain position, title or rank, and this substantially affects the weight of the evidence of the document.

e) s/he drafts a document and without authority uses a genuine seal or mark.

Article 375
Certification of False Matter

(1) Whoever misleads a competent body into certifying any false matter in a public document, register or book, which has the purpose of providing evidence in legal transactions,

shall be punished by a term of imprisonment of between three months and five years.

(2) The punishment under paragraph 1 of this article shall be imposed on those who use a document, register or book knowing it to be false.

Article 376
Issuing or Using a False Medical or Veterinary Health Certificate

(1) A doctor of medicine, dentist or veterinary surgeon who issues medical or veterinary health certificate knowing it to be false,

shall be punished by a term of imprisonment of not more than one year.

(2) Whoever uses a medical or veterinary health certificate knowing it to be false, shall be fined or punished by a term of imprisonment of not more than six months.

Article 377
Unauthorized Legal Services

Whoever, without the prescribed professional training and authority, and for reward renders legal services,

shall be fined or punished by a term of imprisonment of not more than one year.

Article 378
Disturbing Religious Services

(1) Whoever disturbs or prevents the performance of religious ceremonies, shall be fined or punished by a term of imprisonment of not more than one year.

(2) Whoever commits an offence under paragraph 1 of this article by the use of force or the serious threat of use of force,

shall be punished by a term of imprisonment of between three months and three years.

Article 379
Defiling a Grave or a Corpse

(1) Whoever without authority digs over, demolishes, damages or defiles a grave or another place of interment,

shall be fined or punished by a term of imprisonment of not more than one year.

(2) Whoever without authority excavates, removes, damages, destroys or hides a corpse or a part thereof, or the ashes of the deceased, or defiles a corpse, shall be fined or sentenced to up to a maximum of two years' imprisonment.

CHAPTER THIRTY ONE
CRIMINAL OFFENCES OF BRIBERY AND OFFENCES AGAINST OFFICIAL DUTIES OR OTHER DUTIES OF RESPONSIBILITY

Article 380
Accepting Gifts and Other Forms of Benefits

(1) An official or responsible person in the institutions of the Federation of Bosnia and Herzegovina including a diplomatic official *or an arbitrator or a lay judge* who demands or accepts a gift or any other benefit **for himself or another person** or who accepts the promise of a gift or a benefit **for himself or another person** in order to perform ~~in the course of~~ *during* her/his ~~official duties~~ *term in office* an act, which ought not to be performed by him, or not to perform an act, which ought to be performed by her/him *or who intercedes in such bribery of an official or a responsible person*,

Comment [HS105]: OG FBiH 46/16

Comment [HS106]: OG FBiH 42/10

Comment [HS107]: OG FBiH 46/16

Comment [HS108]: OG FBiH 46/16

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

(2) An official or responsible person in the institutions of the Federation of Bosnia and Herzegovina including a diplomatic official *or an arbitrator or a lay judge*, who demands or accepts a gift or any other benefit **for himself or another person** in order that s/he performs ~~in the course of~~ *during* her/his ~~official duties~~ *term in office* an act, which ought to be performed by him, or not to perform an act, which ought not to be performed by him/her *or who intercedes in such bribery of an official or a responsible person*,

Comment [HS109]: OG FBiH 46/16

Comment [HS110]: OG FBiH 42/10

Comment [HS111]: OG FBiH 46/16

Comment [HS112]: OG FBiH 46/16

shall be punished by a term of imprisonment of between six months and five years.

(3) The punishment under paragraph 2 of this article shall be imposed on an official or responsible person in the institutions of the Federation of Bosnia and Herzegovina including also a diplomatic official *or an arbitrator or a lay judge*, who demands or accepts a gift or any other benefit **for himself or another person** following the performance or omission of an official duty under paragraphs 1 and 2 of this article.

Comment [HS113]: OG FBiH 46/16

Comment [HS114]: OG FBiH 42/10

(4) The gifts or any other benefits shall be subject to forfeiture.

Article 381
Giving Gifts and Other Forms of Benefits

(1) Whoever gives or promises a gift or any other benefit to an official or responsible person in the institutions of the Federation of Bosnia and Herzegovina including a diplomatic official *or an arbitrator or a lay judge*, in order that s/he performs, ~~during in the course of~~ *during* her/his ~~official duties~~ *term in office*, an act which ought not to be performed by him, or abstains from performing an act which s/he ought to perform, or whoever mediates in the bribing of the official or responsible person,

Comment [HS115]: OG FBiH 46/16

Comment [HS116]: OG FBiH 46/16

shall be punished by a term of imprisonment of between six months and five years.

