

NESLUŽBENI PRIJEVOD

**MINISTRY OF JUSTICE
REPUBLIC OF CROATIA**

CRIMINAL CODE

Zagreb, October 2004

GENERAL PART

CHAPTER ONE (i)

BASIC PROVISIONS

Basis and Limitation of Criminal Law Enforcement

Article 1

(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 Republic of Croatia and international law in such a manner that their protection could not be realized without criminal law enforcement.

(2) The prescribing of specific criminal offences, as well as the types and the range of criminal sanctions against their perpetrators, shall be based upon the necessity for criminal law enforcement and its proportionality with the degree and nature of the danger against personal liberties, human rights and other social values.

Principle of Legality

Article 2

- (1) Criminal offences and criminal sanctions may be prescribed only by statute.
- (2) No one shall be punished, and no criminal sanction shall be applied for conduct which did not constitute a criminal offence under a statute or international law at the time it was committed and for which the type and range of punishment by which the perpetrator can be punished has not been prescribed by statute.

Mandatory Application of More Lenient law

Article 3

- (1) The law in force at the time the criminal offence is committed shall be applied against the perpetrator.
- (2) If, after the criminal offence is committed, the law changes one or more times, the law that is more lenient to the perpetrator shall be applied.

Principle of Culpability

Article 4

No one shall be punished, and no criminal sanction shall be applied, unless the perpetrator is found culpable of the committed offence.

Types of Criminal Sanctions

Article 5

- (1) Criminal sanctions which may be prescribed by statute and applied against the perpetrator are: punishments, non-custodial sanctions (judicial admonition and suspended sentences), security measures and educational measures.
- (2) The duration of any type of criminal sanction shall be determined by statute and no criminal sanction shall be prescribed, pronounced or applied for an indefinite time.

General Purpose of Criminal Sanctions

Article 6

The general purpose of prescribing, pronouncing or applying criminal sanctions is that all citizens honour the legal system and that no one commits a criminal offence, and that perpetrators of criminal offences do not continue acting in a similar way in the future.

Limitations in Prescribing the Contents of Criminal Sanctions and their Application

Article 7

In determining the contents of criminal sanctions and the manner of their application, the freedoms and rights of the perpetrator of criminal offence shall be limited only to a degree corresponding to the type of the criminal sanction applied and its special purpose determined by the law, without causing corporal pain or mental suffering, inhuman or degrading treatment, while respecting human dignity and personality.

Institution of Criminal Proceedings

Article 8

- (1) Criminal Proceedings for criminal offences shall be instituted by the State Attorney's Office on his own motion in the interests of the Republic of Croatia and all its citizens.
- (2) Exceptionally, for certain criminal offences, it may be prescribed by statute that criminal proceedings shall be instituted by a private charge, or that the state Attorney's Office shall institute criminal proceedings following a motion.

Right to Rehabilitation

Article 9

The perpetrator sentenced by a final judgement, or to whom a non-custodial measure has been applied, or whose sentence has been remitted after certain period of time has passed and under conditions provided by law, shall have the right to be deemed a person who has not committed a criminal offence, and his rights and liberties shall not differ from the rights and liberties of persons who have not committed a criminal offence.

CHAPTER TWO (ii)

APPLICABILITY OF THE CRIMINAL LEGISLATION OF THE REPUBLIC OF CROATIA

Exclusion of Applying Criminal Legislation to Children

Article 10

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

Applicability of the Criminal Code to Young Perpetrators

Article 11

This Code shall apply to young perpetrators of criminal offences (juveniles and adolescents), unless a special statute on young perpetrators provides otherwise.

Applicability of General Part of the Criminal Code

Article 12

The provisions of the general part of this code shall apply to all criminal offences under this Code and any other statutes.

Applicability of Criminal Legislation to Criminal Offences Committed within the Territory of the Republic of Croatia, or Aboard its Vessel or Aircraft

Article 13

- (1) The criminal legislation of the Republic of Croatia shall apply to anyone who commits a criminal offence within its territory.

- (2) The criminal legislation of the Republic of Croatia shall also apply to anyone who commits a criminal offence aboard a domestic vessel, regardless of the location of such vessel at the time the criminal offence is committed.
- (3) The criminal legislation of the Republic of Croatia shall also apply to anyone who commits a criminal offence aboard a domestic civil aircraft while in flight, or a domestic military aircraft, regardless of the location of such an aircraft at the time the criminal offence is committed.

Applicability of Criminal Legislation to Criminal Offences Committed Outside the Territory of the Republic of Croatia

Article 14

The criminal legislation of the Republic of Croatia shall apply to anyone who, outside its territory, commits:

- any criminal offence against the Republic of Croatia provided for in Chapter (xii) of this Code;
 - the criminal offence of counterfeiting money and securities of the Republic of Croatia as defined in Articles 274 and 275 of this Code;
 - a criminal offence which the Republic of Croatia is bound to punish according to the provisions of international law and international treaties or intergovernmental agreements;
 - a criminal offence against a Croatian state official or a civil servant relating to his office.
- (2) **The criminal legislation of the Republic of Croatia shall be applied to a Croatian citizen who, outside the territory of the Republic of Croatia, commits a criminal offence other than those specified in paragraph 1 of this Article.**
 - (3) **The criminal legislation of the Republic of Croatia shall be applied to an alien who, outside the territory of the Republic of Croatia, commits a criminal offence against the Republic of Croatia or its citizens which is not specified in paragraph 1 of this Article.**
 - (4) **The criminal legislation of the Republic of Croatia shall be applied to an alien who, outside the territory of the Republic of Croatia, commits against a foreign state or another alien a criminal offence for which, under the law in force in the place of crime, a punishment of five years of imprisonment or a more severe penalty may be applied.**
 - (5) **In the cases referred to in paragraphs 2 and 3 of this article, the criminal legislation of the Republic of Croatia shall be applied only if the perpetrator of the criminal offence is found within the territory of the Republic of Croatia, or has been extradited to it, and in the case referred to in paragraph 4 of this Article, only if the perpetrator is found within the territory of the Republic of Croatia and is not extradited to another state.**

Particularities Regarding the Institution of criminal Proceedings for Criminal Offences Committed within the Territory of the Republic of Croatia

Article 15

- (1) When, in the case of the applicability of the criminal legislation of the Republic of Croatia pursuant to Article 13 of this Code, criminal proceedings have commenced or are terminated in a foreign state, criminal proceedings in the Republic of Croatia shall be instituted only upon approval of the State Attorney of the Republic of Croatia.
- (2) Exceptionally, when a final judgement of a state party to the Convention implementing the Schengen Agreement, according to which an imprisonment was served or is being served, or the serving is not possible according to the Act on Serving Prison Sentence, is related to a crime partially committed in the territory of that state, criminal proceedings in the Republic of Croatia may not be instituted even upon approval of the State Attorney of the Republic of Croatia."
- (3) When, in the case of the applicability of the criminal legislation of the Republic of Croatia pursuant to Article 13 of this Code, the perpetrator of a criminal offence is an alien, criminal proceedings may, under conditions of reciprocity, be ceded to the foreign state.
- (4) The decision on ceding criminal proceedings in the case referred to in paragraph 2 of this Article shall be passed by the State Attorney of the Republic of Croatia.

Particularities Regarding the Institution of Criminal proceedings for Criminal Offences Committed outside the Territory of the Republic of Croatia

Article 16

- (1) In the cases specified in article 14, paragraphs 2, 3 and 4 of this Code, criminal proceedings for the purpose of applying the criminal legislation of the Republic of Croatia shall not be instituted:
 - if the perpetrator has served in full the sentence imposed on him in a foreign state;
 - if the perpetrator has been acquitted by a final judgement in a foreign state, or if he has been pardoned, or if the statutory time limitation has expired under the law in force in the country of the perpetration;
 - if, under the law in force in the country of the perpetration, criminal proceedings may be instituted only upon a motion, a consent or a private charge of the person against whom the criminal offence had been committed, and such a motion was not made or a private charge was not brought, or the consent was not given.
- (2) If, in the cases specified in Article 14, paragraphs 2, 3 and 4 of this Code, such an act does not constitute a criminal offence under the law in force in the country of the perpetration, criminal proceedings may be constituted only upon the approval of the State Attorney of the Republic of Croatia.
- (3) In the case referred to in Article 14, paragraph 4 of this Code, when the committed act is not punishable under the law in force in the country in which it was committed but is deemed to be a criminal offence according to the general principles of law of the international community, the State Attorney of the Republic of Croatia may authorize the institution of criminal proceedings in the Republic of Croatia and the application of the criminal legislation of the Republic of Croatia.

Inclusion of the Time Spent in Pre-Trial Detention or Imprisonment in a Foreign State

Article 17

In the cases of the application of the criminal legislation of the Republic of Croatia, when the perpetrator has been deprived of his liberty in a foreign state due to a criminal offence, the time spent in pre-trial detention or imprisonment, or any other deprivation of liberty, shall be included in the sentence pronounced by the domestic court for the same criminal offence, and if the sentences are not of the same type, the inclusion shall be made in accordance with an equitable assessment of the court.

Non-applicability of Criminal Legislation Due to Passage of Time

Article 18

- (1) Due to the statute of limitations, the criminal legislation of the Republic of Croatia may not be applied after the period determined by this Code has elapsed from the time offence has been committed, the punishment pronounced or other criminal sanction ordered.
- (2) The non-applicability of the criminal legislation of the Republic of Croatia does not refer to the criminal offence of genocide, as referred to in Article 156, a war of aggression, as referred to in Article 157, crime against humanity referred to in the Article 157a, war crimes, as referred to in Articles 158, 159 and 160 of this Code, or other criminal offences which pursuant to international law are not subject to the statute of limitations.

Period Prescribed by Statutes of Limitation Regarding the Institution of Criminal Proceedings

Article 19

- (1) Except in the cases of the criminal offences specified in Article 18, paragraph 2 of this Code, criminal prosecution for the purposes of applying the criminal legislation of the Republic of Croatia shall not be instituted when the following time periods have elapsed since the perpetration of a criminal offence:
- twenty-five years in the case of a criminal offence for which a punishment of a long-term imprisonment is prescribed;
 - fifteen years in the case of a criminal offence for which a punishment of more than ten years of imprisonment is prescribed;
 - ten years in the case of a criminal offence for which a punishment of more than five years of imprisonment is prescribed;
 - five years in the case of a criminal offence for which a punishment of more than three years of imprisonment is prescribed;
 - three years in the case of a criminal offence for which a punishment of more than one year of imprisonment is prescribed;
 - two years in the case of a criminal offence for which a punishment of up to one year of imprisonment or a fine is prescribed;

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

***The Running and Interruption of the period prescribed by Statutes of Limitation
Regarding the Institution of Criminal Proceedings***

Article 20

(1) The period prescribed by statutes of limitation to institute criminal prosecution commences on the date the criminal offence was committed.

(2) The period prescribed by statutes of limitation shall not run during the time criminal prosecution, pursuant to the law, cannot be undertaken or continued.

(3) The running of the period prescribed by statutes of limitation is interrupted by each procedural action undertaken in order to institute criminal prosecution against the perpetrator for the commission of a criminal offence.

(4) The running of the period prescribed by statutes of limitation is also interrupted when the perpetrator commits an equally serious or a more serious criminal offence.

(5) After each interruption, the period prescribed by statutes of limitation commences anew.

(6) The period prescribed by statutes of limitation to institute criminal prosecution expires in any case when twice as much time lapses as is prescribed by the statutes of limitation for the initiation of criminal prosecution.

Period Prescribed by Statutes of Limitation to Execute Punishment

Article 21

Unless this Code prescribes otherwise, the imposed sentence cannot be executed as a result of the expiration of the statute of limitations when it exceeds:

- twenty-five years from the sentence of long-term imprisonment,
- fifteen years from the sentence of imprisonment exceeding ten years,
- ten years from the sentence of imprisonment exceeding five years,
- five years from the sentence of imprisonment exceeding three years,
- three years from the sentence of imprisonment exceeding one year,
- two years from the sentence of imprisonment up to one year, or of a fine as the principal or supplementary punishment.

Period Prescribed by Statutes of Limitation to Execute security Measures

Article 22

Unless this Code prescribes otherwise, a security measure cannot be executed after the expiration of the period of time for which the court has ordered such a measure.

The Running and Interruption of the Period Prescribed by statutes of Limitation to Execute Punishments and Security Measures

Article 23

- (1) The period prescribed by statutes of limitation to execute the punishment or security measures commences on the day of the final decision imposing the punishment or security measures. In the case of a revoked suspended sentence, the period of limitation for the execution of the sentence commences on the day of the final decision on revocation.
- (2) The period prescribed by statutes of limitation shall not run during the time the execution of the punishment or security measure cannot be commenced or continued pursuant to law.
- (3) This running of the period prescribed by statutes of limitation is interrupted by each act undertaken by the body competent for the execution of the punishment or security measure.
- (4) After each interruption, the period prescribed by statutes of limitation shall commence anew.
- (5) The period prescribed by statutes of imitation to execute the punishment and security measures shall expire in any case when twice as much time lapses as that prescribed by the statutory period of limitation for the execution.

Non-applicability of the Statutes of Limitation to the Execution of Punishment

Article 24

No statutory limitation shall apply to the execution of punishment pronounced to a perpetrator of the criminal offence of genocide as specified in article 156, of a war of aggression as specified in article 157, of crime against humanity as specified in the Article 157a, of command responsibility as specified in the Article 167a, of war crimes as specified in Articles 158, 159 and 160 of this Code, or of other criminal offences which, pursuant to international law, are not subject to the statute of limitations.

CHAPTER THREE (iii)

CRIMINAL OFFENCE

Manner of Perpetrating a Criminal Offence

Article 25

- (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 perpetrator, who is legally obligated to avert the consequence of a criminal offence defined by law, fails to do so, and such a failure to act is tantamount in its effect and significance to the perpetration of such an offence by an act.
- (3) The punishment of a perpetrator who commits a criminal offence by omission can be mitigated, except in the case of a criminal offence which can be committed only by failure to act.

Time of Perpetration of a Criminal Offence

Article 26

A criminal offence is committed at the time the perpetrator acts or ought to have acted, irrespective of the time when the consequence, which is a material element of the criminal offence, occurs.

Place of perpetration of a Criminal Offence

Article 27

- (1) A criminal offence is committed both at the place the perpetrator acts or ought to have acted, and at the place where the consequence, which is a material element of a criminal offence, fully or partially occurs or, in the case of a punishable attempt, ought to have occurred according to the perpetrator's expectation.
- (2) In the cases of complicity, the criminal offence 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 which is a material element of a criminal offence, ought to have occurred according to the expectation of the accomplice.

Insignificant Offence

Article 28

There shall be no criminal offence, although its material elements have been realized, if the offence is obviously insignificant with regard to the manner of the perpetrator's conduct, his culpability, and the incurred consequence to the protected good and the legal system.

Self-Defence

Article 29

- (1) There shall be no criminal offence when the perpetrator acts in self-defence.
- (2) Self-defence is a defence which is absolutely necessary for the perpetrator to avert an imminent or immediate unlawful attack on him or on another person.
- (3) If the perpetrator exceeds the limits of self-defence, the punishment can be mitigated, and if the excess occurs due to strong irritation or fright caused by the attack, the punishment can be remitted.

Necessity

Article 30

(1) There shall be no criminal offence when the perpetrator has acted in order to avert from himself or from another an imminent danger which could not have been averted in any other way, provided that in doing so a lesser harm was done than that which had been threatened.

(2) The perpetrator is not culpable if he has committed an illegal act in order to avert from himself or from another an imminent danger which could not have been averted in any other way, provided that in doing so the harm that is done is not disproportionately greater than that which had been threatened.

(3) If, in the case referred to in paragraph 2 of this Article, the perpetrator was avoidably mistaken about the circumstances which exclude culpability, he shall be punished for negligence if, for the committed offence, the Code prescribes punishment for negligence.

(4) The defence of necessity is not available if the perpetrator was obligated to expose himself to danger.

Coercion or Threat

Article 31

- (1) There shall be no criminal offence when the perpetrator acts under the influence of irresistible coercion.
- (2) If the perpetrator commits a criminal offence under resistible coercion or threat, the provisions of Article 30 of this Code shall apply, treating such coercion or threat as a danger for which the perpetrator is not personally responsible.

Lawful Use of Force

Article 32

There shall be no criminal offence when an authorized person uses force in accordance with the law.

Attempt **Article 33**

(1) Whoever intentionally commences to execute a criminal offence but does not consummate it shall be punished for the attempt only of a criminal offence for which a punishment of five years of imprisonment or a more serious penalty is prescribed by law, while the attempt of another criminal offence is punishable only if the law expressly provides for the punishment for an attempt.

(2) The perpetrator who attempts to commit a criminal offence shall be punished as if the offence had been completed, but the punishment can also be mitigated.

(3) If the perpetrator attempts to commit a criminal offence by means that are inappropriate to accomplish the ends sought, or against an object upon which a criminal offence could not have been committed, the court may remit the punishment.

Voluntary Abandonment

Article 34

- (1) If the perpetrator voluntarily abandons as execution of a punishable attempt, the court may remit the punishment.
- (2) The perpetrator abandons the execution of a punishable attempt if he voluntarily interrupts further execution of a commenced criminal offence, aware that, according to all circumstances, he could have completed the act, or, if after the completion of such an act, he prevents the occurrence of consequences.
- (3) In case of voluntary abandonment of execution of a criminal offence, the perpetrator shall be punished for those actions that constitute a separate criminal offence.

The Principal and Accomplices

Article 35

(1) The principal is a person who commits a criminal offence by his own act or omission or through another agent.

(2) Accomplices in the perpetration of a criminal offence are: the co-principals, the instigator and the aider or abettor.

(3) Co-principals of a criminal offence are two or more persons who, on the basis of a joint decision, commit a criminal offence in such a way that each of them participates in the perpetration or, in some other way, substantially contributes to the perpetration of a criminal offence.

(4) The instigator and aider or abettor are accomplices who, without control over the perpetration of a criminal offence, contribute to its perpetration by instigation or by aiding and abetting.