(2) Whoever gives or promises a gift or any other benefit to an official or responsible person in the institutions of the Federation of Bosnia and Herzegovina including a diplomatic official *or an arbitrator or a lay judge*, in order that s/he performs, ~~in the course of~~ *during* her/his ~~official duties~~ *term in office*, an act, which s/he ought to perform, or abstains from performing an act, which s/he ought not to perform,

Comment [HS117]: OG FBiH 46/16

Comment [HS118]: OG FBiH 46/16

shall be fined or punished by a term of imprisonment of not more than three years.

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(In case of any issue regarding authenticity of text or translation, the local language version shall prevail)

(3) Whoever having committed an offence under paragraphs 1 and 2 of this Article by giving a bribe at the request of an official or responsible person in the institutions of the Federation of Bosnia and Herzegovina including also a diplomatic official *or an arbitrator or a lay judge*, reports the offence before it has been discovered or before knowing that the offence has been discovered, may be released from punishment.

Comment [HS119]: OG FBiH 46/16

(4) The gifts or any other benefits shall be subject to forfeiture, while in a case under paragraph 3 of this article, they may be returned to the donor.

Article 382

Unlawful Intervention

~~(1) Whoever accepts a reward or any other benefit in return for intervening, by using her/his office or influence in the institutions of the Federation of Bosnia and Herzegovina, so that an official duty is or is not performed,~~

~~shall be a fined or punished by a term of imprisonment of not more than three years.~~

~~(2) Whoever by using her/his office or influence position in the institutions of the Federation of Bosnia and Herzegovina, intervenes so that an official duty which ought not to be performed is performed, or that an official duty which ought to be performed is not performed,~~

~~shall be punished by a term of imprisonment of between six months and five years.~~

~~(3) Where a reward or any other benefit is received in return for an offence under paragraph 2 of this article, the offender shall be punished by a term of imprisonment of between one and ten years.~~

~~(4) The received gift or any other benefits shall be forfeited.~~

Comment [u120]: OG FBiH 42/10

Accepting Reward or Other Form of Benefit for Illegal Interceding

(1) Whoever indirectly or directly requests or receives or accepts a reward or any other benefit or a promise of a reward or any other benefit for him/herself or another, taking advantage of his/her real or assumed official or social or influential position or any other status, intercedes so that an official or responsible person in the institutions of the Federation of Bosnia and Herzegovina or a foreign official person or an arbitrator or a lay judge performs or abstains from performing an official or any other action, shall be punished by imprisonment of six months to five years.

(2) Whoever intercedes by using his/her official or social or influential position or other status so that an official or responsible person in the institutions of the Federation of Bosnia and Herzegovina or a foreign official person or an arbitrator or a lay judge performs or abstains from performing an official or any other action, shall be punished by imprisonment of one to eight years.

(3) If the perpetrator has requested or received or accepted a reward or other form of benefit for him/herself or another for commission of a crime referred to in Paragraph (2) of this Article, he/she shall be punished by imprisonment of one to ten years.

(4) Any received reward or other benefit shall be confiscated.

Article 382a

Offering Reward or Other Form of Benefit for Illegal Interceding

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(In case of any issue regarding authenticity of text or translation, the local language version shall prevail)

(1) Whoever indirectly or directly gives or offers or promises a reward or any other benefit to a person with official or social or influential position or any other status to intercede so that an official or responsible person in the institutions of the Federation of Bosnia and Herzegovina or a foreign official person or arbitrator or lay judge performs or abstains from performing an official or any other action, shall be punished by imprisonment of six months to five years.

(2) Whoever indirectly or directly, at a request of a person with official or social or influential position or any other status, commits a crime referred to in Paragraph (1) of this Article and reports the crime before it is discovered or before finding out that the crime has been discovered may be exonerated of punishment.

(3) Any received reward or some other benefit shall be confiscated, whilst in case referred to in Paragraph (2) of this Article it may be returned to the person who gave the reward or any other benefit.

Comment [HS121]: OG FBiH 46/16

Article 383 Abuse of Office or Official Authority

(1) An official or responsible person in the Federation of Bosnia and Herzegovina institutions who, by taking advantage of his office or official authority, exceeds the limits of his official authority or fails to execute his official duty to the benefit of himself or another person, causes damage to another or seriously infringes rights of another, shall be punished by a term of imprisonment of between six months and five years.

(2) Where any material gain obtained in the course of the commission of an offence under paragraph 1 of this article is more than BAM 10,000.00, the offender shall be punished by a term of imprisonment of between one and ten years.

(3) Where any material gain obtained in the course of the commission of an offence under paragraph 1 of this article is more than BAM 50,000.00, the offender shall be punished by a term of imprisonment of not less than three years.

(4) The acquired benefits shall be forfeited.

Comment [u122]: OG FBiH 42/10

Article 384 Embezzlement in Office

(1) Whoever, with the intention of acquiring an unlawful material gain for himself or another, appropriates money, securities or other movables entrusted to her/him by virtue of her/his office or generally in her/his position within the institutions of the Federation of Bosnia and Herzegovina, shall be punished by a term of imprisonment of between six months and five years.

(2) Where any material gain acquired in the course of the commission of any offence under paragraph 1 of this article is more than BAM 10,000.00, the offender shall be punished by a term of imprisonment of between one and ten years.

(3) Where any material gain acquired in the course of the commission of an offence under paragraph 1 of this article is more than BAM 50,000.00, the offender shall be punished by a term of imprisonment of not less than three years.

(4) The money, securities or other movables and the acquired material gain shall be forfeited

Comment [u123]: OG FBiH 42/10

Article 385 Fraud in Office

(1) An official or responsible person in the institutions of the Federation of Bosnia and Herzegovina, who, with the intention of acquiring an unlawful material gain for her/himself or another, submits false accounts or otherwise deceives an authorized person into making an illegal disbursement,

shall be punished by a term of imprisonment of six months and five years.

(2) Where any material gain acquired in the course of the commission of an offence under paragraph 1 of this article is more than BAM 10,000.00,

the offender shall be punished by a term of imprisonment of between one and ten years.

(3) Where any material gain acquired in the course of the commission of an offence under paragraph 1 of this article is more than BAM 50,000.00,

the offender shall be punished by a term of imprisonment of not less than three years.

(4) The acquired material gain shall be forfeited.

Comment [u124]: OG FBiH 42/10

Article 386 Unauthorized Use of Official Property

Whoever makes an unauthorized use of money, securities or other movables entrusted to her/him by virtue of her/his office or general service in the institutions of Bosnia and Herzegovina generally or without authority passes the same to another for unauthorized use, shall be punished by a term of imprisonment of between six months and five years.

Article 387 Unconscientious Behaviour in Office

(1) An official or responsible person in the institutions of the Federation of Bosnia and Herzegovina, who, by knowingly breaching the law or other regulations or general provisions, fails to exercise due supervision or in any other way manifestly acts in a clearly unconscientious manner in the performance of her/his official duties, which results in a serious breach of the rights of another or damage to property the value of which is more than BAM 1,000.00,

shall be ~~fined or punished by a term of imprisonment of not more than three years~~ **punished by imprisonment between three months and five years.**

Comment [u125]: OG FBiH 42/10

(2) If a serious breach of the rights of another or damage to property of more than BAM 10,000.00 occurs as a result of any offence under paragraph 1 of this article, the offender shall be punished by a term of imprisonment of between ~~six months and five~~ **one and ten** years.

Comment [u126]: OG FBiH 42/10

Article 388

Disclosure of an Official Secret

(1) An official or responsible person in the institutions of the Federation of Bosnia and Herzegovina, who, without authority communicates, conveys or otherwise discloses to another person information which constitutes an official secret, or who obtains such information with the intention of conveying it to an unauthorized person, shall be punished by a term of imprisonment of between six months and five years.

(2) The punishment under paragraph 1 of this article shall be imposed on whoever, with the intention of making the unauthorized use of such information, avails himself unlawfully of the information as an official secret or who without permission discloses such information.

(3) Where an offence under paragraph 1 of this article is committed for gain or in respect of a highly confidential information or for the purpose of disclosing or using the information outside the Federation of Bosnia and Herzegovina, the offender shall be punished by a term of imprisonment of between one and ten years.

(4) An official or responsible person in the institutions of the Federation of Bosnia and Herzegovina, who commits a criminal offence under paragraph 1 of this article through negligence, shall be fined or punished by a term of imprisonment of not more than three years.

(5) Whoever with the intention of making public irregularities in the organisation, performance or management of her/his official duties, discloses or facilitates the disclosure of an official secret of the institutions of the Federation of Bosnia and Herzegovina, the subject of which is contrary to the constitutional provisions of the Federation of Bosnia and Herzegovina, shall commit no offence under paragraph 2 of this article provided that the disclosure has no substantial prejudicial consequences for the Federation Bosnia and Herzegovina.

(6) The provisions under paragraphs 1 to 4 of this article shall also apply to a person who has disclosed an official secret after her/his duties as an official or responsible person in the institutions of the Federation of Bosnia and Herzegovina has ceased.

Article 389 Forging an Official Document

(1) An official or responsible person in the institutions of the Federation of Bosnia and Herzegovina who enters false data in an official or business document, record or file, or who fails to enter important data, or who by her/his signature or official seal certifies an official or business document, record or file containing false data, or who by her/his signature or official seal facilitates the drawing up of such documents, records or files containing false data, shall be punished by a term of imprisonment of between six months and five years.