Punishment of Accomplices **Article 36**

(1) Each co-principal shall be liable in accordance with his intent or negligence, while the instigator and the aider and abettor shall be liable in accordance with their intent.

(2) The material or personal characteristics of the principal, which represent the material elements of a criminal offence or influence the severity of the prescribed punishment, shall also apply to accomplices.

(3) Strictly personal circumstances for which the law excludes culpability and allows for the remission or mitigation of punishment may apply only to the principal or accomplice to whom they pertain.

(4) The punishment of an accomplice who voluntarily prevents the perpetration of a criminal offence may be remitted.

Instigation

Article 37

(1) Whoever intentionally instigates another to commit a criminal offence shall be punished as if he himself committed it.

(2) Whoever intentionally instigates another to commit a criminal offence whose attempt is punishable shall be punished as for the attempt of such a criminal offence even if the offence itself has not been attempted.

(3) In the case of an inadvertent attempt of instigation, the court may remit the punishment of the instigator.

Aiding and Abetting **Article 38**

(1) Whoever intentionally aids and abets another in the perpetration of a criminal offence shall be punished as if he himself committed it, but the punishment may also be mitigated.

(2) The following shall in particular be deemed acts of aiding and abetting: giving advice or instructions on how to commit a criminal offence, providing the perpetrator with the means for the perpetration of a criminal offence, removing obstacles for the perpetration of a criminal offence, giving an advance promise to conceal the criminal offence, the perpetrator, or the means by which the criminal offence was committed, as well as concealing the traces of a criminal offence or the objects procured by the criminal offence.

CHAPTER FOUR (iv)

CULPABILITY

Elements of culpability

Article 39

A perpetrator is culpable of a criminal offence if at the time of the perpetration of a criminal offence he is mentally capable, acts with intent, or negligently, when the law prescribes punishment for these types of culpability, and if he is aware, or should and could have been aware, that his act is prohibited.

Mental Incapacity

Article 40

(1) A mentally incapable person shall not be culpable and no criminal sanction shall be imposed on such a person. A mentally incapable person may be placed in a psychiatric institution in accordance with the provisions of the Law on the Protection of Mentally Disturbed Persons.

(2) A mentally incapable person is one who at the time of the perpetration of a criminal act was incapable of understanding the significance of his conduct, or cannot control his will due to mental illness, temporary mental disorder, mental deficiency or some other severe mental disturbance.

Voluntary Intoxication

Article 41

A perpetrator who, due to the consumption of alcohol, narcotic drugs or other substances, culpably brings himself into a state in which he is incapable of understanding the significance of his conduct or of controlling his own will shall not be deemed mentally incapable if, at the time of bringing himself into such a state, his intent encompasses the offence committed, or if at this time he is negligent in regard to the offence, provided that the statute prescribes punishment for such a form of culpability as well.

Diminished Mental Capacity
Article 42

The punishment of a perpetrator may be mitigated if at the time of the perpetration of a criminal offence, due to a condition referred to in Article 40, paragraph 2 of this Code, the perpetrator was of diminished mental capacity, provided that the mental deficiency was not voluntarily produced.

Punishability for Intentional and Negligent Conduct
Article 43

(1) Only the intentional perpetration of a criminal offence is punishable, unless a statute expressly provides punishment for negligent conduct as well.

(2) A more severe punishment which the law prescribes for a more serious consequence resulting from a criminal offence shall be inflicted only when the perpetrator acted negligently with regard to such a consequence.

Intent
Article 44

(1) A criminal offence may be committed with direct (*dolus directus*) or indirect intent (*dolus eventualis*).

(2) The perpetrator acts with direct intent when he is aware of his conduct and desires its perpetration.

(3) The perpetrator acts with indirect intent when he is aware that he might commit an offence and accedes to it.

Negligence
Article 45

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

(2) The perpetrator acts with advertent negligence when he is aware that he might commit an offence but carelessly assumes that it will not occur, or that he will be able to prevent it from occurring.

(3) The perpetrator acts with inadvertent negligence when he is unaware that he might commit an offence, although under the circumstances and according to his personal characteristics he should and could have been aware of such a possibility.

Mistake of Law
Article 46

(1) The perpetrator who, for justified reasons, does not know and could not have known that the offence is prohibited shall not be culpable.

(2) If the mistake is avoidable, the punishment may be mitigated.

(3) A mistake shall be deemed avoidable if anyone, and thus also the perpetrator, could have easily grasped the unlawfulness of the conduct, or if the perpetrator was supposed to know the relevant regulation because of his profession, occupation or service.

Mistake of Fact

Article 47

(1) A perpetrator does not act intentionally if at the time of the perpetration of a criminal offence he is not aware of one of its material elements.

(2) If the perpetrator's mistake regarding the material elements of the criminal offence is due to his negligence, he shall be culpable insofar as the statute prescribes punishment for such an offence also when committed by negligence.

(3) There shall be no criminal offence, although the perpetrator intentionally realizes its material elements, if at the time of the perpetration of a criminal offence he mistakenly assumes that the circumstances exist, which, had they actually existed, would have rendered his conduct lawful.

(4) If the perpetrator is mistaken as to the claim of legal justification out of negligence, he shall be punished for the perpetration of a criminal offence, provided that the statute prescribes punishment for such an offence also when committed by negligence.

Article 48

Deleted.

CHAPTER FIVE (v)

PUNISHMENT AND SENTENCING

Types of Punishments

Article 49

(1) Perpetrators of criminal offences may be punished by fine or imprisonment.

(2) Imprisonment shall be imposed only as the principal punishment.

(3) A fine may be imposed both as the principal and a supplementary punishment.

(4) For criminal offences committed for personal gain, a fine may be imposed as a supplementary punishment, even when it is not prescribed by law, or when the law prescribes that the perpetrator is to be punished by imprisonment or by a fine, while the court pronounces imprisonment as the principal punishment.

The Purpose of Punishment

Article 50

By taking into consideration the general purpose of criminal sanctions, the purpose of inflicting punishment is to express the community's condemnation of a committed criminal offence, to deter the perpetrator from committing criminal offences in the future, to deter all others from committing criminal offences, and by the implementation of statutory punishments to increase the consciousness of citizens of the danger of criminal offences and of the fairness of punishing perpetrators.

Fine

Article 51

(1) A fine shall be prescribed and imposed according to the daily income of the person against whom it is imposed.

(2) A fine shall not be lower than ten daily incomes, or higher than the sum of three hundred daily incomes, except for criminal offences committed for personal gain when the maximum fine may amount to five hundred daily incomes.

(3) The court shall determine the period for the payment of the fine simultaneously with the assessment of the number of daily incomes. Taking such a number into consideration, the period for the payment shall neither be less than thirty days nor more than six months.

(4) When the perpetrator of a criminal offence does not realize any income, or when the determination of his income would considerably prolong the criminal proceedings the court shall take the average daily income in the Republic of Croatia as the daily income of the perpetrator.

(5) When the perpetrator of a criminal offence does not realize any income, but is the owner of property or property rights, the court shall determine the daily income by a free estimate in accordance with the value of such property or property rights.

(6) On the basis of the official data of the State Bureau of Statistics, the average daily income referred to in paragraph of this Article shall be determined and published by the Supreme Court of the Republic of Croatia every three months.

Substitution of Fine

Article 52

(1) The fine shall not be collected by force.

(2) When the fine is not paid in full or in part within the period determined in the judgment, 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 one daily income

is substituted by one day of imprisonment, with the proviso that the maximum duration of imprisonment, substituting the fine, shall not exceed twelve months.

(4) If the convict pays a part of the fine, the duration of imprisonment shall be reduced proportionally, and if he pays the fine in full, the execution of the penalty of imprisonment shall be suspended.

Imprisonment

Article 53

(1) Imprisonment may not be shorter than thirty days or longer than fifteen years.

(2) For the most serious and dangerous forms of criminal offences, imprisonment for a duration of twenty to forty years may exceptionally be prescribed (long-term imprisonment).

(3) Long-term imprisonment shall never be prescribed as the sole principal punishment for a specific criminal offence.

(4) Long-term imprisonment shall not be imposed on a perpetrator who, at the time of the perpetration of the criminal offence, has not reached the age of twenty-one years.

(5) The imprisonment of juveniles shall be imposed under the conditions prescribed by a special statute on young perpetrators of criminal offences. The imprisonment of juveniles is in its purpose, nature, duration and manner of execution a special penalty of deprivation of liberty.

(6) When imprisonment without a minimum duration and with a maximum duration of three years is prescribed for a criminal offence, together with such a penalty, a fine shall be prescribed as an alternative punishment.

(7) Imprisonment shall be assessed and imposed in full years and months, and in full days if its duration is up to three months. Long-term imprisonment shall be assessed and imposed only in full years.

Substitution of Imprisonment

Article 54

(1) When the court assesses and imposes imprisonment for the duration of up to six months, it may at the same time decide that such punishment, with the consent of the convict, 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 realize the purpose of punishment, and (at the same time) a non-custodial measure would not be sufficient to accomplish the general purpose of criminal sanctions.

(3) Community service shall be determined for a duration proportional to the

imposed imprisonment, from a minimum of ten to a maximum of sixty working days. The period for performing community service shall neither be shorter than one month nor longer than one year.

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

(5) When, upon the expiry of the determined period, the convict 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 replacement of imprisonment with community service may also be applied in the case of substituting a fine with imprisonment pursuant to Article 52, paragraph 3 of this Code, when such an imprisonment does not exceed six months.

(7) Placement in community service (the type and the place of work) shall be made by the agency for the execution of criminal sanctions, taking into consideration the capacities and the skills of the convicted person.

Conditional Release (Parole)

Article 55

(1) A person sentenced to imprisonment or long-term imprisonment may be released from the institution after having served at least one-half of the term or, exceptionally, after having served one-third of the term to which he has been sentenced, under the conditions determined in the Statute on the Execution of Criminal Sanctions.

(2) The court shall revoke the conditional release if the convict, while on conditional release, commits one or more criminal offences for which he is sentenced to a non-suspended sentence of imprisonment for six months.

A General Rule on the Selection of the Type and Range of Punishment

Article 56

(1) The selection of the type and the range of punishment of the perpetrator of a criminal offence shall be determined by the court, within the limits established by law for the committed criminal offence, and based on the degree of culpability and dangerousness of the offence, as well as the purpose of punishment.

(2) In determining the type and range of punishment which is to be applied, the court shall take into consideration all the circumstances which result in a less or more serious punishment for the perpetrator of a criminal offence (the mitigating or aggravating circumstances), in particular the following: the degree of culpability, motives for committing the criminal offence, the degree of peril or injury to the protected good, the circumstances under which the criminal offence was committed, the conditions in which

the perpetrator had lived prior to committing the criminal offence and his abidance by the laws, the circumstances he lives in and his conduct after the perpetration of the criminal offence, particularly his relation towards the injured person and his efforts to compensate for the damage caused by the criminal offence, as well as the totality of social and personal grounds which contributed to the perpetration of the criminal offence.

Mitigation of Punishment

Article 57

(1) The punishment prescribed by law for a criminal offence may be mitigated when the statute expressly prescribes so, or when the court holds that, in view of the existence of particularly obvious mitigating circumstances, the purpose of punishment may also be attained by a more lenient punishment.

(2) The limits of mitigation are the following:

- a) if, for a criminal offence, imprisonment for a maximum of three years or less is prescribed, regardless of the minimum duration, a fine may be imposed instead of imprisonment;
- b) if, for a criminal offence a minimum duration of imprisonment for one year or less, and a maximum of three years or more, is prescribed, the sentence may be reduced to the legal minimum of imprisonment;
- c) if, for a criminal offence, imprisonment for at least two years is prescribed, the sentence may be reduced to six months of imprisonment;
- d) if, for a criminal offence, imprisonment of at least three years or more is prescribed, the sentence may be reduced to one year of imprisonment.

Remission of Punishment

Article 58

(1) The court is obligated to remit the perpetrator of the punishment for a committed criminal offence when expressly provided by law.

(2) The court may remit the perpetrator of the punishment when the law provides for such a possibility.

(3) When the law provides for the possibility of remission of punishment, the court may impose a more lenient sentence and in doing so, it is not obligated to adhere to the limits prescribed by Article 57, paragraph 2 of this Code.

Special Cases of the Remission of Punishment for Criminal Offences Committed by Negligence

Article 59

The court may remit the perpetrator of the punishment if he commits a criminal offence by negligence in the following cases:

- a) if the consequences of the criminal offence affect the perpetrator so severely that the punishment is unnecessary to achieve its purpose, or
- b) if, immediately after the perpetration, the perpetrator makes efforts to eliminate or reduce the consequences of the offence and if he completely or substantially compensates for the damage caused by the offence.

Concurrently Adjudicated Criminal Offences
Article 60

(1) If the perpetrator, by one or more acts, commits several criminal offences adjudicated at the same time, the court shall, for each committed criminal offence, assess the punishment pursuant to the law, and shall then pronounce an aggregate sentence for all these offences.

(2) Taking into consideration the particularities of the repeater, as well as the mutual relationship of criminal offences regarding the manner and time of their perpetration, an aggregate sentence should achieve the objectives of a punishment. In determining the type and the range of an aggregate sentence, the court shall adhere to the following rules:

a) if, for one of the a concurrently adjudicated criminal offence, the court assesses a long-term imprisonment and for another or other criminal offences, imprisonment or a fine, the long-term imprisonment not reaching the sum total of individual sentences shall be pronounced,

b) if, for two or more concurrently adjudicated criminal offences, the court assesses long-term imprisonment, an aggregate sentence to forty years of imprisonment shall be pronounced,

c) if, for two or more concurrently adjudicated criminal offences, the court assesses imprisonment, the aggregate sentence of imprisonment must be longer than any individual sentence assessed, but shall neither reach the sum total of individual nor exceed fifteen years of imprisonment,

d) if, for two or more concurrently adjudicated criminal offences the court assesses imprisonment of more than ten years, it may pronounce an aggregate sentence of long-term imprisonment, which shall not reach the sum total of individual sentences,

(e) if, for each concurrently adjudicated criminal offences imprisonment of maximum three years is prescribed, the aggregate sentence shall not exceed eight years of imprisonment,

(f) if, for two or more concurrently adjudicated criminal offences, the court assesses fines, the aggregate fine shall not exceed the statutory maximum,

(g) if, for some concurrently adjudicated criminal offences, the court assesses

imprisonment and fines for others, it shall impose an aggregate sentence of imprisonment and an aggregate fine pursuant to the rules provided in this Article,

(h) if, for concurrently adjudicated criminal offences, the court assesses imprisonment and imprisonment for juveniles, it shall impose an aggregate sentence of imprisonment, pursuant to the rules from the paragraph 2 a) to 3).

Criminal Offence Arising Out of the Same Transaction
Article 61

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

(2) A criminal offence arises out of the same transaction when the perpetrator intentionally commits a number of identical criminal offences or offences of the same type against the same injured person in which the manner of perpetration, the temporal connection 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 statutory description, the court shall choose the type and the range of the sentence 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 sentence prescribed for the most serious of these offences.

***Selection of the Type and Range of Sentence
for a Convicted Person***
Article 62

(1) When a convict is tried for a criminal offence committed before beginning to serve a sentence as a result of a previous conviction, or for a criminal offence committed while serving imprisonment, life sentence or juvenile imprisonment, the court shall pronounce an aggregate sentence for all criminal offences, applying the provisions of Article 60 of this Code, taking the previously assessed sentence as already fixed. The sentence, or the part of the sentence which the convict has already served, shall be included in the pronounced aggregate sentence.

(2) When a convict is tried for a criminal offence committed while serving a sentence of imprisonment, long-term imprisonment or juvenile imprisonment, and, if the remaining period to be served on the basis of the previously pronounced sentence cannot achieve the purpose of punishment, the court shall not apply the provisions of paragraph 1 of this Article, but shall determine the type and the range of punishment for the new criminal offence irrespective of the previously pronounced sentence.

(3) When a convict, while serving imprisonment, life sentence or juvenile imprisonment, commits a criminal offence for which a statutory sentence of up to one year of imprisonment or a lesser sentence is prescribed, a disciplinary measure shall be applied.

Inclusion of Pre-Trial Detention and a Previously Served Sentence
Article 63

(1) The time spent in pre-trial detention, as well as any other deprivation of liberty due to a criminal offence, shall be included in the pronounced sentence of imprisonment, long-term imprisonment, juvenile imprisonment or a fine.

(2) Imprisonment, a fine, or a ticket fine for a misdemeanour shall be included in the sentence for a criminal offence if the description of such an offence corresponds to the misdemeanour for which the sentence is pronounced.

(3) The inclusion pursuant to the provisions of this Article means equating one day of pre-trial detention, one day of imprisonment, one day of long-term imprisonment or juvenile imprisonment or a fine equivalent to one daily income, with one day of the punishment for the criminal offence. One day of detainment, a fine or a ticket fine pronounced for the misdemeanour shall be equated with one day of imprisonment, pursuant to the provisions of the Misdemeanour Act.

CHAPTER SIX (vi)

NON-CUSTODIAL MEASURES

Types of Non-Custodial Measures
Article 64

Non-custodial measures are: admonition and suspended sentence.

The Purpose of Non-Custodial Measures
Article 65

(1) The purpose of admonition is to give the perpetrator of a criminal offence a reprimand when, considering all the circumstances regarding the offence and the perpetrator, a punishment does not need to be inflicted to achieve the purpose of criminal sanctions.

(2) The purpose of a suspended sanction is to give the perpetrator a reprimand which achieves the purpose of criminal sanctions by pronouncing a sentence without executing it.

Admonition
Article 66

(1) An admonition is a criminal sanction which can be applied as a non-custodial measure to the perpetrator of a criminal offence for which a punishment of imprisonment of up to one year or a fine is prescribed if, according to the perpetrator's manner of acting, his culpability and the caused consequence, the offence is of an especially light character, and when, considering all the circumstances regarding the perpetrator and particularly his relationship towards the injured person and the compensation for damage, the conditions

for the attainment of the purpose of non-custodial measures without punishment are fulfilled.