(2) The punishment under paragraph 1 of this article shall be imposed on an official or responsible person in the institutions of the Federation of Bosnia and Herzegovina who, in the course of duty or business, uses a false official or business document, book or record as if authentic, or who destroys, conceals, substantially damages or otherwise renders useless any official or business document, record or file.

Article 390
Unlawful Collection and Disbursement

An official or responsible person in the institutions of the Federation of Bosnia and Herzegovina, who collects from another something which the latter is not obliged to pay, or is in excess of what the other is obliged to pay, or who delivers less or pays less than is required on delivery or payment, shall be fined or punished by a term of imprisonment of not more than three years.

Article 391
Unlawful Release of a Detainee

An official in the institutions of the Federation of Bosnia and Herzegovina, who unlawfully releases another in her/his detention, or who aids her/his escape, or facilitates any unlawful communication or correspondence the purpose of which is the preparation of an escape, shall be punished by a term of imprisonment of between ~~six months and five~~ **one and ten** years.

Comment [u127]: OG FBiH 42/10- no relevance for eng version

Comment [u128]: OG FBiH 42/10

Article 392
Unlawful Appropriation of Objects in the Course of Search or Execution of an Enforcement Order

An official in the institutions of the Federation of Bosnia and Herzegovina, who, in the course of a search of premises or persons, or while executing an enforcement order, takes a movable object with the purpose of obtaining unlawful material gain for her/himself or another, shall be punished by a term of imprisonment of between one and ten years.

CHAPTER THIRTY TWO
CRIMINAL OFFENCES AGAINST ELECTRONIC DATA PROCESSING SYSTEMS

Article 393
Damaging Computer Data and Programs

(1) Whoever damages, alters, deletes, destroys or otherwise renders useless or unavailable another's computer data or programs, shall be fined or sentenced to a maximum of one year's imprisonment.

(2) Whoever, in breach of security measures and without authority, accesses computer data or programs, or intercepts their transmission shall be fined or sentenced to a maximum of three years' imprisonment.

(3) The punishment under paragraph 2 of this article shall be imposed on anyone who disables or impairs the operation or use of computer systems, data, programs or communication.

(4) Where an offence under paragraphs 1 to 3 of this article are committed with respect of a computer system, data or program belonging to a government body, public service, public

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institution or business enterprise of special public interest or major material damage has occurred as a result, the offender shall be sentenced to a term of imprisonment of between three months and five years.

(5) Whoever without authority manufactures, purchases, sells, possesses or makes available to other people special devices, means, computer programs or data created for or adapted for the commission of any of the offences under paragraphs 1 to 3 of this article, shall be fined or sentenced to a maximum of three years' imprisonment.

(6) Any special devices, means, computer programs or data created, used or adapted for the purpose of commission of criminal offences which have been used to commit any of the offences under, paragraphs 1 to 3 of this article have been committed, shall be subject to forfeiture.

Article 394

Forging Computer Data and Programs

(1) Whoever, without authority, produces, enters, alters, deletes computer data or computer programs or renders which are of material value, or renders them useless with the intention of passing them off as true or of using them her/himself, shall be fined or sentenced to up to three years of imprisonment.

(2) Where an offence under paragraph 1 of this article is committed with respect of computer data or program belonging to a government body, public service, public institution or business enterprise or is of special public interest or significant material damage has occurred as a result, the offender shall be sentenced to a term of imprisonment of between three months and five years.

(3) Whoever without authority produces, purchases, sells, possesses or makes available to others special devices, means, computer programs or data created for or adapted for the commission of any of the offences under paragraphs 1 and 2 of this article, shall be fined or sentenced to a maximum of three years' imprisonment.

(4) Any special devices, devices, computer programs or data created, used or adapted in order to commit any of the offences under paragraphs 1 and 2 of this article have been committed, shall be subject to forfeiture.

Article 395

Computer Fraud

(1) Whoever without authority enters, damages, alters or conceals computer data or a computer program on in any other manner influences the result of the electronic data processing for the purposes of making an unlawful material gain for her/himself or another and thereby causes material damage, shall be sentenced to between six months and five years' imprisonment.

(2) Where the commission of an offence under paragraph 1 of this article results in a material gain of more than BAM 10,000.00,
the offender shall be punished by a term of imprisonment of between two and ten years.

(3) Where the commission of an offence under paragraph 1 of this article results in a material gain of more than BAM 50,000.00 KM,
the offender shall be punished by a term of imprisonment of between two and twelve years.

(4) Whoever commits an offence under paragraph 1 of this article with the intention of causing damage to another, shall be fined or sentenced to up to a maximum of three years' imprisonment.

Article 396
Disrupting a System or Network of Electronic Data Processing

Whoever by any unauthorized access causes a stoppage or disruption to a system or network of electronic data processing, shall be fined or sentenced to a maximum of three years' imprisonment.

Article 397
Unauthorized Access to Protected Electronic Data Processing Systems and Networks

(1) Whoever, without authority and in breach of protective measures, accesses a system or network of electronic data processing network, shall be fined or sentenced to a maximum of one year's imprisonment.

(2) Whoever uses data obtained in the manner under paragraph 1 of this article, shall be sentenced to a maximum of three years' imprisonment.

(3) Where serious consequences to others have occurred as a result of an offence under paragraph 2 of this article, the offender shall be sentenced to between six months and five years' imprisonment.

Article 398
Computer Sabotage

Whoever enters, alters, deletes or conceals computer data or computer program or in any other manner interferes with a computer system, or destroys or damages devices for the electronic data processing with the intention of disabling or significantly disrupting the process of electronic data processing vital to government bodies, public services, public institutions, trade companies and other legal body of special public interest, shall be sentenced to between one and eight years of imprisonment.

~~CHAPTER THIRTY THREE~~
~~CRIMINAL OFFENCES AGAINST THE ARMED FORCES OF THE FEDERATION~~

~~Article 399~~
~~Failure and Refusal to Execute an Order~~

~~(1) A military officer who fails or refuses to execute an order of a superior given in the line of duty, and result of which operations become impossibility or operations are seriously impaired, or there is a threat to life or extensive damage to property~~

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shall be punished by a term of imprisonment of not more than five years.

(2) A military officer who disobeys, fails to comply with or refuses to execute the order of a guard, patrolman, officer on duty, or other military personnel acting in the course of duty, shall be punished by a term of imprisonment of not more than one year.

(3) Whoever is provoked to commit an offence under paragraph 1 and 2 of this article by the unlawful or insulting behaviour of a superior officer, guard, patrolman, officer on duty or other military personnel, may be punished with leniency or released from punishment.

Article 400

Refusal to Receive or Use Arms

(1) A military officer who, in breach of regulations and without reasonable excuse, refuses to receive arms or to use the same as ordered or pursuant to the rules of service, shall be punished by a term of imprisonment of between one and five years.

(2) A conscript who without reasonable excuse refuses to receive arms from a relevant authority in connection with his service in the reserve armed forces, shall be sentenced to between three months and three years' imprisonment.

(3) No offence under paragraphs 1 and 2 of this article shall be committed if the person in question is a military officer or a conscript who has been granted the lawful status of conscientious objector.

Article 401

Resisting a Superior Officer

(1) A military officer who together with other military officers resists an order of a superior officer given in the line of duty and disobeys the same, or refuses to discharge their duty, shall be punished by a term of imprisonment of between three months and five years.

(2) Whoever, in the course of committing an offence under paragraphs 1 of this article, uses arms, s/he shall be punished by a term of imprisonment of between one and ten years.

(3) The punishment under paragraph 2 of this article shall be imposed on whoever organizes or in any way directs the commission of an offence under paragraph 1 of this article, or on a superior officer participating in such an offence.

(4) Whoever commits an offence under paragraph 1 of this article having been provoked by the unlawful or insulting behaviour of a superior officer, may be punished with leniency or released from punishment.

Article 402

Coercion of a Military Officer in the Execution of Her/His Duty

(1) Whoever, by force or the threat of immediate use of force, prevents a military officer in the execution of her/his official duties, or likewise compels the military person to execute his official duties, shall be punished by a term of imprisonment of not more than three years.

(2) Whoever commits an offence under paragraph 1 of this article by using a weapon or seriously offends, treats harshly or inflicts a slight bodily injury on military personnel, shall be punished by a term of imprisonment of between six months and five years.

~~(3) Whoever commits an offence under paragraph 1 of this article having been provoked by the unlawful or insulting behaviour of a military officer, may be punished with leniency or released from punishment.~~

Article 403

Assaulting a Military Officer in the Execution of Her/His Duty

~~(1) Whoever assaults or seriously threatens to assault a military officer in the execution of her/his duty,~~

~~shall be punished by a term of imprisonment of not more than three years.~~

~~(2) Where an offence under paragraph 1 of this article results in slight bodily injury to a military officer or if the offence are committed by weapon, the offender~~

~~shall be punished by a term of imprisonment of between three months and three years.~~

~~(3) If, as a result of an offence under paragraph 1 of this article, a military officer suffers grievous bodily injury or serious consequences for the duty occur, the offender shall be sentenced to a term of imprisonment of between one and ten years.~~