(2) For a criminal offence for which imprisonment of up to three years or a fine is prescribed, the statute may provide for the application of admonition when other conditions specified in paragraph 1 of this Article are fulfilled.

(3) Admonition may also be applied for concurrently adjudicated criminal offences, if for each offence the conditions specified in paragraphs 1 and 2 of this Article are fulfilled.

Suspended Sentence

Article 67

(1) A suspended sentence is a criminal sanction which, as a non-custodial measure, consists of the pronounced punishment and the term within which such a punishment shall not be executed under other conditions prescribed by statute.

(2) The court may apply a suspended sentence when it establishes that even without the execution of the punishment the realization of the purpose of punishment can be expected, particularly taking into account the relationship of the perpetrator towards the injured person and the compensation for the damage caused by the criminal offence.

(3) A suspended sentence may be applied to the perpetrator of a criminal offence for which the statute prescribes the imprisonment of up to five years and for criminal offences for which the imprisonment of up to ten years is prescribed, if the provisions of mitigation of the punishment have been applied.

(4) A suspended sentence may be applied to the perpetrator of a criminal offence as specified in paragraph 3 of this Article when the court, by determining the type and the range of the punishment, pronounces imprisonment not exceeding two years or a fine, either for a single offence or for concurrently adjudicated offences.

(5) A suspended sentence shall postpone the execution of the pronounced punishment for a period of time which cannot be shorter than one or longer than five years, and such time shall be assessed in full years only.

(6) When under conditions of this Code, both imprisonment and a fine are pronounced, the court may decide to postpone only the execution of imprisonment.

Obligations of the Person under Suspended Sentence

Article 68

(1) Together with imposing a suspended sentence, the court may order the following obligations: that the perpetrator of a criminal offence shall compensate for the damage he caused, that he restitutes the gain acquired by the offence, or that he fulfils

other statutory obligations regarding the perpetration of the offence.

(2) The period for the fulfilment of an obligation referred to in paragraph 1 of this Article shall be determined by the court within the assessed period of probation.

Revocation of Suspended Sentence **Article 69**

(1) The court shall revoke a suspended sentence and order the execution of the pronounced punishment if the convicted person, within the period of probation, commits one or more criminal offences for which the court has imposed imprisonment of two years or a more serious punishment.

(2) The court may revoke a suspended sentence and order the execution of the pronounced punishment if the convicted person, within the period of probation, commits one or more criminal offences for which the court has imposed imprisonment of up to two years or a fine.

(3) When, in the cases referred to in paragraphs 1 and 2 of this Article, the court revokes a suspended sentence and orders the execution of the pronounced punishment; it shall act pursuant to the provisions of this Code on the assessment of punishment for the concurrently adjudicated offences.

(4) When the court does not revoke a suspended sentence (paragraph 2), it may for the new criminal offence impose a punishment or a suspended sentence. If it imposes a suspended sentence, both the previously pronounced and the newly pronounced punishment shall be treated pursuant to the provisions of this Code on the assessment of punishment for the concurrently adjudicated offences, but a new term within which such an aggregate punishment will be suspended shall be determined.

(5) The court shall revoke a suspended sentence and order the execution of the pronounced punishment if the convicted person, within the course of the probation period, does not fulfil the obligations imposed on him in cases where he could have fulfilled them. In the case of the impossibility of fulfilling the obligations, the court may replace such obligations with others, or relieve the convicted person of the obligations.

(6) The court shall revoke a suspended sentence when, after its imposition, it finds that the person under a suspended sentence has previously committed a criminal offences, if it deems that the conditions required for the application of a non-custodial measure would not have existed had this criminal offence been known. Both the pronounced punishment in the case of revocation of a suspended sentence and the punishment for the previously committed criminal offence shall be treated pursuant to the provision of paragraph 3 of this Article. If the court does not revoke a suspended sentence, it shall act pursuant to the provision of paragraph 4 of this Article.

(7) Regardless of the reasons for revocation, a suspended sentence may be revoked not later than one year after the expiry of the probation period.

A Suspended Sentence with Supervision
Article 70

(1) When the conditions to impose a suspended sentence exist but the circumstances in which the perpetrator lives and his personality suggest that he needs assistance, protection or supervision in order to fulfil the obligation not to commit another criminal offence within the period of probation, the court may impose a suspended sentence with supervision.

(2) The supervision shall be performed by experts of a governmental body - responsible for the execution of criminal sanctions.

(3) The supervision may last throughout the period of probation, but may also, by court order, be cancelled sooner if the requirements for assistance, protection and supervision have ceased to exist.

Special Obligations Accompanying Supervision
Article 71

When pronouncing a suspended sentence with supervision, the court may, beside the obligations specified in Article 68 of this Code, order the perpetrator to fulfil one or more obligations during the probation period, such as:

- a) to undertake vocational training for a certain profession which he chooses with the professional assistance of a probation officer;
- b) to accept the employment which corresponds to his professional qualifications, skills and actual abilities to perform the working tasks suggested or offered to him by a probation officer;
- c) to dispose of his income in accordance with the needs of persons he is bound to provide for under law and in accordance with advice offered by the probation officer;
- d) to undergo medical treatment necessary to eliminate physical or mental - disorders which may induce the perpetration of a new criminal offence;
- e) to undergo alcohol and drug rehabilitation in a medical institutions or a therapy community,
- f) participation in the process of psychosocial therapy in specialized institutions within the framework of competent state bodies in order to eliminate violent behaviour,

g) to avoid visiting certain places, bars and events which could offer an opportunity and motive to commit another criminal offence;

h) to regularly keep in touch with the probation officer so as to be able to report on the circumstances which could induce the perpetration of another criminal offence.

Revocation of a Suspended Sentence with Supervision

Article 72

In the case of revocation of a suspended sentence with supervision, the provisions of this Code on the revocation of a suspended sentence shall apply, with the proviso that special obligations accompanying supervision shall be treated in the same way as any other obligations accompanying a suspended sentence (Article 69, paragraph 5).

CHAPTER SEVEN (vii)

SECURITY MEASURES

Types of Security Measures

Article 73

Security measures are: compulsory psychiatric treatment, compulsory treatment of addiction, prohibition to engage in a profession, activity or duty, prohibition to drive a motor vehicle, expulsion of aliens and forfeiture.

The Purpose of Security Measures

Article 74

The purpose of security measures is to eliminate the conditions which enable or encourage the perpetration of another criminal offence.

Compulsory Psychiatric Treatment

Article 75

(1) The security measure of compulsory psychiatric treatment may be applied only to a perpetrator who commits a criminal offence in a state of diminished mental capacity, if there is a danger that the causes of such a state may in the future also induce the perpetration of another criminal offence.

(2) The security measure of compulsory 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 compulsory psychiatric treatment shall last until the termination of the reasons for which it has been ordered, but in any event no longer than the punishment of imprisonment, the expiry of the probation period accompanying a suspended sentence,

and the completion of community service. In any of the above cases, the compulsory psychiatric treatment may not exceed three years.

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

(5) The perpetrator of a criminal offence who does not submit himself to psychiatric treatment while serving a suspended sentence and does not fulfil the obligations accompanying this non-custodial measure, may be treated pursuant to the provision of Article 69, paragraph 5 of this Code.

(6) As in the case referred to in Article 54, paragraph 5 of this Code, the execution of imprisonment may be ordered against the perpetrator of a criminal offence who, while performing community service as a substitute to imprisonment, fails to submit himself to compulsory psychiatric treatment.

Compulsory Treatment of Addiction **Article 76**

(1) The security measure of the compulsory treatment for addiction may be ordered for a perpetrator who commits a criminal offence under the decisive influence of addiction to alcohol or to narcotic drugs if there is a danger that due to such an addiction he will repeat the offence.

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

(3) The perpetrator of a criminal offence who does not submit himself to the compulsory treatment for addiction while under a suspended sentence and who does not fulfil the obligations accompanying this non-custodial measure shall be treated pursuant to the provision of Article 69, paragraph 5 of this Code.

(4) As in the case referred to in Article 54, paragraph 5 of this Code, the execution of imprisonment shall be ruled against the perpetrator of a criminal offence who does not submit himself to the compulsory treatment for addiction while performing community service.

Prohibition to Engage in a Profession, Activity or Duty **Article 77**

(1) The security measure of prohibition to engage in a profession, activity or duty may be ordered against a perpetrator who commits a criminal offence in carrying out his profession, activity or duty if there is a danger that such a role could induce the perpetration of another criminal offence through the abuse of the profession, activity or duty.

(2) The security measure of prohibition to engage in a profession, activity or duty shall be ordered for a period which may not be shorter than one or longer than five years, counting from the date the judgment becomes final, with the proviso that the time served in prison will not be included.

(3) The provisions of Article 54, paragraph 5 and Article 69, paragraph 5 of this Code shall be applied against the perpetrator of a criminal offence who is prohibited to engage in a profession, activity or duty while performing community service or serving a suspended sentence if he does not act in accordance with such a prohibition.

Prohibition to Operate a Motor Vehicle **Article 78**

(1) The security measure of prohibition to operate a motor vehicle shall be ordered against the perpetrator of a criminal offence against traffic safety if there is a danger that by operating a motor vehicle he will commit such a criminal offence again.

(2) Under the conditions provided for in paragraph 1 of this Article, the prohibition to operate a motor vehicle shall apply either to a specific type or to all types of motor vehicles.

(3) The security measure of prohibition to operate a motor vehicle shall be ordered for a period which may not be shorter than one or longer than five years, counting from the date the judgment becomes final, with the provision that the time served in prison shall not be included.

(4) The provisions of Article 54, paragraph 5 and Article 69, paragraph 5 of this Code shall be applied against the perpetrator of a criminal offence who is prohibited to operate a motor vehicle while performing community service or serving a suspended sentence if he does not act in accordance with such a prohibition.

Expulsion of an Alien **Article 79**

(1) The security measure of expulsion of an alien may be ordered against a perpetrator of a criminal offence who is not a citizen of the Republic of Croatia, provided that there is a danger that he will commit a criminal offence.

(2) The security measure of expulsion of an alien shall be ordered for a period which shall not be shorter than one or longer than ten years, counting from the date the judgment becomes final, with the proviso that the time served in prison shall not be included.

(3) Against the perpetrator of a criminal offence for which long-term imprisonment is prescribed, the security measure of expulsion may be ordered for life.

Forfeiture

Article 80

(1) The security measure of forfeiture may be ordered with regard to an object which was designed for, or used in, the perpetration of a criminal offence, or came into being by the perpetration of a criminal offence, when there is a danger that the object will be used again for the perpetration of a criminal offence or when the purpose of protecting the public safety or moral reasons make the forfeiture of such an object seem absolutely necessary.

(2) The implementation of this security measure does not affect the right of redress of third persons from the perpetrator.

(3) In certain cases, the law may prescribe mandatory forfeiture.

Inclusion of Protective Measures Imposed for Contraventions

Article 81

Protective measures applied for contraventions against the perpetrator of a criminal offence which in their substance correspond to the security measures referred to in this Chapter of the Code shall be included in the security measure ordered for a criminal offence whose description corresponds to the offence for which the measure was ordered.

CHAPTER EIGHT (viii)

CONFISCATION OF PECUNIARY GAIN, PUBLIC ANNOUNCEMENT OF JUDGMENT, LEGAL CONSEQUENCES OF CONVICTION, REHABILITATION, AMNESTY AND PARDON

Confiscation of Pecuniary Gain Acquired by a Criminal Offence

Article 82

(1) No one shall keep any pecuniary gain acquired as a result of a criminal offence.

(2) The confiscation of a pecuniary gain shall be ordered by a court decision establishing that a criminal offence has been committed. If it is impossible to seize in full or in part the pecuniary gain consisting of money, securities or objects, the court shall obligate the perpetrator of the criminal offence to pay the equivalent sum of money.

(3) The pecuniary gain shall also be confiscated if it is in possession of a third party on any legal ground and it has not been acquired in good faith.

(4) The injured party who, in the course of criminal proceedings, or within the

maximum time-limit of three months after the final decision on the forfeiture of objects, wishes to realize his right in regard to the forfeited pecuniary gain through a claim for indemnification or a civil action, shall have the right to reimbursement within a period of three months after the decision regarding his right.

Public Announcement of the Judgment
Article 83

(1) In a judgment pronouncing the perpetrator culpable of a criminal offence committed through public media, the court may order that such a judgment be publicly announced at the cost of the perpetrator.

(2) By ordering the means, the time, the manner and other circumstances of the public announcement of the judgment, the court shall ensure that these circumstances correspond to the circumstances of the publication of the matter by which the criminal offence was committed.

Legal Consequences of Conviction
Article 84

(1) The legal consequences of conviction for a committed criminal offence may be prescribed only by statute.

(1) The legal consequences that may be prescribed are the following:

- termination of employment,
- termination of the performance of certain jobs in governmental bodies or prohibition of being engaged in such jobs,
- deprivation of military rank,
- deprivation of state decorations and awards.

(3) The legal consequences shall become effective only if the perpetrator of an intentional criminal offence is sentenced to imprisonment of a minimum of one year, and provided that a suspended sentence has not been ordered.

(4) The legal consequences shall become effective on the day the judgment establishing the perpetration of a criminal offence and the pronouncement of the sentence pursuant to paragraphs 1 and 3 of this Article becomes final.

(5) The prohibition to take a government job shall expire five years after the legal consequences have become effective.

Rehabilitation
Article 85

(1) After the punishment of imprisonment, long-term imprisonment or imprisonment of juveniles has been served, remitted, or purged by the statute of

limitations, the convicted persons shall exercise all citizens' rights determined by the Constitution, statute or other legal provisions and shall acquire all the rights other than those that are limited as a result of a security measure or a legal consequence of the conviction.

(2) The provision of paragraph 1 of this Article shall also apply to the perpetrator of a criminal offence against whom a non-custodial measure was ordered or whose sentence was remitted.

(3) The provision of paragraph 1 of this Article shall also apply to persons on parole, unless their rights are limited by special regulations on parole from serving a prison sentence.

(4) On the expiry of the terms referred to in paragraph 5 of this Article, the perpetrator of a criminal offence shall be deemed free of convictions and any use of data about the citizen as a perpetrator of a criminal offence shall be prohibited and, if used, shall produce no legal consequences. A rehabilitated citizen shall have the right to deny having been formerly convicted and shall not be called to account for that reason or suffer any legal consequences therefrom.

(5) Provided that the perpetrator of a criminal offence is not reconvicted for another criminal offence, rehabilitation shall, by operation of law, become effective after the expiry of the following terms:

- fifteen years from the day of a served, expired, or remitted sentence, in the case of long-term imprisonment,
- ten years from the day of a served, expired, or remitted sentence in the case of a sentence to ten years of imprisonment, or a more serious sentence;
- five years from the day of a served, expired, or remitted sentence, in the case of a sentence to five years of imprisonment or a more serious sentence.
- three years from the day of a served, expired or a remitted sentence, in the case of a sentence to five years of imprisonment, imprisonment of juveniles or a fine, from the expiry of probation in the case of a suspended sentence and from the finality of the decision on admonition or remission of sentence.

6) The rehabilitation can not become effective during the execution of security measures.

Criminal Record Data **Article 86**

(1) Criminal record data may be given only to courts and State Attorney's offices when criminal proceedings are conducted against the person for whom such data are sought, or when the proceedings for his pardon are pending.

(2) Criminal record data may, in exceptional circumstances, be given to

governmental bodies, at their reasoned request, and in connection with certain jobs and tasks in public service to be entrusted to the person for whom such data are requested.

(3) Within the framework of their statutory powers, criminal records may also be used by police for the purpose of discovering the perpetrator of a criminal offence. The data in question shall be considered a professional secret.

(4) No one has the right to demand that citizens submit evidence about their being convicted or not convicted.

(5) A citizen shall have the right to demand data from the criminal record for his own use, only upon proof that such data are required for the purpose of exercising his rights in a foreign state.

Amnesty
Article 87

Persons covered by an act of amnesty are granted immunity from criminal proceedings, a complete or partial exemption from the execution of punishment, substitution of the imposed punishment by a more lenient one, an annulment of the suspended sentence, early rehabilitation or an annulment of a certain legal consequence of the conviction.

Pardon
Article 88

Pardon shall accord to a person determined by name full or partial exemption from the execution of punishment, substitution of the imposed punishment by a more lenient one or by a suspended sentence, early rehabilitation, the annulment or curtailment of the legal consequence of a sentence, the annulment or curtailment of the security measure of prohibition to operate a motor vehicle, the annulment or curtailment of the security measure of prohibition to engage in a profession activity or duty, or the expulsion of an alien.

CHAPTER NINE (ix)

THE MEANING OF THE TERMS USED IN THIS CODE

Article 89

1)The territory of the Republic of Croatia denotes land, rivers, lakes, channels, internal maritime waters, territorial sea, and the air space above these areas.

2)The criminal legislation of the Republic of Croatia refers to the provisions contained in this Code and other statutes of the Republic of Croatia.

Paragraph 3_ An official person, when referred to as the perpetrator of a criminal offence, is an official elected or nominated to a representative body, a public official (public officials) or a person (civil servant) performing official duties in: bodies of the state administration, local (regional) self-government (counties), a unit of regional self-government, the judiciary, the Constitutional Court of the Republic of Croatia, the Public Prosecutor's Office, the Ombudsman's Office, the Ombudsman's Office for Children, the Ombudsman's Office for Gender Equality, Office of the President of the Republic, or a body, an office or an specific agency of the Government of the Republic of Croatia and the Croatian Sabor, a person vested with judicial authorities (judicial officials: judges, presidents of courts, state prosecutors, deputy state prosecutors), a judge of the Constitutional Court of the Republic of Croatia, the State Attorney General of the Republic of Croatia and his deputies, the Ombudsman of the Republic of Croatia and his deputies and the Ombudsman for Children and his deputies, the Ombudsman for Gender Equality and his deputies and a notary public.

In the case of criminal offenses that the Republic of Croatia is obliged to prosecute according to international law, an official person is a foreign civil servant, a representative or an official of a foreign representative body, an official of an international organization of which the Republic of Croatia is a member, a representative or an official of an international assembly of which the Republic of Croatia is a member, and a judge or an official of an international court whose jurisdiction the Republic of Croatia has recognized, a foreign lay judge or a foreign arbitrator.