~~(4) An offender who kills a military officer intentionally during the commission of an offence under paragraph 1 of this article, shall be sentenced to a minimum of ten years' or long-term imprisonment.~~

~~(5) Whoever commits an offence under paragraph 1 of this article having been provoked by the unlawful or insulting behaviour of a military officer, may be punished with leniency or released from punishment.~~

Article 404

Abuse of a Subordinate or a Military Officer of Lower Rank

~~(1) A superior military officer who in the line of duty or in the course of duty abuses a subordinate or a person of lower military rank or treats her/him in a manner offensive to human dignity,~~

~~shall be punished by imprisonment for a maximum term of three years.~~

~~(2) Where an offence under paragraph 1 of this article is committed against more than one person,~~

~~the offender shall be punished by a term of imprisonment of not more than five years.~~

~~(3) Whoever commits an offence under paragraphs 1 and 2 of this article having been provoked by the unlawful or insulting behaviour of a military officer may be punished leniently or released from punishment.~~

Article 405

Breach of Sentry, Patrol or Other Similar Duty

~~(1) A military officer who breaches regulations concerning sentry, patrol, the role of a duty officer or other similar duty, and thereby threatens human life or property of a high value, shall be punished by a term of imprisonment of not more than one year.~~

~~(2) Where an offence under paragraph 1 of this article is committed at an arms or ammunition depots, at depots of explosive substances or other installations of great importance,~~

~~the offender shall be punished by a term of imprisonment of between three months and three years.~~

~~(3) Where any of the offences under paragraphs 1 and 2 of this article result in serious bodily injury, or major damage to property, or other serious consequences the offender shall be punished by a term of imprisonment of between six months and five years.~~

~~(4) Where any of the offences under paragraphs 1 and 2 of this article result in the death of a person, the offender shall be punished by a term of imprisonment between one and ten years.~~

~~(5) Where any of the offences set out in paragraphs 1 to 4 of this article have been committed through negligence, the offender shall be punished~~

~~a) for an offence under paragraph 1 with a sentence of imprisonment of not more than six months,~~

~~b) for an offence under paragraph 2 with a sentence of imprisonment of not more than one year,~~

~~e) for an offence under paragraph 3 with a sentence of imprisonment of not more than three years, and~~

~~d) for an offence under paragraph 4 with a sentence of imprisonment of not more than five years.~~

~~(6) Where an offence under paragraph 5 of this article results in any of the consequences under paragraphs 3 and 4 of this article,~~

~~the offender shall be punished by a term of imprisonment of between three months and five years.~~

Article 406

Submitting False Reports and Accounts

~~A military officer who, in the execution of her/his duty, submits a false report or gives a false account, or withholds facts which s/he ought to have disclosed in a report or an account, which results in a threat to human life or valuable property shall be fined or punished by a term of imprisonment of not more than one year.~~

Article 407

Failure to Carry out Measures for the Protection of a Military Unit

~~(1) A military officer who fails to carry out any orders or any other measures manifestly necessary for the protection of the lives and welfare of officers under her/his command; for the security and maintenance of installations, and defences; for ensuring the regular supply of her/his unit with food, equipment or material; for protecting the lives and welfare of livestock; for due and proper defence or protection of facilities under her/his command, and thereby risks human life or seriously risks human health or property of high value, shall be punished by a term of imprisonment of not more than three years.~~

~~(2) Where an offence under paragraph 1 of this article results in serious bodily injury, or extensive damage to property or other serious consequences,~~

~~the offender shall be punished by a term of imprisonment of between six months and five years.~~

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- ~~(3) Where an offence under paragraph 1 of this article results in the death of a person, the offender shall be punished by a term of imprisonment between one and ten years.~~
- ~~(4) Where an offence under paragraph 1 of this article has been committed through negligence, the offender shall be punished by a term of imprisonment of not more than one year.~~
- ~~(5) Where an offence under paragraphs 1 and 4 of this article results in a consequence set out in paragraph 2 of this article, the offender shall be punished by a term of imprisonment of not more than three years.~~
- ~~(6) Where an offence under paragraphs 1 and 4 of this Article results in consequence under Paragraph 3, the offender shall be punished by a term of imprisonment of not more than five years.~~

Article 408

Failure to Take Safety Measures in Military Exercises

- ~~(1) A military officer who fails to take any orders or measures which are manifestly necessary for ensuring the safety of any exercise, drill/training course, or test, and thereby risks human life or seriously risks human health or property of a high value, shall be punished by a term of imprisonment of not more than three years.~~
- ~~(2) Where an offence under paragraph 1 of this article results in serious bodily injury, or extensive damage to property or other serious consequences, the offender shall be punished by a term of imprisonment of between six months and five years.~~
- ~~(3) Where an offence under paragraph 1 of this article results in death the offender shall be punished by a term of imprisonment of between one and ten years.~~
- ~~(4) Where an offence under paragraph 1 of this article is committed through negligence, the offender shall be punished by a term of imprisonment of not more than one year.~~
- ~~(5) Where an offence under paragraph 4 of this article results in a consequence under paragraph 2 of this article, the offender shall be punished by a term of imprisonment of not more than three years,~~
- ~~(6) Where an offence under paragraphs 1 and 4 of this article has results in a consequence under paragraph 3, the offender shall be punished by a term of imprisonment of not more than five years.~~

Article 409

Non-compliance with a Summons and Evasion of Military Service

- ~~(1) Whoever in spite of an individual summons or general call up and without reasonable excuse, does not report at the designated time for conscription, assignment in the time of war/compulsory military service, drill or any other military duty, shall be fined or punished by a term of imprisonment of not more than one year.~~
- ~~(2) Whoever in spite of an individual summons or general call up hides with the intention of evading any obligation under paragraph 1 of this article, shall be sentenced to a term of imprisonment of between three months and three years.~~
- ~~(3) Whoever absconds abroad or remains abroad with the intention of evading recruitment, military service, drill or any other military duty, shall be punished by a term of imprisonment of between six months and five years.~~

Comment [u129]: OG FBiH 21/04- no relevance for eng version

Comment [u130]: OG FBiH 21/04- no relevance for eng version

~~(4) Whoever having committed any offence under paragraphs 1 to 3 of this article voluntarily reports to the military authorities of the Federation of Bosnia and Herzegovina may be punished with leniency or released from punishment.~~

Article 410

~~Evasion of Military Service by Deceit or Self-inflicted Injury~~

~~(1) Whoever, with the intention of evading military service or being assigned to an easier duty, injures or otherwise temporarily disables himself, or fakes illness or uses a false document or commits some other act of deception~~

~~shall be punished by a term of imprisonment of not more than three years.~~

~~(2) Whoever, with or without the consent of another, inflicts a bodily injury on another or otherwise disables her/him with the intention that s/he may evade military service or some other military obligation, or with the same intention on behalf of another uses a false document or commits some other act of deception,~~

~~shall be punished by a term of imprisonment of between six months and five years.~~

~~(3) Where an offence under paragraph 2 of this article, results in a permanent disability the offender shall be punished by a term of imprisonment of between one and ten years.~~

Article 411

~~Unlawful Exemption from Military Service~~

~~Whoever, by abusing her/his of position or authority, causes the exemption of a military officer or a person subject to conscription from military service, or her/his assignment to an easier duty,~~

~~shall be punished by a term of imprisonment of between three months and three years.~~

Article 412

~~Deserting and Arbitrarily Leaving the Army~~

~~(1) A military officer who arbitrarily leaves her/his unit or service and fails to return on duty within ten days, or within the same period fails to return to duty from authorized leave from her/his unit or service, or a military officer who arbitrarily leaves her/his unit or service during the execution of an important mission or a period of increased level of readiness for battle;~~

~~shall be punished by a term of imprisonment of not more than one year.~~

~~(2) A military officer who hides in order to evade service in the armed forces,~~

~~shall be punished by a term of imprisonment of not more than three years.~~

~~(3) A military officer who absconds abroad or remains abroad in order to evade service in the armed forces,~~

~~shall be punished by a term of imprisonment of not more than five years.~~

~~(4) Whoever having committed an offence set out in paragraph 2 of this article and voluntarily reports to any body of the Federation of Bosnia and Herzegovina, may have her/his punishment reduced or may be released from punishment.~~

~~(5) Whoever, having committed an offence under paragraph 3 of this Article voluntarily reports to any body of the Federation of Bosnia and Herzegovina, may be punished with leniency or released from punishment.~~

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Article 413

Improper or Careless Maintenance of Arms, Ammunition and Explosives

Whoever at a military unit or establishment improperly or carelessly maintains, guards or handles arms, ammunition or explosives for which s/he is responsible — which results in substantial damage, destruction or disappearance of the same, shall be punished by a term of imprisonment of not more than one year.

Article 414

Unlawful Disposal of Arms

Whoever appropriates, pawns, gives another to use, damages or destroys arms, ammunition or explosives which have been given to him for use and which are for the purposes of defence, shall be punished by a term of imprisonment of between three months and five years.

Article 415

Disclosure of Military Secrets

(1) A military officer or other person who in breach of her/his duties regarding the keeping of a military secret communicates, gives or otherwise discloses to another information constituting a military secret, or whoever collects such information with the intention of disclosing it to an unauthorized person, shall be punished by a term of imprisonment of between three months and five years.