(4) *A military person* is an active military person, a conscript, a reservist while on military service, a cadet at military school, as well as a civil servant or an employee assigned to an organizational post of an active military person.

(5) When an official person is designated as the person against whom a criminal offence has been committed, an official person within the meaning of this Code shall, in addition to persons specified in paragraph 3 of this Article, also be a military person referred to in paragraph 4 of this Article.

(6) A legal entity, as referred to in this Code, a company, a fund, an institution, a political or social organization and an association of citizens, a unit of local and regional self-government, as well as some other legal entity which, within the framework of its regular business, regularly or occasionally generates or provides resources and disposes of them.

(7) A responsible person, as referred to in this Code, is a person who is entrusted with particular tasks from the field of activities of a legal entity (person), a state body, a body of regional self-government or a local self-government body.

(8) When an official or a responsible person of a legal entity is described as the perpetrator of certain criminal offences, the persons specified in paragraphs 3 and 7 of this Article may be the perpetrators of such offences, unless it is obvious from the characteristics of a particular offence or a specific regulation that the perpetrator may only be a particular person among those specified.

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

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

(11) A person under international protection is a Head of State, a President of Government or Minister of Foreign Affairs when outside his own state, as well as any official representative of an internationally recognized organization, when he, or his official premises, his private home or his means of transport, can be clearly identified as being specially protected under international law.

(12) A state secret is information which is designated as such by statute, by some other legal provision or by the bylaws of a competent body passed in accordance with the law, and whose disclosure would cause effects harmful to national security or the national interest of the Republic of Croatia.

(13) A military secret is information which is designated as such by statute or some other legal provision or by the bylaws of a competent body passed in accordance with the law.

(14) An official secret is information received and used for the needs of public (official) bodies, designated to be an official secret by statute, some other legal provision or bylaws of a competent body passed in accordance with the law.

(15) A business secret is information designated as such by statute, some other legal provision or by the bylaws of a company, an institution or other legal entity, and which presents a manufacturer's secret, the results of research or design work, as well as other information whose disclosure to an unauthorized person could have harmful effects on the economic interests of a company, an institution or any other legal entity.

(16) A professional secret is information about the personal or family life of clients, entrusted to attorneys-at-law, defence counsels, notaries public, physicians, dentists, midwives or other health service personnel, psychologists, guardians (tutor), religious confessors and other persons when performing their respective professions.

(17) A personal secret is information about a person which is designated to be a secret by statute, some other legal provision or the bylaw of a competent body passed in accordance with the law.

(18) A document with secret contents, as referred to in this Code, is a confidential fact, information, writing, object, or oral communication of a confidential nature disclosed in the course of the work of a state (government) body, public administrative bodies or other legal entities with public authorization, as well as a fact collected in the course of registering the personal data of citizens.

(19) *Elections* are the elections of representatives to the Croatian Parliament (*Sabor*), of the President of the Republic, of members of representative bodies in the units of local and regional self-government, as well as of members of boards of directors and supervisory boards in companies and other legal persons.

(20) More persons stands for two or more persons.

(21) A body of people stands for five or more persons.

(22) A *group of people*, as referred to in this Code, is at least three persons who are connected for the purpose of the regular or occasional perpetration of criminal offenses, whereby each of them exercises his share in the perpetration of a criminal offense.

(23) An *organization of criminals* is a structured association of at least three persons existing for a particular period of time and acting with a common aim of committing one or more criminal offenses aimed at direct or indirect acquisition of financial or other material gain or aimed at realizing or maintaining control over some economic or other activities and the criminal offenses are those for which imprisonment of not less than four years or a more severe punishment can be pronounced. An organization of criminals is the basis for the notion of organized crime.

(24) A document, as referred to in this Code, is any object suitable or designated to serve as evidence of a fact relevant to legal relationships.

(25) Currency denotes coins and banknotes, being legal tender in the Republic of Croatia or in a foreign country.

(26) Official stamps, seals and other objects of value, as referred to in this Code, also include foreign official stamps, seals and other objects of value.

(27) A movable object also involves any generated or accumulated power for

the purpose of providing light, heat or locomotion, including telecommunication services calculated on the basis of units of time.

(28) A motor vehicle is any engine-driven transportation device used in land-, water-, and air -traffic.

(29) Force also includes the application of hypnosis or intoxicants, used to bring a person, against his own will, into a state of unconsciousness or to incapacitate him from offering resistance.

(30) Family members, as referred to in this Code, are: a spouse or a common-law partner, a former spouse or a former common-law partner, a lineal relative, an adoptive parent and an adoptee, a collateral relative up to the third degree inclusive and an in-law relative up to the second degree of affinity inclusive.

(31) A *computer system* is any device or a group of mutually connected or linked devices of which one or more are used for automatic data processing based on computer programs

(32) *Computer data* are any presentation of facts, information or ideas in the form suitable for the processing within a computer system.

(33) A *computer program* is a set of computer data suitable for the computer system to perform a certain function.

(34) A *genetically identical human being* is a human being which has the same set of genes of the cell nucleus

(35) A *mercenary* is a specially recruited person in the country or abroad to fight in an armed conflict or to participate in a joint act of violence aimed at overthrowing the government or subverting in some other way the constitutional order or the territorial integrity of a country, who is neither a national of the parties to the conflict nor living in the territory controlled by a

party to the conflict, who is not a member or the armed forces of a party to the conflict or of the party in whose territory an action is undertaken and who is not sent by a country which is not a party to the conflict as an official member of its armed forces but who is motivated to take part in the hostilities only for his personal gain significantly higher than the remuneration promised or paid to combatants of a similar rank or profession in the armed units of the party participating in the hostilities.»

SPECIAL PART

CHAPTER TEN (x)

CRIMINAL OFFENCES AGAINST LIFE AND LIMB

Murder **Article 90**

Whoever kills another person shall be punished by imprisonment for not less than five years.

Aggravated Murder **Article 91**

Punishment by imprisonment for not less eight years or by long-term imprisonment shall be imposed on a person who:

1. murders a child or a minor;
2. murders a pregnant woman;
3. murders another in a very cruel or treacherous way;
4. murders from greed;
5. murders another in order to commit or to cover up another criminal offence;
6. murders another out of heedless vengeance or other base motives;
8. murders an official person at the time when such a person acts in the execution of his duty of protecting the constitutional order, safeguarding persons or property, discovering criminal offences, bringing in, arresting or preventing the escape of a perpetrator of a criminal offence, applying criminal sanctions and measures and keeping public order and peace.

Manslaughter **Article 92**

Whoever kills another on the spur of the moment, after being brought without his fault into a state of strong irritation or fright by another person's attack, maltreatment or serious insult,
shall be punished by imprisonment for one to ten years.

Infanticide
Article 93

A mother who kills her child during or immediately after birth shall be punished by imprisonment for one to eight years.

Killing on Request
Article 94

Whoever kills another upon his express and earnest request shall be punished by imprisonment for one to eight years.

Negligent Homicide
Article 95

Whoever causes the death of another person by negligence shall be punished by imprisonment for six months to five years.

Participating in Suicide
Article 96

(1) Whoever induces or assists another in committing suicide which is accomplished or attempted shall be punished by imprisonment for six months to three years.

(2) Whoever induces or assists a juvenile person in committing suicide, or induces or assists in committing suicide a person whose capability of understanding his own acts and of controlling his own will is significantly diminished, and the suicide is accomplished or attempted shall be punished by imprisonment for six months to five years.

(3) Whoever induces or assists a child in committing suicide or whoever induces or assists a person who is not capable of understanding the significance of his act, or could not control his own will so that the suicide is attempted or accomplished, shall be punished pursuant to Article 90 of this Code.

(4) Whoever treats a person who is in a state of subordination or dependence in a cruel or inhuman way and thereby negligently causes the suicide of that person shall be punished by a fine or by imprisonment not exceeding three years.

Unlawful Termination of Pregnancy
Article 97

(1) Whoever, contrary to the regulations on the termination of pregnancy, commences the termination, terminates or assists a pregnant woman in terminating her pregnancy with her consent shall be punished by imprisonment for six months to three years.

(2) Whoever commences the termination or terminates pregnancy without the consent of the pregnant woman shall be punished by imprisonment for one to eight years.

(3) Whoever commits the criminal offence referred to in paragraph 1 of this Article after the tenth week since conception shall be punished by imprisonment for six months to five years.

(4) Whoever commits the criminal offence referred to in paragraph 2 of this Article after the tenth week since conception shall be punished by imprisonment for three to ten years.

(5) If, by the criminal offence referred to in paragraphs 1 and 3 of this Article, the woman's death is caused, or her health is severely impaired, the perpetrator shall be punished by imprisonment for one to eight years.

(6) If, by the criminal offence referred to in paragraphs 2 and 4 of this Article, the woman's death is caused, or her health is severely impaired, the perpetrator shall be punished by imprisonment not less than five years.

Prohibition to Clone a Human Being **Article 97a**

Whoever acts with the purpose of creating a genetically identical human being shall be punished by imprisonment for six months to five years.

Bodily Injury **Article 98**

Whoever inflicts bodily injury on another or impairs a person's health shall be punished by a fine or by imprisonment not exceeding three years.

Aggravated Bodily Injury **Article 99**

(1) Whoever inflicts a serious bodily injury on another or severely impairs a person's health shall be punished by imprisonment for three months to three years.

(2) If bodily injury is inflicted on a person, or if a person's health is impaired so severely that the life of the injured person is endangered, or if an important part of the

person's body or an important organ of the person is permanently weakened to a significant degree or destroyed, or if permanent work disability is caused to the injured person, or if permanent and severe damage to his health or permanent disfigurement is caused,

the perpetrator shall be punished by imprisonment for six months to eight years.

(3) If the injured person dies due to serious bodily injury, the perpetrator shall be punished by imprisonment for one to ten years.

(4) The attempt of the criminal offence referred to in the paragraph 1 of this Article is punishable.

Impulsive Bodily Injury **Article 100**

(1) Whoever inflicts serious bodily injury or another, or severely impairs a person's health (Article 99, paragraph 1) on the spur of the moment, after being brought without his fault into a state of strong irritation or fright by another person's attack, maltreatment or serious insult

shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever inflicts particularly serious bodily injury on another, or very seriously impairs a person's health (Article 99, paragraph 2) on the spur of the moment, after being brought without his fault into a state of strong irritation or fright by a person's attack, maltreatment or serious insult,

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

(3) If the criminal offence of bodily injury resulting in death (Article 99, paragraph 3) is committed on the spur of the moment,

the perpetrator shall be punished by imprisonment for six months to five years.

Negligent Bodily Injury **Article 101**

(1) Whoever inflicts serious bodily injury on another or severely impairs a person's health (Article 99, paragraph 1),

shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever causes particularly serious bodily injury to another or severely impairs a person's health (Article 99, paragraph 2) by negligence,

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

(3) If the criminal offence of bodily injury resulting in death (Article 99, paragraph 3) is committed by negligence,

the perpetrator shall be punished pursuant to Article 95 of this Code.

Institution of Criminal Proceedings for Criminal Offences of Bodily Injury **Article 102**

Criminal proceedings for the criminal offence of bodily injury (Article 98) shall be instituted upon a private charge.

Participation in an Affray
Article 103

(1) Whoever participates in an affray which results in the death or serious bodily injury (Article 99, paragraph 2) of one or more persons shall be punished by a fine or by imprisonment not exceeding one year for the act of merely participating in the affray.

(2) The criminal offence referred to in paragraph 1 of this Article shall not apply if the person who has participated in the affray has been involved in it without his fault or merely to defend himself or to separate other participants in the affray.

Failure to Render Aid
Article 104

(1) Whoever fails to render aid to a person in immanent mortal danger, although he could have done so without subjecting himself or another to serious danger, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever leaves another without aid in mortal danger caused by himself shall be punished by a fine or by imprisonment not exceeding one year.

(3) If, by the criminal offence referred to in paragraph 2 of this Article, the death of the person exposed to such danger is caused or a serious bodily injury is inflicted on such a person or if his health is severely impaired, the perpetrator shall be punished by imprisonment for six months to three years.

Deserting a Helpless Person
Article 105

(1) Whoever deserts a helpless person entrusted to him or whoever leaves a person he is responsible for unassisted and in circumstances dangerous for life or health shall be punished by a fine or by imprisonment not exceeding one year.

(2) If, due to the criminal offence referred to in paragraph 1 of this Article, the death of the deserted person is caused, or such a person suffers serious bodily injury, or his health is severely impaired, the perpetrator shall be punished by imprisonment for three months to three years.

CHAPTER ELEVEN (xi)

CRIMINAL OFFENCES AGAINST THE FREEDOMS

AND RIGHTS OF MAN AND CITIZEN

Violation of the Equality of Citizens **Article 106**

(1) Whoever denies and limits the freedoms or rights of man and citizen laid down in the Constitution, statutes or other legal provisions on the basis of a difference of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other characteristics, affiliation to an ethnic or national community or minority in the Republic of Croatia, or whoever, on the basis of such a difference or affiliation, grants citizens any privileges or advantages, shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be imposed on a person who denies or limits a member of an ethnic or national group or a minority the right to freely express his nationality or to enjoy his cultural autonomy.

(3) Whoever, contrary to the regulations regarding the use of a language and script, denies or deprives a citizen of the right to freely use his own language and script shall be punished by a fine or by imprisonment not exceeding one year.

Violation of the Freedom of Expression **Article 107**

(1) Whoever denies or limits freedom of speech or public appearance, the incorporation of companies, funds or institutions of public communication, freedom of the press or other media of communication shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be imposed on a person who orders or implements censorship or denies or restricts a journalist's access to information or his freedom of reporting, unless there is a question of a state, military or official secret.

Violating the Right to Peaceful Assembly and Public Protest

Article 108

(1) Whoever denies or limits the right of citizens to peaceful assembly or public protest which is in conformity with the law shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be imposed on whoever prevents or disrupts the peaceful assembly or public protest of citizens which is in conformity with the law.

Violation of the Freedom of Association

Article 109

Whoever denies or limits citizens' freedom of association in political parties, trade unions or other legitimate associations for the protection of their interest or the advancement of their social, economic, political, national, cultural and other beliefs or objectives

shall be punished by a fine or imprisonment for not more than one year.

Violation of the Freedom of Religion

Article 110

(1) Whoever denies or limits the right to the freedom of religion, the rights to manifest publicly one's religion or other belief

shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be imposed on whoever denies the right of a religious community to operate in conformity with the law in a way similar to other religious communities in the Republic of Croatia, or who denies or deprives a religious community of the freedom to perform publicly religious services, to establish schools, educational institutions, social and charitable institutions and institutes and to manage them in conformity with the law.

Violation of the Right to Strike

Article 111

Whoever denies or limits the right to strike which is organized and carried out in conformity with the law

shall be punished by a fine or by imprisonment not exceeding one year.

Violation of the Right to Submit Complaints and Petitions

Article 112

An official or a responsible person 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 by imprisonment not exceeding one year.

Restriction of Printing and Distributing Printed Materials and of Broadcasting

Article 113

Whoever unlawfully restricts the printing, sale or distribution of books, journals, newspapers or other printed materials, or the producing and broadcasting of radio and television programs, as well as news agencies' programs,

shall be punished by a fine or by imprisonment not exceeding one year.

Violation of the Right to Work and Other Labour - Related Rights

Article 114

Whoever denies or limits the right of a citizen to work, the freedom of work, the free choice of vocation or occupation, access to a work place and to duties offered to everyone under the same terms, the right to earnings, working hours and time off regulated by law, social security and retirement rights, the rights of specific groups of workers to special protection, the rights resulting from unemployment, the rights related to labour, maternity and child care and other labour-related rights stipulated by the law, a court decision or collective agreement,
shall be punished by a fine or by imprisonment not exceeding one year.

Violation of the Right to Health Care and Disability Protection

Article 115

Whoever denies or deprives a citizen of the right to health care and disability protection stipulated by the law
shall be punished by a fine or by imprisonment not exceeding one year.

Violation of the Freedom to Vote

Article 116

Whoever, by force, serious threat, bribery or in some other illegal way influences a voter to vote for or against a certain candidate in elections, or to vote for or against the recall of a candidate, or to vote for or against a certain proposal in a referendum, or not to vote at all,
shall be punished by a fine or by imprisonment not exceeding one year.

Denial of the Right to Vote

Article 117

Whoever, in the execution of a duty entrusted to him in connection with elections, illegally fails to enter the name of another person in an electoral register, or deletes the name of a person from such a register, or in some other manner deprives a person of his voting rights,
shall be punished by a fine or by imprisonment not exceeding one year.

Abuse of the Right to Vote

Article 118

A voter who votes again after having already voted, or a voter who, in an election or at a ballot, votes instead of another person under this person's name,
shall be punished by a fine or by imprisonment not exceeding one year.

Violation of the Secrecy of the Ballot

Article 119

(1) Whoever, in an election or at a ballot, violates its secrecy shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on any person who, by force, serious threat or in some other illegal manner demands a voter to reveal for whom he has voted or how he has voted.

Destruction of Ballot Documentation

Article 120

Whoever destroys, conceals, damages or takes away without authorization any election or voting documents or any object used in an election or a ballot shall be punished by a fine or by imprisonment not exceeding one year.

Electoral Fraud

Article 121

(1) Whoever, by adding, subtracting or deleting votes, or in any other manner falsifies the results of an election or a ballot shall be punished by imprisonment for three months to three years.

(2) The attempt to commit the criminal offence referred to in paragraph 1 of this Article shall also be punished.

Infringing the Inviolability of a Person's Home

Article 122

(1) Whoever enters without authorization the home of another or into an enclosed or fenced-in area appertaining to such a home or fails to leave the same at the request of an authorized person shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a person who enters without authorization the business premises of another or fails to leave the same at the request of an authorized person.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed by an official person in the execution of his service or public authority, such a person shall be punished by imprisonment for three months to three years.

Unlawful Search

Article 123

An official who, in the execution of his duty or public authority, carries out an unlawful search of a person, home or the enclosed or fenced-in premises appertaining to it or of business premises shall be punished by imprisonment for three months to three years.

Unlawful Deprivation of Freedom

Article 124

(1) Whoever unlawfully detains, keeps detained or in some other manner deprives another person of the freedom of movement or restricts it in some other way shall be punished by imprisonment for three months to one year.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by an official person in the execution of his duty or public authority, such a person shall be punished by imprisonment for three months to five years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed against a child or a juvenile, or if the unlawful deprivation of liberty lasts more than fifteen days, or is committed in a cruel manner, or if the health of a person is severely impaired due to unlawful deprivation of liberty, or if other serious consequences are caused, or if the offence is committed on the basis of membership of a group or of a criminal organization, the perpetrator shall be punished by imprisonment for three to ten years.

(4) If, by the criminal offence referred to in paragraph 1 of this Article, the death is caused of a person who was unlawfully deprived of liberty, the perpetrator shall be punished by imprisonment not less than three years.

(5) An attempt to commit the criminal offence referred to in paragraph 1 of this Article shall also be punished.

Kidnapping

Article 125

(1) Whoever unlawfully confines, keeps confined or in some other manner deprives another of the freedom of movement, or restricts it in some way, with an aim to force him or some other person to do or omit to do something, or to make him suffer shall be punished by imprisonment for six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed against a child or a juvenile, or if, in order to realize the aim of kidnapping referred to in paragraph 1 of this Article, the hostage is threatened with death or serious bodily injury, or if the offence is committed on the basis of membership in a group or criminal organization, the perpetrator shall be punished by imprisonment for one to ten years.

(3) If the criminal offence referred to in the paragraph 1 of this Article has caused the death of a hostage, the perpetrator shall be punished by imprisonment for one to twelve years.

(4) The court may remit the punishment for the criminal offence referred to in paragraphs 1 and 2 of this Article for a perpetrator who voluntarily releases the hostage before his demands, for which the kidnapping is committed, are fulfilled.

Extortion of Statements by Coercion

Article 126

(1) Whoever, during an examination, uses force, a threat or other illicit means of examination the aim of extorting a statement or some other declaration from the suspect, defendant, witness, expert-witness or other person shall be punished by imprisonment for three months to five years.

(2) If the perpetration of the criminal offence referred to in paragraph 1 of this Article is accompanied by severe violence, or if the suspect or defendant has suffered particularly serious consequences in criminal proceedings as a result of the extorted statement, the perpetrator shall be punished by imprisonment for one to ten years.

Maltreatment in the Execution of Duty or Public Authority

Article 127

(1) An official person who, in the execution of his duty or public authority, maltreats, insults or generally treats another in a manner offensive to human dignity shall be punished by imprisonment for three months to three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed against a child or a juvenile, the perpetrator shall be punished by imprisonment for one to five years.

Coercion

Article 128

(1) Whoever coerces another by force or serious threat to an action, omission or acquiescence, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Imprisonment for three months to five years shall be inflicted on a perpetrator who commits the criminal offence referred to in paragraph 1 of this Article as a member of a group or criminal organization.

(3) Criminal proceedings for the criminal offence referred to in paragraph 1 of this Article shall be instituted by a private charge, and for the criminal offence referred to in paragraph 2 of this Article following a motion.

Threat

Article 129

(1) Whoever seriously threatens another with some evil so as to frighten or disturb him shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever seriously threatens to kill or to inflict serious bodily injury on another, or to kidnap or deprive a person of his liberty, or inflict harm by setting fire, causing an explosion by using ionizing radiation or by other dangerous means, or to destroy a person's social status or material existence, shall be punished by a fine or by imprisonment not exceeding one year.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed against an official or a responsible person in connection with his work or position, or against more persons, or if it has caused a major disturbance to citizens, or if the threatened person is thus put in a difficult position for a longer period of time, or if it is committed while the perpetrator is a member of a group or a criminal organization, the perpetrator shall be punished by imprisonment from three months to three years.

(4) Criminal proceedings for the criminal offence referred to in paragraphs 1 and 2 of this Article shall be instituted following a motion.

Violating the Privacy of Correspondence and other Pieces of Mail

Article 130

(1) Whoever, without authorization, opens a letter or a telegram or any other closed letter or piece of mail of another person, or in some other way violates their privacy, or without authorization, keeps, conceals, destroys, delivers to another a person's letter, telegram or a closed letter or a piece of mail shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever, with the aim of acquiring some pecuniary gain for himself or for another person, or to inflict damage to another person, communicates to a third person the secret learned by violating the privacy of a letter, telegram or some other closed letter or piece of mail belonging to another, or whoever makes use of such a secret, shall be punished by a fine or by imprisonment not exceeding one year.

(3) If the criminal offence referred to in paragraph 1 and 2 of this Article is committed by an official while executing his duty or public authority, for the offence referred to in paragraph 1 of this Article, such a person shall be punished by imprisonment for three months to three years and for the offence referred to in paragraph 2 of this Article, by imprisonment for six months to five years.

(4) Criminal proceedings for the criminal offence referred to in paragraphs 1 and 2 of this Article shall be instituted following a motion.

Unauthorized Recording and Eavesdropping

Article 131

(1) Whoever, without authorization, surreptitiously records another person by film camera, television camera, video camera or a photographic camera shall be punished by a fine or by imprisonment not exceeding one year.

(2) The punishment referred to in paragraph 1 of this Article shall be inflicted on a person who, by using special instruments without authorization, eavesdrops or records a conversation or a statement not intended to come to his attention or who enables an unauthorized person to become familiar with a conversation or a statement listened to or recorded without authorization.

(3) If the criminal offences referred to in paragraphs 1 and 2 of this Article are committed by an official person in the execution of his duty or public authority, the person shall be punished by imprisonment for three months to three years.

(4) Criminal proceedings for the criminal offence referred to in paragraphs 1 and 2 of this Article shall be instituted following a motion.

(5) Special devices used to commit the criminal offence referred to in paragraph 2 shall be forfeited.

Disclosure of Professional Secrets without Authorization

Article 132

(1) An attorney-at-law, defence counsel, notary public, physician, dentist, midwife or other health service employee, psychologist, guardian, religious confessor or other person who discloses a secret entrusted to him in the course of performing his profession shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) There shall be no criminal offence referred to in paragraph 1 of this Article if the secret is disclosed in the public interest or in the interest of another person which prevails over the interest of keeping the secret.

(3) Criminal proceedings for the criminal offence referred to in paragraph 1 of this Article shall be instituted following a motion.

Unauthorized Use of Personal Data

Article 133

(1) Whoever, without the consent of citizens and contrary to the conditions stipulated by the law, collects, processes or uses personal data, or uses such data contrary to the statutory purpose of their collection shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Criminal proceedings for the criminal offence referred to in paragraph 1 of this Article shall be instituted following a motion.

Disturbing the Peace of the Deceased
Article 134

(1) Whoever, without authorization, exhumes, digs up, destroys, damages or in some other way gravely desecrates a grave, a site of burial or a memorial to the dead shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

(2) Whoever, without authorization, exhumes, takes away, damages, destroys, conceals or removes the body, part of the body or the ashes of a deceased or whoever desecrates the body shall be punished by a fine or by imprisonment not exceeding one year.

CHAPTER TWELVE (xii)

**CRIMINAL OFFENSES AGAINST THE REPUBLIC
OF CROATIA**

Treason

Article 135

(1) Whoever, by force or by the threat to use force, attempts to alter the constitutional order of the Republic of Croatia or to separate a part of its territory or concede a part of its territory to another state or remove from office the President of the Republic shall be punished by imprisonment for not less than five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a person who, by force or by the threat to use force, attempts to prevent the establishment of the constitutional order or of state authority in a part of the territory of the Republic of Croatia.

Acceding to Occupation or Capitulation

Article 136

A citizen of the Republic of Croatia who signs or accedes to the capitulation or who accepts or accedes to the occupation of the Republic of Croatia or a part of its state territory shall be punished by imprisonment for not less than five years or by long-term

imprisonment.

Endangering State Independence

Article 137

A citizen of the Republic of Croatia who attempts to bring the Republic of Croatia into a state of subordination or dependence on another state shall be punished by imprisonment for not less than three years.

Assassination of Highest State Officials

Article 138

Whoever, with an aim to endanger the constitutional order or the security of the Republic of Croatia, assassinates the President of the Republic, the President of the Croatian *Sabor*, the Prime Minister, the President of the Constitutional Court or the President of the Supreme Court of the Republic of Croatia shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

Kidnapping of Highest State Officials

Article 139

Whoever, with an aim to endanger the constitutional order or the security of the Republic of Croatia, kidnaps the President of the Republic, the President of the Croatian *Sabor*, the Prime Minister, the President of the Constitutional Court or the President of the Supreme Court of the Republic of Croatia shall be punished by imprisonment for not less than three years.

Violence against Highest State Officials

Article 140

Whoever, by force or by the threat to use force, prevents the President of the Republic of Croatia, the President of the Croatian *Sabor*, a member of the Croatian *Sabor*, the Prime Minister, Deputy Prime Minister, or a member of the Government of the Republic of Croatia, the President or a judge of the Constitutional Court of the Republic of Croatia, the President or a judge of the Supreme Court of the Republic of Croatia, the President or members of the State Judicial Council of the Republic of Croatia, the State Attorney council, the State Attorney General of the Republic of Croatia or his deputy, Ombudsman's Office for Children, the Ombudsman's Office for Gender Equality and their deputies from acting or forces him to omit to act in the execution of his duties shall be punished by imprisonment for three to ten years.

Anti-State Terrorism

Article 141

Whoever, with an aim to endanger the constitutional order or the security of the

Republic of Croatia, causes an explosion, fire, or by a generally dangerous act or device imperils the lives of people or endangers property or kidnaps a person, or commits some other act of violence within the territory of the Republic of Croatia or against its citizens, thus causing a feeling of personal insecurity in citizens,
shall be punished by imprisonment for not less than three years.

Armed Rebellion
Article 142

Whoever takes part in an armed rebellion directed against the constitutional order or the security of the Republic of Croatia
shall be punished by imprisonment for not less than three years.

Act of Sabotage
Article 143

Whoever, with an aim to endanger the constitutional order or the security of the Republic of Croatia, by way of demolition, fire or in some other way destroys or damages an industrial, agricultural or other economic facility or a plant, a road, a means of transport, a communication device, heating, gas, electric or some other power installation, a dam or any other facility, plant or installation of importance for the everyday life of citizens
shall be punished by imprisonment for not less than three years.

Disclosure of State Secrets
Article 144

(1) Whoever makes a state secret which has been entrusted to him accessible to an unauthorized person
shall be punished by imprisonment for one to five years.

(2) Whoever makes a state secret which he learned by accident or in an unlawful way accessible to an unauthorized person, knowing that it is a state secret
shall be punished by imprisonment for six months to three years.

(3) Whoever makes a state secret which has been entrusted to him, or which he learned by accident or in an unlawful way, accessible to an unauthorized person at the time of war or armed conflict in which the Republic of Croatia takes part, or whoever makes accessible to an unauthorized person a state secret related to the defence or security of the Republic of Croatia, shall be punished by imprisonment for one to ten years.

(4) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence
shall be punished by imprisonment for three months to three years.

(5) Whoever commits the criminal offence referred to in paragraph 2 of this Article

by negligence

shall be punished by a fine or by imprisonment not exceeding one year.

(6) Whoever commits the criminal offence referred to in paragraph 3 of this Article by negligence

shall be punished by imprisonment for one to five years.

Publishing the Contents of a State or Military Secret

Article 145

(1) Whoever publishes the contents or part of the contents of data or a document which he knows to be a state or military secret

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

(2) If the criminal offence referred to in paragraph 1 of this Article is committed at a time of war or immanent peril for the independence and unity of the Republic of Croatia, or brings about a peril against the security, economic or military power of the Republic of Croatia,

the perpetrator shall be punished by imprisonment not exceeding five years.

Espionage

Article 146

(1) Whoever makes a state secret which has been entrusted to him or which he learned in an unlawful way accessible to a foreign state, a foreign organization or to a person working for them

shall be punished by imprisonment for three to ten years.

(2) Whoever collects data, objects, documents or information which are a state secret with an aim of making them accessible to a foreign state, an organization or a person working for them

shall be punished by imprisonment for one to three years.

(3) Whoever organizes for a foreign state or organization a secret intelligence service within the territory of the Republic of Croatia or joins a foreign intelligence service or assists its activity shall be punished by imprisonment for one to eight years.

(4) Whoever commits the criminal offence referred to in paragraph 1 of this Article at the time of war or armed conflict in which the Republic of Croatia takes part, or if the disclosed secret is related to the defence or security of the Republic of Croatia,

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

(5) Whoever commits the criminal offence referred to in paragraph 2 of this Article at the time of war or armed conflict, or if the disclosed state secret is related to the defence or security of the Republic of Croatia,

shall be punished by imprisonment for three to ten years.

Preventing Resistance to the Enemy

Article 147

A citizen of the Republic of Croatia who, at the time of war or armed conflict in which the Republic of Croatia takes part, prevents citizens of the Republic of Croatia or its allies from fighting against the enemy shall be punished by imprisonment for three to ten years.

Serving in the Enemy's Army

Article 148

(1) A citizen of the Republic of Croatia who, at the time of war or armed conflict in which the Republic of Croatia takes part, serves in the enemy's army or takes part in other formations which are in armed conflict against the Republic of Croatia or its allies shall be punished by imprisonment for not less than three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a person who persuades, rallies, leads away or in other ways recruits citizens of the Republic of Croatia for service in the enemy's army or in an armed conflict against the Republic of Croatia or its allies or who participates in a war or an armed conflict against the Republic of Croatia or its allies.

Assisting the Enemy

Article 149

A citizen of the Republic of Croatia who, at the time of war or armed conflict in which the Republic of Croatia takes part, assists the enemy in the implementation of coercive measures against its citizens or who politically or economically collaborates with the enemy shall be punished by imprisonment for three to ten years.

Undermining the Military and Defensive Power of the State

Article 150

Whoever destroys, renders unserviceable or enables defence installations, facilities, positions, arms or other military and defensive equipment to be transferred into the hands of the enemy or surrenders troops to the enemy or in any other way disrupts or jeopardizes military and defensive measures and the power of the Croatian state shall be punished by imprisonment for not less than five years.

Damaging the Reputation of the Republic of Croatia

Article 151

Whoever publicly exposes the Republic of Croatia, its flag, coat of arms or national anthem, the Croatian people or its ethnic and national groups or minorities living in the Republic of Croatia to ridicule, contempt or severe disdain shall be punished by imprisonment for three months to three years.

Association for the Purpose of Committing Criminal Offences against

the Republic of Croatia

Article 152

(1) Whoever organizes a group of people or in some other way joins three or more persons in common action with the purpose of committing the criminal offences referred to in Article 135, paragraphs 1 and 2, Articles 137 to 139, Articles 141 to 143, Articles 147 and 150 of this Code shall be punished by imprisonment for one to eight years.

(2) Whoever becomes a member of the group referred to in paragraph 1 of this Article shall be punished by imprisonment for six months to five years.

(3) The perpetrator of the criminal offence referred to in paragraph 1 of this Article who, by uncovering the group, prevents the perpetration of the criminal offences referred to in paragraph 1 of this Article shall be punished by imprisonment for six months to three years, but the punishment may also be remitted.

(4) Punishment shall be remitted for a member of the group who uncovers the group prior to having committed the criminal offence referred to in paragraph 1 of this Article.

Preparation of Criminal Offences against the Republic of Croatia

Article 153

Whoever procures or ensures the operation of the means, removes obstacles, makes a plan or conspires with others or undertakes other actions that create conditions for the direct perpetration of the criminal offences referred to in Article 135, paragraphs 1 and 2, Articles 137 to 139, Articles 141 to 143, Articles 147 and 150 of this Code shall be punished by imprisonment for one to five years.

Assistance to the Perpetrator Following the Perpetration of Criminal Offences against the Republic of Croatia

Article 154

(1) Whoever conceals the perpetrator of the criminal offence referred to in Article 135, paragraphs 1 and 2, Articles 137 to 139, Articles 141 to 143, Articles 148 and 150 of this Code, provides him with food, clothes, money or takes care of him in any other way so as to hinder his being discovered or arrested shall be punished by imprisonment for six months to three years.

(2) For the perpetration of the criminal offence referred to in paragraph 1 of this Article, the spouse of the perpetrator of a criminal offence, the person with whom the perpetrator lives out of wedlock, the perpetrator's relative by blood in a direct line, his brother or sister, an adopter or an adoptee and their spouse or person with whom they live out of wedlock shall not be punished.

Punishment for the Most Serious Forms of Criminal Offences

against the Republic of Croatia

Article 155

(1) If, in the course of the perpetration of the criminal offence referred to in Article 135, paragraph 1 and 2, Articles 141 to 143, Articles 149 and 150 of this Code, the perpetrator murders one or more persons with intent,

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

(2) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons or extensive destruction is caused,

the perpetrator shall be punished by imprisonment for not less than five years.

CHAPTER THIRTEEN (xiii)

**CRIMINAL OFFENSES AGAINST VALUES PROTECTED
BY INTERNATIONAL LAW**

Genocide

Article 156

Whoever, with intent to destroy in whole or in part a national, ethnic, racial or religious group, orders the killing of members of such a group, or orders serious bodily injury to be inflicted on them, or orders the physical or mental health of the members of such a group to be impaired, or orders the forcible displacement of the population, or conditions of life to be inflicted on the group which are calculated to bring about its physical destruction in whole or in part, or orders measures to be imposed which are intended to prevent births within the group, or orders the forcible transfer of children of the group to another group, or whoever with the same intent commits any of the foregoing acts,

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

War of Aggression

Article 157

(1) Whoever, regardless of whether a war has previously been declared or not, wages a war of aggression by commanding an armed action of one state against the sovereignty, territorial integrity or political independence of another state, so that such an action is performed by invasion or by an armed attack on its territory, aircraft or ships, or by the blockading of ports or shores or by the military occupation of the territory, or in some other way which denotes the forcible establishment of rule over such a state,

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

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, for the purpose of waging a war of aggression of one state against another, commands or enables the sending of armed mercenary groups or other paramilitary armed forces into a state, so that these forces achieve the aims of a war of aggression.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever acts according to a command for action from armed forces or paramilitary armed forces for the purpose of waging a war of aggression.