(2) Where an offence under paragraph 1 of this article has been committed for material gain, or if it involves especially confidential information, or has been committed with the intention of disclosing or using the information abroad, the offender shall be punished by a term of imprisonment of not less than one year.

(3) Where an offence under paragraph 1 of this article has been committed through negligence, the offender shall be punished by a term of imprisonment of not more than three years.

Article 416

Punishment for a Criminal Offence Committed During State of War or During State of an Imminent Threat of War

(1) Whoever, during a state of war or a state of an imminent threat of war, commits any of the offences under paragraph 2 of article 399 (Failure and Refusal to Execute an Order), paragraph 2 of Article 400 (Refusal to Receive and Use Arms), paragraphs 1 and 4 of Article 401 (Resisting a Superior Officer), paragraph 1 and 3 of Article 402 (Coercion of a Military Officer in the Execution of Her/His Duty), paragraph 1, 2 and 5 of Article 403 (Assaulting a Military Officer in the Execution of Her/His Duty), paragraph 1, 2 and 5 of Article 405 (Breach of Sentry, Patrol or Other Similar Duty), Article 406 (Submitting False Reports and Accounts), paragraphs 1, 4, 5 and 6 of Article 407 (Failure to Carry Out Measures for the Protection of a Military Unit), paragraphs 1, 4, 5 and 6 of Article 408 (Failure to Take Safety Measures in Military Exercises), paragraph 1 of Article 409 (Non compliance with a

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~~Summons and Evasion of Military Service), paragraph 1 of Article 410 (Evasion of Military Service by Deceit or Self-inflicted Injury), paragraphs 1 and 3 of Article 412 (Deserting and Arbitrarily Leaving the Army) and paragraph 3 of Article 415 (Disclosure of Military Secrets) of this Code, shall be sentenced to a term of imprisonment for a term of between one to ten years:~~

~~(2) Whoever, during a state of war or a state of an imminent threat of war, commits any of the offences under paragraph 2 of Article 402, paragraph 3 of Article 403, paragraphs 3 and 6 of Article 405, paragraphs 2 and 3 of Article 407, paragraphs 2 and 3 of Article 408, paragraph 2 of Article 410, Article 411 (Unlawful Exemption from Military Service), Article 413 (Improper or Careless Maintenance of Arms, Ammunition and Explosives), Article 414 (Unlawful Disposal Arms) and paragraph 1 of Article 415 of this Code, shall be sentenced to a minimum term of three years' imprisonment.~~

~~(3) Whoever, during a state of war or a state of an imminent threat of war, commits any of the offences under paragraph 1 of Article 399, paragraph 1 of Article 400, paragraphs 2 and 3 of Article 401, paragraph 4 of Article 403, paragraph 4 of Article 405, paragraphs 2 and 3 of Article 409, paragraph 3 of Article 410, paragraph 2 of Article 412 and paragraph 2 of Article 415 of this Code, shall be sentenced to a minimum ten of five years' imprisonment or long-term imprisonment.~~

Article 417

Pronouncing Disciplinary Penalties or Measures

~~Where criminal offences against the armed forces of the Federation of Bosnia and Herzegovina for which punishment of a term of imprisonment of not more than three years has been stipulated, in place of any criminal penalty a military officer may be subjected to disciplinary penalties or measures under internal army disciplinary regulations, provided that the offence is especially minor and it is in the interests of the service.~~

Article 418

Responsibility for Criminal Offences Committed on the Orders of Superior

~~No criminal offence shall occur where a subordinate officer executes the order of a superior officer given in the line of official duty, unless the order is directed towards committing a genocide, a war crime or any other criminal offence for which the sentence of a term of imprisonment of ten years or more may be imposed or if the officer in question knows that obeying the order constitutes a criminal offence.~~

Comment [u131]: OG FBiH 42/10

CHAPTER THIRTY FOUR TRANSITIONAL AND FINAL PROVISIONS

Article 419

Cessation of the Previous Code

On the day this Code comes into force, the Criminal Code of the Federation of Bosnia and Herzegovina (Official Gazette, no. 43/98, 2/99, 15/99, 29/00 and 59/02) shall cease to apply.

Article 420

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Obligation to Harmonize any Finally Binding Criminal Penalty

(1) Execution of any criminal penalty that is finally binding in accordance with the provisions of the criminal code under Article 419 (Cessation of the Previous Code) of this Code, the execution of which has not yet commenced or is not in force, shall be in accordance with the terms of any criminal offence and penalties set out in this Code.

(2) The harmonization of any criminal penalty which is finally binding under paragraph 1 of this article shall be undertaken by the court having issued the original decision. The harmonization shall be carried on ex officio within 30 days of the date of this Code coming into force.

Article 421 Entry into Force

This Code shall enter into force on 1 August 2003.