(4) Whoever calls or instigates a war of aggression shall be punished by imprisonment for one to ten years.

Crimes against Humanity **Article 157a**

Whoever in violation of the rules of international law within an extensive or systematic attack against the civilian population and, with knowledge of such an attack, orders the killing of another person, for total or partial extermination orders the infliction of conditions of life to some civilian population which could lead to its annihilation, orders trafficking in human beings, in particular of women and children, or the enslavement of a person for sexual abuse or in any other way so that some or all of the powers originating in property rights are exercised over such person, forces another person to prostitution, deprives a person without his or her consent and without justifiable medical reasons of his or her biological reproductive ability, orders the forceful displacement of persons from areas where they lawfully reside and through expulsion or other measures of coercion, illegally incarcerates or in any other way illegally deprives of liberty, orders that a person deprived of liberty or under supervision be tortured by intentionally inflicting severe bodily or mental harm or suffering, orders that a person be raped or subjected to some other violent sexual act or that a woman who has been impregnated as a result of such violent act be intentionally kept in detention so as to change the ethnic composition of some population, orders the persecution of a person by depriving him or her of the fundamental rights because this person belongs to a particular group or community, orders the arrest, detention or kidnapping of some persons in the name of and with the permission, support or approval of a state or political organization and subsequently does not admit that these persons have been deprived of their liberty or withholds information about the fate of such persons or the place where they are kept, or orders within an institutionalized regime of systematic oppression and domination of one racial group over another racial group or groups that an inhumane act described in this Article be committed or an act similar to any of these offences so as to maintain such a regime (the crime of apartheid), or whoever commits any of the foregoing offences shall be punished by imprisonment for not less than five years or by a long-term imprisonment.

War Crimes against the Civilian Population

Article 158

(1) Whoever in violation of the rules of international law in time of war, armed conflict or occupation orders an attack against the civilian population, settlements, individual civilians or those *hors de combat* resulting in death, severe bodily harm or serious damage to people's health, orders an indiscriminate attack harming the civilian population, orders the killing, torturing or inhuman treatment of civilians, orders civilians to be subjected to biological, medical or other scientific experiments, their tissues or organs taken for transplantation, orders civilians to be subjected to great suffering impairing the integrity of their bodies or health, or orders their resettlement, displacement or forceful loss of ethnic identity or conversion to another religion, orders rape, sexual oppression, forced prostitution, pregnancy or sterilization or other sexual abuse, orders measures of intimidation or terror, hostage taking, collective punishment, unlawful deportations to concentration camps or illegal detention, deprives people of the rights to a just and unbiased trial, forces them to serve in hostile armed forces or in the information services or administration of a hostile power, subjects them to forced labour, starvation, confiscates property or orders that the population's property be plundered or illegally and wantonly destroyed or its large-scale appropriation where there is no justification by military needs, or imposes illegal and disproportionately large contributions and requisitions, or decreases the value of the domestic currency or unlawfully issues it, or orders an attack against persons, equipment, materials, units or vehicles involved in humanitarian aid or a peace mission pursuant to the Charter of the United Nations, or orders that the rights and actions of the citizens of a hostile country be prohibited, suspended or pronounced unlawful in court proceedings, or injures personal dignity or orders civilians and other protected persons to be used to shield certain places, areas or military forces from military operations, or orders the recruitment of children under eighteen years of age for the national armed forces or their active participation in hostilities, or whoever commits any of the foregoing acts

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

(2) The same punishment as referred to in paragraph 1 of this Article shall be imposed on whoever in violation of the rules of international law in time of war, armed conflict or occupation orders an attack against objects protected by international law, against works or powerful installations such as dams, dykes and nuclear power plants, indiscriminate attacks against civilian objects protected by international law, against undefended places and demilitarized zones or orders an attack which results in an extensive and long-lasting damage to the environment and may impair the population's health or survival, or whoever commits any of the foregoing acts.

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

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

War Crimes against the Wounded and Sick

Article 159

Whoever, in violation of the rules of international law, in time of war or armed conflict, orders the killing, torturing or inhuman treatment of the wounded, sick, shipwrecked persons or of medical or religious personnel, orders that they be subjected to biological and other scientific experiments, their tissues or organs taken for transplantation, orders civilians to be subjected to great suffering, impairing the integrity of their bodies or health or orders an illegal and wanton, large-scale destruction or appropriation of materials, medical vehicles or supplies of medical institutions or units when there is no justification by military needs or whoever commits any of the foregoing acts shall be punished by imprisonment for not less than five years or by life sentence.

War Crime against Prisoners of War

Article 160

Whoever, in violation of the rules of international law, orders the killing, torturing or inhuman treatment of prisoners of war and their subjection to biological, medical or other scientific experiments, their tissues or organs taken for transplantation, orders prisoners of war to be subjected to great suffering, impairing the integrity of their bodies and health, or whoever compels prisoners of war to serve in hostile armed forces or deprives them of their right to a fair and unbiased trial, or whoever commits any of the foregoing acts shall be punished by imprisonment for not less than five years or by long-term imprisonment.

Unlawful Killing and Wounding the Enemy

Article 161

(1) Whoever, in violation of the rules of international law, in time of war or armed conflict, kills or wounds an enemy who has laid down arms, or has surrendered at discretion, or has no longer any means of defence,
shall be punished by imprisonment for not less than three years.

(2) If the killing referred to in paragraph 1 of this Article is committed in a particularly cruel or treacherous way, from greed or other base motives, or if several persons are killed,
the perpetrator shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

(3) Whoever, in violation of the rules of international law, in time of war or armed conflict, orders that in a battle there shall be no surviving members of the enemy or who engages in a battle against the enemy with the same objective
shall be punished by imprisonment for not less than five years or by long-term imprisonment.

Unlawful Taking of the Belongings of those Killed or Wounded

on the Battlefield

Article 162

(1) Whoever orders the unlawful taking of the personal belongings of those killed or wounded on the battlefield or whoever takes such belongings shall be punished by imprisonment for one to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed in a cruel way,
the perpetrator shall be punished by imprisonment for one to ten years.

Forbidden Means of Combat

Article 163

(1) Whoever makes or improves, produces, stores, offers for sale or buys, or intermediates in a purchase or sale, possesses, transfers, or transports chemical or biological weapons, or some other means of combat prohibited by the rules of - international law,
shall be punished by imprisonment for three months to three years.

(2) Whoever, at a time of war or armed conflict, orders the use of chemical or biological weapons, or the means or methods of combat prohibited by the rules of international law, or whoever uses such weapons, means or methods,
shall be punished by imprisonment for not less than one year.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of several persons is caused,
the perpetrator shall be punished by imprisonment for not less than five years or by long-term imprisonment.

Injury of an Intermediary

Article 164

Whoever, in violation of the rules of international law, in time of war or armed conflict, insults, maltreats or restrains an intermediary or his escort or prevents their return or in some other way infringes their inviolability
shall be punished by imprisonment for six months to five years.

Brutal Treatment of the Wounded, Sick and Prisoners of War

Article 165

Whoever, in violation of the rules of international law, brutally treats the wounded, sick or prisoners of war or restricts or prevents the realization of the rights granted to them under these rules
shall be punished by imprisonment for six months to five years.

Unjustified Delay of the Repatriation of Prisoners of War

Article 166

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

Destruction of Cultural Objects or of Facilities Containing Cultural Objects

Article 167

(1) Whoever, in violation of the rules of international law, in time of war or armed conflict, destroys cultural objects or facilities dedicated to science, art, education or those established for humanitarian purposes
shall be punished by imprisonment for not less than one year.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a clearly recognizable facility is destroyed which belongs to the cultural and spiritual heritage of the people and which is under the special protection of international law, the perpetrator shall be punished by imprisonment for not less than five years.

Command Responsibility

Article 167a

(1) A military commander or another person acting in effect as a military commander or as a civilian in superior command or any other person who in a civil organization has the effective power of command or supervision shall be punished for the criminal offences referred to in Articles 156 through 167 of this Code if he knew that his subordinates had committed these criminal offences or were about to commit them and failed to take all reasonable measures to prevent them. The application of this Article excludes the application of the provision contained in paragraph 3, Article 25 of this Code.

(2) The persons referred to in paragraph 1 of this Article who had to know that their subordinates were about to commit one or more criminal offences referred to in Articles 156 through 167 of this Code and failed to exercise the necessary supervision and

to take all reasonable measures to prevent the perpetration of these criminal offences shall be punished by imprisonment for one to eight years.

(3) The persons referred to in paragraph 1 of this Article who do not refer the matter to competent authorities for investigation and prosecution against the perpetrators shall be punished by imprisonment for one to five years.

Recruitment of mercenaries

Article 167 b

(1) Whoever in violation of rules of international law recruits, uses, finances or trains mercenaries for the participation in an armed conflict or a concerted act of violence aimed at overthrowing a Government, undermining the territorial integrity of a State or jeopardizing its constitutional order, shall be punished by imprisonment for one to eight years.

(2) Whoever as a mercenary directly participates in an armed conflict or a concerted act of violence with the purpose of acquiring material benefit shall be punished by imprisonment for six months to five years.

Misuse of International Symbols

Article 168

(1) Whoever misuses or carries without authorization the flag or emblem of the United Nations or the International Red Cross or any of their symbols or other recognized international signs used to mark objects for the purpose of protection against military operations shall be punished by imprisonment for three months to three years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in an area of military operations shall be punished by imprisonment for six months to five years.

International Terrorism

Article 169

(1) Whoever aims to cause major fear among the population, to force foreign states or international organizations to do or not do something or suffer, or who aims to seriously jeopardize the fundamental constitutional, political or economic values of a foreign state or an international organization, who commits a criminal offence referred to in Articles 170 through 172, and Articles 179 and 181 of this Code, who causes an explosion or fire, or by a generally perilous act or means creates a dangerous situation for

people or property, who kidnaps a person or commits another violent act which can seriously harm a foreign state or an international organization shall be punished by imprisonment for not less than three years.

(2) Whoever seriously threatens to commit a criminal offence referred to in paragraph 1 of this Article shall be punished by imprisonment for one to five years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

(4) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons or large-scale destruction is caused, the perpetrator shall be punished by imprisonment for not less than five years.

(5) In order to initiate criminal proceedings for the criminal offence referred to in this Article, an approval from the State Attorney of the Republic of Croatia is required.

Endangering the Safety of Internationally Protected Persons

Article 170

(1) Whoever kidnaps an internationally protected person, or commits some other act of violence against such a person or attacks his official premises, accommodation or his means of transport shall be punished by imprisonment for not less than one year.

(2) If the perpetrator, in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article, intentionally kills one or more persons, he shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for not less than five years.

(4) Whoever endangers the safety of an internationally protected person by a serious threat to attack him, members of his family, his official premises, private accommodation or his means of transport shall be punished by imprisonment for one to five years.

Taking of Hostages

Article 171

(1) Whoever kidnaps, seizes or detains and threatens to kill, to injure or to continue to detain another person in order to compel a certain state or an international organization to do or abstain from doing any act as an explicit or implicit condition for the release of a hostage

shall be punished by imprisonment for not less than one year.

(2) If the perpetrator, in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article, intentionally kills a hostage,

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

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of the hostage is caused,

the perpetrator shall be punished by imprisonment for not less than five years.

Misuse of Nuclear Materials

Article 172

(1) Whoever, by force, threat, the perpetration of a criminal offence or by any other way without authorization, procures, possesses, uses, transports, stores, gives to another or enables another to procure nuclear materials

shall be punished by imprisonment for three months to three years.

(2) Whoever, by the act referred to in paragraph 1 of this Article, endangers human lives and property to a greater extent

shall be punished by imprisonment for six months to five years.

(3) The same punishment referred to in paragraph 2 of this Article shall be inflicted on whoever, by serious threat to use nuclear material, endangers the safety of people.

(4) Whoever, in order to compel some state or international organization or a natural or legal person to do or refrain from doing an act, threatens to endanger the lives of people and property to a greater extent through the use of nuclear material

shall be punished by imprisonment for one to ten years.

(5) Whoever commits the criminal offence referred to in paragraph 2 of this Article by negligence

shall be punished by imprisonment for three months to three years.

(6) If, by the criminal offence referred to in paragraphs 1, 2 and 4 of this Article, the death of one or more persons or extensive damage to property are caused,

the perpetrator shall be punished by imprisonment for not less than three years.

(7) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons or extensive damage to property is caused,

the perpetrator shall be punished by imprisonment for one to ten years.

Abuse of Narcotic Drugs

Article 173

(1) Whoever, without authorization, possesses substances or preparations which are by regulation proclaimed to be narcotic drugs shall be punished a fine or by imprisonment not exceeding one year.

(2) Whoever, without authorization, manufactures, processes, sells or offers for sale or for the purpose of reselling buys, keeps, distributes or brokers the sale and purchase of, or, in some other way and without authorization, puts into circulation, substances or preparations which are by regulation proclaimed to be narcotic drugs shall be punished by imprisonment for one to twelve years.

(3) If the criminal offence referred to in paragraph 2 of this Article is committed by a number of persons who conspire to commit such offences, or if the perpetrator of this criminal offence has organized a network of resellers or dealers the perpetrator shall be punished by imprisonment for not less than three years or by a long-term imprisonment.

(4) Whoever, without authorization, makes, procures, possesses or offers for use equipment, material or substances, knowing that they are to be used to manufacture narcotic drugs, shall be punished by imprisonment for three months to five years.

(5) Whoever induces someone else to use a narcotic drug, or gives a person a narcotic drug so that he or another person may use it, or makes available premises for the purpose of using a narcotic drug or in some other way enables another to use a narcotic drug, shall be punished by imprisonment for three months to five years.

(6) If the criminal offence referred to in paragraph 5 of this Article is committed against a child or a juvenile, a person who is mentally ill, temporarily mentally disordered or mentally deficient, or against a number of persons, or if the offence causes particularly serious consequences, the perpetrator shall be punished by imprisonment for one to ten years.

(7) Narcotic drugs and devices for their preparation shall be forfeited.

(8) The court may remit the punishment of the perpetrator of the criminal offence referred to in paragraphs 1, 2, 3, 4 and 5 of this Article who voluntarily and in a substantial way contributes to the discovery of the offence.

Racial and Other Discrimination

Article 174

(1) Whoever, on the basis of a difference in race, religion, language, political or other belief, property, birth, education, social position or other characteristics, or on the basis of gender, colour, national or ethnic origin, violates fundamental human rights and freedoms recognized by the international community shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever persecutes organizations or individuals for promoting equality between people.

(3) Whoever publicly states or disseminates ideas on the superiority or subordination of one race, ethnic or religious community, gender, nation or ideas on superiority or subordination on the basis of colour or sexual orientation, or other characteristics, for the purpose of spreading racial, religious, sexual, national and ethnic hatred or hatred based on colour sexual orientation, or other characteristics, or for the purpose of disparagement shall be punished by imprisonment for three months to three years.

(4) Whoever for the purpose referred to in the para 3 or this Article puts into circulation or in any other way makes accessible to the public by the computer system materials in which the criminal offense of genocide or crime against humanity is denied, diminished, approved or justified, shall be punished by a fine or by imprisonment for three months to three years.

Trafficking in Human Beings and Slavery

Article 175

(1) Whoever, in violation of the rules of international law, by the use of force or threat to use force or by fraud, kidnapping, abuse of position of defencelessness or authority or in any other way solicits, purchases, sells, hands over, transports, transfers, encourages or mediates in the buying, selling or handing over, conceals or receives a person in order to establish slavery or a similar relationship, forced labour or servitude, sexual abuse or illegal transplantation of parts of a human body, or who keeps a person in slavery or in a similar relationship shall be punished by imprisonment for one to ten years.

(2) Whoever in violation of the rules of international law solicits, purchases, sells, hands over, transports, transfers, encourages or mediates in the buying, selling or handing over, conceals or receives a child or a juvenile in order to establish slavery or a similar relationship, forced labor or servitude, sexual abuse, prostitution or illegal transplantation of parts of a human body, or whoever keeps a child or a juvenile in slavery or in a similar relationship shall be punished by imprisonment not less than five years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed while the perpetrator is a member of a group or a criminal organization, or if it

is committed against a larger number of persons or has caused the death of one or more persons,

the perpetrator shall be punished by imprisonment for not less than five years or by long term imprisonment.

(4) Whether or not a person has acceded to forced labour or servitude, sexual abuse, slavery, to a relationship similar to slavery or to unlawful transplantation of the parts of his or her body is of no relevance for the existence of the criminal offence referred to in paragraphs 1 and 2 of this Article.

Torture and Other Cruel, Inhuman or Degrading Treatment

Article 176

An official or another person who, acting upon the instigation or with the explicit or implicit consent of a public official, inflicts on a person physical or mental pain or severe physical or mental suffering for such purposes as to obtain from him or a third person information or a confession, or punishes him for a criminal offence he or a third person has committed or is suspected of having committed or who intimidates or coerces him for any other reason based on discrimination of any kind

shall be punished by imprisonment for one to eight years.

Illegal Transfer of Persons across the State Border

Article 177

(1) Whoever, for lucrative purposes, illicitly transfers across the state border a person or a number of persons

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

(2) If during the perpetration of the criminal offence referred to in paragraph 1 of this Article, the lives and the security of persons transferred across the state border are endangered or they are treated in an inhumane or humiliating way,

the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offence referred to in paragraph 1 of this Article is committed while the perpetrator is a member of a group or a criminal organization,

the perpetrator shall be punished for one to ten years.

(4) A person who attempts to commit a criminal offence referred to in paragraph 1 of this Article shall be punished.

International Prostitution

Article 178

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

which he is a citizen

shall be punished by imprisonment for six months to five years.

(2) Whoever, by force or threat to use force or deceit, coerces or induces another person to go to the state in which he has no residence or of which he is not a citizen, for the purpose of offering sexual services upon payment,
shall be punished by imprisonment for one to eight years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed against a child or a minor,
the perpetrator shall be punished by imprisonment for not less than three years.

(4) Whether or not the person procured, enticed, led away, forced or deceived into prostitution has already been engaged in prostitution is of no relevance for the existence of a criminal offence.

Hijacking an Aircraft or a Ship

Article 179

(1) Whoever, by force or serious threat to use force, takes over the control over an aircraft in flight or over a ship or a vessel
shall be punished by imprisonment for not less than one year.

(2) If the perpetrator, in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article, intentionally kills one or more persons,
he shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons or the destruction of an aircraft, a ship or a vessel is caused, or some other extensive pecuniary damage is caused,
the perpetrator shall be punished by imprisonment for not less than five years.

Piracy on the Sea and in the Air

Article 180

(1) A crew member of a ship or an aircraft or a passenger on a ship or an aircraft which is not a public ship or aircraft who, with intent to secure for himself or for another some gain or to cause some damage to another, commits at sea or in a place which is not under the rule of any state a violent act or some other type of coercion against another ship or aircraft, or persons or objects on them,
shall be punished by imprisonment for not less than one year.

(2) If the perpetrator, in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article, intentionally kills one or more persons,
he shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons or the destruction of an aircraft or a ship or some other extensive destruction is caused,
the perpetrator shall be punished by imprisonment for not less than five years.

*Endangering the Safety of International Air Traffic
and Maritime Navigation*

Article 181

(1) Whoever, without an aim to commit the hijacking of an aircraft (Article 179), destroys or damages air navigation facilities or causes some other damage to the aircraft, places or carries into the aircraft an explosive or other device or a substance capable of destroying or damaging the aircraft, gives false information regarding the flight of the aircraft, performs violence against the aircraft crew members or commits some other act of violence, endangering thereby the safety of the flight,
shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, with an aim to interrupt operations at an airport and endangering the safety of air traffic, performs violence against a person employed at an international airport or seriously damages or destroys airport facilities or damages an aircraft not in use.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without aiming to commit the hijacking of an aircraft or a ship (Article 179) or to commit a criminal offence of piracy on the sea or in the air (Article 180) by destroying or damaging the navigational facilities or by causing some other damage to a ship or a vessel, by placing or bringing onto the ship or a vessel explosives or other devices or substances capable of destroying or damaging the ship or the vessel, or who, by giving false information about the voyage of the ship or the condition of the vessel, by an act of violence against the crew members of the ship or vessel, or by any other act of violence, endangers the safety of the voyage of the ship or the safety of the vessel.

(4) If, by the criminal offence referred to in paragraphs 1, 2 and 3 of this Article, the death of one or more persons or the destruction or extensive damage to an aircraft, ship or vessel is caused or any other large-scale material damage is caused, the perpetrator shall be punished by imprisonment for not less than three years.

Failure to Render Aid at Sea and Inner Waters

Article 182

The captain of a ship or his deputy who, contrary to the obligation to render aid stipulated by law, does not set out to render aid and does not undertake to rescue persons

being in mortal danger at sea or in inner waters
shall be punished by imprisonment for six months to five years.

Broadcasting without Authorization

Article 183

Whoever, contrary to the provisions of international law, broadcasts from a ship or from installations at sea any radio or television programs directed at a wider public shall be punished by a fine or by imprisonment not exceeding one year.

Abuse of International Telecommunication Signals

Article 184

Whoever, without necessity, transmits an internationally stipulated signal of distress or danger or whoever transmits internationally stipulated safety signals when these are not appropriate or whoever misuses an internationally stipulated telecommunication signal shall be punished by imprisonment for three months to three years.

Breaking or Damaging Underwater Cables and Pipelines

Article 185

(1) Whoever destroys, damages, breaks, redirects or in another way incapacitates the functioning of an underwater cable or a pipeline which is used to make a telephone or telegraph connection under the sea level or to provide the passage of water, gas, petroleum or electric power between two or among a number of states or between some state and the Arctic and the Antarctic shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever destroys, damages or in another way incapacitates the operation of the accompanying installations, vessels, devices or equipment used when installing, repairing or maintaining the underwater cables or pipelines.

(3) Whoever commits the criminal offence referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by imprisonment for three months to three years.

Damaging the Reputation of a Foreign State and International Organization

Article 186

(1) Whoever exposes a foreign state, its flag, coat of arms, national anthem, its Head of State or diplomatic representative to public ridicule, contempt or severe disdain shall be punished by imprisonment for three months to three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever exposes to ridicule, contempt or severe disdain the United Nations, the International Red Cross or any other recognized international organization or its highest representatives.

(3) Criminal proceedings shall be instituted on the basis of an approval by the State Attorney of the Republic of Croatia who may issue such an approval after obtaining consent by the state, an international organization or the person against whom the criminal offence is committed.

*Association for the Purpose of Committing Criminal Offences against
the Values Protected by International Law*

Article 187

(1) Whoever organizes a group of people or in some other way joins three or more persons in common action for the purpose of committing the criminal offences referred to in Articles 156, 158, 159, 160, Articles 169 through 172 and Articles 179 and 181 of this Code

shall be punished by imprisonment for not less than three years.

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

shall be punished by imprisonment for six months to five years.

(3) The perpetrator of the criminal offence referred to in paragraph 1 of this Article who, by timely uncovering the group, prevents the perpetration of the criminal offences referred to in paragraph 1 of this Article

shall be punished by imprisonment for six months to three years, but the punishment may also be remitted.

(4) The punishment shall be remitted for a member of the group who uncovers the group prior to having committed the criminal offence referred to in paragraph 1 of this Article.

Planning Criminal Offences against Values Protected by International Law

Article 187a

(1) Whoever removes obstacles, makes a plan or arrangements with others or undertakes any other action to create the conditions for the direct perpetration of criminal offences referred to in Articles 156 through 160, Articles 169 through 172, and Articles 179 and 181 of this Code

shall be punished by imprisonment for one to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever procures or collects financial means, being aware that they shall be used in total or partially for the perpetration of the criminal offences referred to in the para 1 of this Article.

Subsequent Assistance to the Perpetrator of a Criminal Offence against Values Protected by International Law

Article 187 b

(1) Whoever conceals, gives food, clothing, money or in some other way takes care of the perpetrator of a criminal offence referred to in Articles 156 through 160, Articles 169 through 172, and Articles 179 and 181 of this Code in order to make it more difficult to discover and arrest him

shall be punished by imprisonment for six months to three years.

(2) A person referred to in paragraph 1 of this Article shall not be punished if that person is married to the perpetrator of a criminal offence, if they live in a common law-marriage, if they are lineal relatives, siblings, adoptive parent and adoptee or their spouses or persons living in a common-law marriage with them.

CHAPTER FOURTEEN (xiv)

**CRIMINAL OFFENSES AGAINST SEXUAL FREEDOM
AND SEXUAL MORALITY**

Rape

Article 188

(1) Whoever coerces another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent sexual act

shall be punished by imprisonment for one to ten years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in a particularly cruel or humiliating way, or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim

shall be punished by imprisonment for not less than three years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of the raped person is caused, or serious bodily injury is inflicted on the raped person or his health is severely impaired, or the (raped) female becomes impregnated,
the perpetrator shall be punished by imprisonment for not less than three years.

(4) If the criminal offence referred to in paragraph 1 of this Article is committed against a juvenile,
the perpetrator shall be punished by imprisonment for not less than three years.

(5) If the criminal offence referred to in paragraphs 2 and 3 of this Article is committed against a juvenile,
the perpetrator shall be punished for not less than five years.

(6) If the criminal offence referred to in paragraph 2 of this Article causes the consequences referred to in paragraph 3 of this Article,
the perpetrator shall be punished by imprisonment for not less than five years.

Sexual Intercourse with a Helpless Person

Article 189

(1) Whoever performs sexual intercourse or an equivalent sexual act with another person, taking advantage of his mental illness, temporary mental disorder, mental deficiency or some other more severe mental disturbance or any other condition which prevents such a person from resisting,
shall be punished by imprisonment for one to eight years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in a particularly cruel or humiliating way or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim
shall be punished by imprisonment for one to ten years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death is caused of the person against whom sexual intercourse or an equivalent sexual act is performed or serious bodily injury is inflicted on such a person, or his/her health is severely impaired, or the female victim is left pregnant,
the perpetrator shall be punished by imprisonment for one to ten years.

(4) If, by the criminal offence referred to in paragraph 2 of this Article, the consequences referred to in paragraph 3 of this Article are caused,
the perpetrator shall be punished by imprisonment for not less than three years.

Sexual Intercourse by Duress

Article 190

Whoever forces another person to sexual intercourse or to an equivalent sexual act with a serious threat of serious harm shall be punished by imprisonment for three months to five years.

Sexual Intercourse by Abuse of Position

Article 191

(1) Whoever, by abusing his/her position, induces another person to submit to sexual intercourse or an equivalent sexual act and where that person is in a position dependent towards him/her due to harsh material, family, social, health or any other conditions or circumstances shall be punished by imprisonment for three months to three years.

(2) A teacher, educator, parent, adopter, guardian, step-father, step-mother or any other person who, by using his/her status or relationship towards a juvenile who is entrusted to him/her for education, upbringing, custody or care, performs sexual intercourse or an equivalent sexual act upon such a person, shall be punished by imprisonment for six months to five years.

Sexual Intercourse with a Child

Article 192

(1) Whoever performs sexual intercourse or an equivalent sexual act on a child shall be punished by imprisonment for one to eight years.

(2) Whoever performs forcible sexual intercourse or an equivalent sexual act on a child (Article 188, paragraph 1) or on a helpless child (Article 189, paragraph 1) shall be punished by imprisonment for not less than three years.

(3) Whoever, by abusing his position (Article 191, paragraph 2), performs sexual intercourse or an equivalent sexual act on a child shall be punished by imprisonment for one to ten years.

(4) Whoever commits the criminal offence referred to in paragraphs 1, 2, and 3 of this Article in a particularly cruel or humiliating way or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim shall be punished by imprisonment for not less than five years.

(5) If, by the criminal offence referred to in paragraphs 1, 2, and 3 of this Article, the death of the child is caused or a serious bodily injury is inflicted on the child or his health is severely impaired or the female child is left pregnant, the perpetrator shall be punished by imprisonment for not less than five years or by long-term imprisonment.

Lewd Acts

Article 193

(1) Whoever, in the cases referred to in Articles 188 to 191 of this Code, does not attempt to commit a criminal offence and commits only a lewd act, shall be punished by imprisonment for three months to three years.

(2) Whoever, in the cases referred to in Article 192 of this Code, does not attempt to commit a criminal offence and commits only a lewd act or commits the criminal offence referred to in paragraph 1 of this Article against a child or a juvenile shall be punished by imprisonment for six months to five years.

Satisfying Lust in the Presence of a Child or a Juvenile

Article 194

Whoever, in the presence of a child or a juvenile, performs acts aimed at satisfying his own lust or the lust of a third person or whoever induces a child to submit to such acts in his presence or in the presence of a third person shall be punished by imprisonment for three months to three years.

Pandering

Article 195

(1) Whoever panders a child or a juvenile shall be punished by imprisonment for three months to three years.

(2) Whoever, for profit, organizes or assists another person in offering sexual services shall be punished by the punishment referred to in paragraph 1 of this Article.

(3) Whoever, for profit, by force or by threat to use force, or by deceit forces or induces another to offer sexual services shall be punished by imprisonment for six months to five years.

(4) If the criminal offence referred to in paragraphs 2 or 3 of this Article is committed against a juvenile, the perpetrator shall be punished by imprisonment for one to eight years.

(5) Whoever organizes or assists a child in offering sexual services shall be punished by imprisonment for three months to three years.

(6) If the criminal offence referred to in paragraphs 2 and 3 of this Article is committed against a child,

the perpetrator shall be punished by imprisonment for one to ten years.

(7) Whether the person who is procured has already been engaged in prostitution is of no relevance to the existence of the criminal offence referred to in this Article.

Abuse of Children or Juveniles in Pornography

Article 196

(1) Whoever uses a child or a juvenile for the purpose of making pictures, audiovisual material or other objects of a pornographic nature, or possesses, imports, sells, distributes or presents such material, or induces such persons to take part in pornographic shows shall be punished by imprisonment for one to five years.

(2) The objects meant or used for the perpetration of the criminal offence referred to in paragraph 1 of this Article shall be forfeited and the objects that are the result of the perpetration of the criminal offence referred to in paragraph 1 of this Article shall be forfeited and destroyed.

Introducing Pornography to Children

Article 197

(1) Whoever sells, donates, shows, publicly exhibits or otherwise makes accessible to a child the writings, pictures, audiovisual material or other objects of pornographic content or shows the child a pornographic performance shall be punished by a fine or by imprisonment not exceeding one year.

(2) The objects meant or used for the perpetration of the criminal offence referred to in paragraph 1 of this Article shall be forfeited and the objects that are the result of the perpetration of the criminal offence referred to in paragraph 1 of this Article shall be forfeited and destroyed.

Child Pornography in a Computer System or Network

Article 197 a

(1) Whoever through the computer system or network produces, offers, distributes, procures for oneself or for another, or whoever in the computer system or on a computer-data storage media possesses pornographic materials that depict children or juveniles engaged in a sexually explicit conduct or focused on their genitals, shall be punished by imprisonment for one to ten years.

(2) Whoever through the computer system, network or computer-data storage media makes accessible to a child pictures, audiovisual materials or other items of pornographic content,

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

(3) Special devices, equipment, computer programs or data used or adapted for the perpetration of the criminal offence referred to in the paras 1 and 2 of this Article shall be forfeited.

Incest

Article 198

(1) Whoever performs sexual intercourse or an equivalent sexual act with a relative by blood in a direct line or with a sibling shall be punished by a fine or imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article with a juvenile shall be punished by imprisonment for six months to five years.

(3) Whoever commits the criminal offence referred to in paragraph 1 of this Article with a child shall be punished by imprisonment for one to eight years.

CHAPTER FIFTEEN (xv)

CRIMINAL OFFENSES AGAINST HONOR AND REPUTATION

Insult

Article 199

(1) Whoever insults another shall be punished by a fine of up to one hundred daily incomes or imprisonment not exceeding three months.

(2) Whoever insults another through the press, radio, television, in front of a number of persons, at a public assembly, or in another way in which the insult becomes accessible to a large number of persons shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(3) If the insulted person returns the insult, the court may remit the punishment for both perpetrators.

Defamation

Article 200

(1) Whoever, in relation to another, asserts or disseminates a falsehood which can damage his honour or reputation shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever, in relation to another, asserts or disseminates a falsehood which can damage his honour or reputation through the press, radio, television, in front of a number of persons, at a public assembly, or in another way in which the defamation becomes accessible to a large number of persons shall be punished by a fine or by imprisonment not exceeding one year.

(3) If the defendant proves the truth of his allegation or the existence of reasonable grounds for belief in the veracity of the matter he has asserted or disseminated, he shall not be punished for defamation, but may be punished for insult (Article 199) or for reproaching someone for a criminal offence (Article 202).

Exposure of Personal or Family Conditions

Article 201

(1) Whoever exposes or disseminates a matter concerning the personal or family life of another which can damage his honour or reputation shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever exposes or disseminates a matter concerning the personal or family life of another which can damage his honour or reputation through the press, radio, television, in front of a number of persons, at a public assembly or in another way in which the exposure of personal or family conditions becomes accessible to a large number of persons shall be punished by imprisonment for six months to one year.

Reproach for a Criminal Offence

Article 202

(1) Whoever reproaches another for a committed criminal offence for which he has been convicted by a final court judgement shall be punished by a fine of up to one hundred daily incomes or imprisonment not exceeding three months.

(2) Whoever reproaches another for a committed criminal offence for which he has been convicted by a final court judgement through the press, radio, television, in front of a number of persons, at a public assembly or in another way in which the reproach for a criminal offence becomes accessible to a large number of persons shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Reasons for the Exclusion of Unlawfulness of Criminal Offences against Honour and Reputation

Article 203

There shall be no criminal offence in the case of the insulting content referred to in Article 199 and Article 200, paragraph 3, the defamatory content referred to in the Article 200 paras 1 and 2, the content concerning personal or family conditions referred to in Article 201, and reproach for a criminal offence referred to in the Article 202, which is realized and made accessible to other persons in scientific or literary works, works of art or public information, in the discharge of official duty, political or other public or social activity, or journalistic work, or in the defence of a right or in the protection of justifiable interests, unless if, from the manner of expression and other circumstances, it clearly follows that such conduct was aimed at damaging the honour or reputation of another.

Institution of Criminal Proceedings for Criminal Offences against Honour and Reputation

Article 204

(1) Criminal proceedings for the criminal offences against honour and reputation referred to in Articles 199 through 202 of this Code shall be instituted by a private charge.

(2) If the criminal offences referred to in Articles 199 through 202 of this Code are committed against a deceased, criminal proceedings may be initiated by a private charge brought by the spouse, children, parents, adopters, adoptees, brothers or sisters of the deceased.

Publication of Judgment for Criminal Offences against Honour and Reputation

Article 205

The court judgment pronouncing a perpetrator culpable of the criminal offence of insult, defamation, exposure of personal or family conditions and reproach for a criminal offence committed through the press, radio or television may be, in whole or in part, announced through the same media by a court's decision following a request by the aggrieved person at the cost of the perpetrator.

CHAPTER SIXTEEN (xvi)

CRIMINAL OFFENSES AGAINST MARRIAGE, FAMILY AND YOUTH

Bigamy

Article 206

(1) Whoever contracts a new marriage while being already married shall be punished by a fine or imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever contracts a marriage with a person while knowing such a person to be married.

Allowing a Contract of an Illicit Marriage

Article 207

An official person who, in the discharge of his official duty, assists in the contracting of a marriage despite knowing of the existence of an impediment to marriage shall be punished by a fine or by imprisonment not exceeding three years.

Breach of Family Obligations

Article 208

(1) Whoever, in violation of his statutory family obligations, abandons in a situation of distress a family member who is unable to take care of himself shall be punished by a fine or by imprisonment not exceeding three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, the death is caused of the family member abandoned in a situation of distress, or if serious bodily injury is inflicted on him or his health is severely impaired, the perpetrator shall be punished by imprisonment for one to five years.

Failure to Provide Maintenance

Article 209

(1) Whoever, by evading employment, or by changing the place of work, place of temporary or permanent residence, by the alienation of property or in some other way evades providing maintenance for the person he is bound to support by virtue of an enforceable judgment or judicial settlement or whoever refuses to fulfil such an obligation shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the obligation referred to in paragraph 1 of this Article relates to the maintenance of a child or a juvenile, the perpetrator shall be punished by a fine or by imprisonment not exceeding three years.

(3) In imposing a suspended sentence, the court may order, as a condition of the sentence being suspended, that the perpetrator settle his due obligations and meet regularly in the future the requirements of maintenance.

Abduction of a Child or a Juvenile
Article 210

(1) Whoever takes a child or a juvenile away from the parents, guardian, person or institution to which such a child or juvenile is entrusted or unlawfully keeps or persuades the child or juvenile to go over to him

shall be punished by imprisonment for six months to three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a child or a juvenile leaves the territory of the Republic of Croatia,

the perpetrator shall be punished by imprisonment for three months to five years.

(3) The court may remit the punishment if the perpetrator voluntarily hands over the child or the juvenile.

Change in Family Status
Article 211

(1) Whoever by foisting a child onto another, substituting it or in some other way changes the family status of a child

shall be punished by imprisonment for one to three years.

(2) The attempt of the criminal offence referred to in paragraph 1 of this Article is punishable.

Child Desertion

Article 212

Whoever deserts his helpless child with an aim to abandon him for ever shall be punished by imprisonment for six months to three years.

Neglect and Maltreatment of a Child or a Juvenile

Article 213

(1) A parent, adopter, guardian or another person who severely neglects his duties

in maintaining or educating a child or a juvenile
shall be punished by imprisonment for three months to three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a parent, adopter, guardian or another person who maltreats a child or a juvenile or forces him to work in a way that is unsuitable for his age or to work excessively or to beg or who induces him for personal gain to behave in a manner which is harmful to his development.

(3) If, by the criminal offence referred to in paragraphs 1 and 2 of this Article, serious bodily injury to a child or a juvenile is inflicted, or his health is severely impaired, or a child or a juvenile engages in begging, prostitution, or other forms of asocial behaviour or delinquency,
the perpetrator shall be punished by imprisonment for three months to five years.

Nonmarital Cohabitation with a Juvenile

Article 214

(1) An adult who cohabitates in a nonmarital relationship with a juvenile who has reached the age of fourteen but has not reached the age of sixteen years
shall be punished by imprisonment for six months to three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on the parent, adopter or guardian who makes it possible for a juvenile aged between fourteen and sixteen years to cohabit in a nonmarital relationship with another person, or induces him into such cohabitation.

(3) If the criminal offence referred to in paragraph 2 of this Article is committed for personal gain
the perpetrator shall be punished by imprisonment for three months to five years.

Obstruction and Failure to Perform Measures to Protect a Child or a Juvenile

Article 215

(1) Whoever obstructs the execution of educational and other measures stipulated by the court, a social welfare centre or government bodies for the protection of a child or a juvenile
shall be punished by a fine or by imprisonment not exceeding one year.

(2) A responsible employee working in an institution or governmental body who, on purpose or by negligence, fails to implement decisions of the court, a social welfare centre or a governmental body and who does not in timely fashion fulfil his or her legal obligations aimed at protecting a child or a juvenile whose health or development

therefore becomes endangered
shall be punished by a fine or by imprisonment not exceeding three years.

Violent Conduct within a Family

Article 215a

A family member who by his or her violent, abusive or particularly insolent conduct puts another member of the family into a humiliating position shall be punished by imprisonment for three months to three years.

CHAPTER SEVENTEEN (xvii)

CRIMINAL OFFENSES AGAINST PROPERTY

Larceny

Article 216

(1) Whoever takes away the movable property of another with an aim to unlawfully appropriate it shall be punished by a fine or by imprisonment not exceeding three years.

(2) If the stolen property is of small value and the perpetrator acts with an aim to appropriate the property of such value, he shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(3) Criminal proceedings for the criminal offence referred to in paragraph 2 of this Article shall be instituted by a private charge while, if state property is stolen, criminal proceedings shall be instituted following a motion.

(4) If the perpetrator returns the stolen property to the injured party prior to - learning that he has been discovered, the court may remit the punishment.

(5) The attempt of the criminal offence referred to in paragraph 1 of this Article is punishable.

Aggravated Larceny

Article 217

(1) A punishment of imprisonment for six months to five years shall be inflicted on

a perpetrator who commits a larceny (Article 216, paragraph 1):

1. by breaking in, entering by force or otherwise overcoming great obstacles in order to come to property within closed buildings, rooms, safes, wardrobes or other closed rooms or enclosed areas;
2. in a particularly dangerous or particularly brazen manner;
3. by taking advantage of conditions caused by a fire, flood, earthquake or another calamity;
4. by taking advantage of the helplessness or some other particularly difficult situation of another.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a perpetrator of the criminal offence of larceny (Article 216, paragraph 1):

1. if the stolen property is of great value and the perpetrator acts with an aim to appropriate the property of such value;
2. if the stolen property is used for religious purposes or if the property is stolen from a church or other building or room serving for the practice of religion;
3. if a piece of cultural heritage, or an object of scientific, artistic, historical or technical significance is stolen, or the stolen property is included in a public collection, a protected private collection, or is exhibited to the public.

(3) Fine or imprisonment not exceeding three years shall be inflicted on a perpetrator who commits a larceny (Article 216, paragraph 2) in the manner and under the circumstances referred to in paragraph 1 or paragraph 2, points 2 or 3 of this Article.

(4) Imprisonment for one to eight years shall be inflicted on a perpetrator who commits a larceny (Article 216, paragraph 1) as a member of a group or if he has in his possession a weapon or dangerous instrument for the purpose of attack or defence.

(5) The attempt of the criminal offence referred to in paragraph 3 of this Article is punishable.

Robbery

Article 218

(1) Whoever, by use of force against a person or by threatening a direct attack on a person's life or limb, takes away movable property from another with intent to unlawfully appropriate it

shall be punished by imprisonment for one to ten years.

(2) If the perpetrator commits the robbery as a member of a group or a criminal organization, or if, during the robbery, a weapon or dangerous instrument is used, the perpetrator shall be punished by imprisonment for three to twelve years.

Larceny by Coercion

Article 219

(1) Whoever, being caught in the act of larceny and with an aim to retain possession of stolen goods, uses force against a person or threatens instant attack on a person's life or limb

shall be punished by imprisonment for one to ten years.

(2) If the larceny by extortion is committed as a member of a group, or if during larceny by extortion a weapon or dangerous instrument is used, the perpetrator shall be punished by imprisonment for three to twelve years.

Embezzlement

Article 220

(1) Whoever unlawfully appropriates the movable property of another which has been entrusted to him

shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the stolen property is of small value and if the perpetrator acts with an aim to appropriate the property of such value,

he shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

(3) If the criminal offence referred to in paragraph 1 of this Article is committed by a guardian,

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

(4) If the embezzled property is of particular cultural, historical, scientific or technical significance, or if the embezzled property is of great value, and if the perpetrator acts with an aim to appropriate the property of such value,

he shall be punished by imprisonment for six months to five years.

(5) Whoever unlawfully appropriates movable property of another which he has found or accidentally come across

shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(6) Criminal proceedings for the criminal offence referred to in paragraphs 1, 2 and 5 of this Article shall be instituted by a private charge, while, if state property is embezzled, criminal proceedings shall be instituted following a motion.

Abstraction of Movable Property of Another

Article 221

(1) Whoever unlawfully takes away movable property of another so as to keep it in

his possession without an aim to appropriate it

shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) The attempt is punishable if the criminal offence referred to in paragraph 1 of this Article relates to a motor vehicle.

(3) Criminal proceedings for the criminal offence referred to in paragraph 1 of this Article shall be instituted following a motion.

(4) If the criminal offence referred to in paragraph 1 of this Article concerns a motor vehicle, criminal proceedings shall be instituted by virtue of the office.

Malicious Mischief

Article 222

(1) Whoever damages, deforms, destroys or renders unusable another person's property shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever damages, deforms, destroys or renders unusable another person's property which serves for religious purposes, a piece of cultural heritage, a specially protected natural resort, a piece of art or an object of scientific or technical significance which is located in a public collection, a protected private collection or is exhibited to the public, or an object which serves public needs or which embellishes squares, streets or parks

shall be punished by a fine or imprisonment not exceeding one year.

(3) Criminal proceedings for the criminal offence referred to in paragraph 1 of this Article shall be instituted following a motion unless the criminal offence referred to in paragraphs 1 and 2 of this Article is committed against a piece of protected cultural or natural heritage, or the damage caused is not of small value.

Infringement of secrecy, integrity and accessibility of computer data, programs and systems

Article 223

(1) Whoever, despite the protective measures, without authorization accesses the computer system

shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever on purpose renders unusable or hinders the work or the use of computer, data or programs, computer system or communication

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

(3) The punishment referred to in the para 2 of this Article shall be inflicted on whoever without authorization damages, alters, deletes, destroys or in some other way renders unusable or inaccessible the computer data or programs of another.

(4) The punishment referred to in the para 2 of this Article shall be inflicted on whoever intercepts or records the non-public transmission of computer data not intended for his use, from a computer system or within it, including the electromagnetic transmissions of data in the computer system, or whoever enables an unauthorized person to access these data.

(5) If the criminal offence referred to in paragraphs 1, 2, 3 and 4 of this Article is committed in connection with the computer data, program or system of a governmental body, a public institution or a company of special public interest, or if significant damage is caused,

the perpetrator shall be punished by imprisonment for three months to five years.

(6) Whoever, without authorization, produces, procures, imports, distributes, sells, possesses or makes available to another person special devices, equipment, computer data or programs created or adapted for the perpetration of the criminal offence referred to in paragraphs 1, 2, 3 and 4 of this Article

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

(7) Special devices, equipment, computer data or programs created, used or adapted for the perpetration of criminal offences and used for the perpetration of the criminal offence referred to in paragraphs 1, 2, 3 and 4 of this Article shall be forfeited.

(8) Whoever attempts to perpetrate the criminal offences referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished.

Computer Forgery

Article 223a

(1) Whoever, without authorization, develops, installs, alters, deletes or makes unusable computer data or programs that are of significance for legal relations in order for them to be used as authentic, or whoever uses such data or programs shall be punished by a fine or by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed in connection with the computer data or programs of a governmental body, a public institution or a company of special public interest, or if significant damage is caused, the perpetrator shall be punished by imprisonment for three months to five years.

(3) The punishment referred to in the para 1 of this Article shall be inflicted on whoever, without authorization, produces, procures, sells, possesses or makes available to another person special devices, equipment, computer data or programs created or adapted for the perpetration of the criminal offence referred to in paragraphs 1 or 2 of this Article

(3) Whoever, without authorization, produces, procures, sells, possesses or makes available to another person special devices, equipment, computer programs or electronic data created or adopted for the perpetration of the criminal offence referred to in paragraphs 1 and 2 of this Article.

(4) Special devices, equipment, computer programs or electronic data created, used or adapted for the perpetration of criminal offences and which are used to perpetrate the criminal offence referred to in paragraphs 1 or 2 of this Article shall be forfeited.

(5) Whoever attempts to commit the criminal offences referred to in paragraphs 1 and 3 of this Article shall be punished.

Fraud

Article 224

(1) Whoever, with an aim to procure unlawful pecuniary gain for himself or a third party, by false representation or concealment of facts, deceives another or keeps such a person in deception, inducing him thereby to do or to omit to do something to the detriment of his property or the property of another,
shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever establishes a system of advertising, canvassing or other activities to attract participants, or a professionally wider system in which profit is expected from invested funds and in which participants are promised pecuniary gain provided that they or other persons under the same conditions attract participants, whereas the acquisition of pecuniary gain depends in whole or in part on respecting the game of other participants.

(3) Whoever creates a system or uses an already existing system to realize unlawful pecuniary gain whose amount is not determined in advance, provided that the criminal offence of fraud is not committed in relation to respective individual perpetrators,
shall be punished by imprisonment for six months to three years.

(4) If, by the perpetration of the criminal offence referred to in paragraph 1 of this Article, considerable pecuniary gain is acquired, or considerable damage is caused, provided that the perpetrator acts with an aim to acquire such pecuniary gain or to cause such damage,
he shall be punished by imprisonment for six months to five years.

(5) If, by the perpetration of the criminal offence referred to in paragraph 1 of this Article, small pecuniary gain is acquired, or small damage is caused, provided that the perpetrator acts with an aim to acquire such pecuniary gain or to cause such damage,
he shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(6) Whoever commits the criminal offence referred to in paragraph 1 of this Article solely for the purpose of causing damage to another

shall be punished by fine or by imprisonment not exceeding one year.

(7) Whoever attempts to commit the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be punished

(5) Criminal proceedings for the criminal offence referred to in paragraphs 5 and 6 of this Article shall be instituted by a private charge.

Computer Fraud

Article 224a

(1) Whoever, with an aim to procure unlawful pecuniary gain for himself or a third party, enters, uses, alters, deletes or renders unusable electronic data or computer programs or disables or hampers the work or use of the computer system or program causing thereby damage to another

shall be punished by imprisonment for six months to five years.

(2) Whoever commits the criminal offence referred to in paragraph 1 solely with the purpose of causing damage to another

shall be punished by imprisonment for three months to three years.

(3) Whoever, without authorization, produces, procures, sells, possesses or makes accessible to another special devices, equipment, computer programs or electronic data created and adapted for the perpetration of the criminal offences referred to in paragraphs 1 or 2 of this Article

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

(3) Special devices, equipment, electronic data or computer programs created, used or adapted for the perpetration of criminal offences that were used to perpetrate the criminal offence referred to in paragraphs 1 and 2 of this Article shall be forfeited.

(4) Whoever attempts to perpetrate the criminal offence referred to in paragraphs 2 and 3 of this Article shall be punished.

Misuse of Insurance

Article 225

(1) Whoever, with an aim to collect insurance money from an insurer, destroys, damages or hides an object that has been insured against destruction, damage, loss or theft shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, with an aim to collect insurance money from an insurer for bodily injury, corporal or health impairment, inflicts on himself such injury or impairment and then reports the injury or impairment.

(3) The attempt of the criminal offence referred to in paragraph 1 of this Article is punishable.

(4) Criminal proceedings for the criminal offences referred to in paragraphs 1 and 2 of this Article shall be instituted following a motion.

(5) If the perpetrator abandons his claim for compensation for loss before learning that he has been discovered, the court may remit the punishment.

Misuse of a Check and a Credit Card

Article 226

(1) Whoever, by misusing a check, credit or banking card, to the use of which he has a right, induces a bank or other legal entity to pay an amount for which he knows there are not sufficient funds and which is, by the agreement on the use of checks and cards, expressly forbidden

shall be punished by a fine of up to hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Criminal proceedings for the criminal offence referred to in paragraph 1 of this Article shall be instituted following a motion.

Breach of Trust

Article 227

(1) Whoever, in representing the interests of a person or in taking care of such a person's property fails to carry out his statutory duty or abuses the authority vested in him by statute or by a contract, causing thereby injury to the person whose interests he represents,

shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by a guardian or attorney-at-law,

he shall be punished by imprisonment for three months to three years.

(3) Criminal proceedings for the criminal offence referred to in paragraph 1 of this Article shall be instituted by a private charge.

Violation of another Person's Rights

Article 228

(1) Whoever, with an aim to frustrate the satisfaction of a claim on objects, conveys,

destroys, damages or abstracts an object of his property on which another person has a lien or the right of usufruct, causing thereby injury to such a person, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever conceals, fictitiously sells, destroys, damages or renders unusable his entire property or a certain part of it, or accepts a false claim, creates a false contract or by some other fraudulent act fictitiously or really diminishes his personal income, reducing or preventing thereby the possibility of settlement with at least one of his creditors, shall be punished by imprisonment for three months to three years.

(3) Criminal proceedings for the criminal offences referred to in paragraphs 1 and 2 of this Article shall be instituted following a motion.

Violation of Copyright or of the Rights of Performing Artists

Article 229

(1) Whoever, under his own name or the name of another, publishes, shows, performs, transmits or in some other way communicates to the public the work of another, which is according to law an author's work, or allows this to be done, shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without stating the name or the pseudonym of the author, publishes, shows, performs, transmits or in some other way communicates to the public the work of another as referred to in paragraph 1 of this Article on which is shown the name or the pseudonym of the author or in an illicit way enters parts of the work of another referred to in paragraph 1 of this Article into his own work of authorship or allows this to be done.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed against a protected item of cultural heritage, the perpetrator shall be punished by imprisonment for six months to three years.

(4) Whoever destroys, disfigures, defaces or in some other way, without the author's permission, changes the work of another as referred to in paragraph 1 of this Article shall be punished by a fine or by imprisonment not exceeding three years.

(5) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without stating the name or pseudonym of the performing artist, except if the performing artist wishes to stay anonymous, publishes, shows, transmits or in some other way communicates to the public his performance.

(6) The same punishment as referred to in paragraph 3 of this Article shall be inflicted on whoever destroys, disfigures, defaces, maims or in some other way, without the permission of the performing artist, changes his recorded performance as referred to in paragraph 4 of this Article.

(7) If, by the perpetration of the criminal offence referred to in paragraphs 1, 2, 3, 4 and 5 of this Article, considerable pecuniary gain is acquired, or considerable damage is caused, while the perpetrator acts with an aim to acquire such pecuniary gain or to cause such damage,

the perpetrator shall be punished by imprisonment for six months to five years.

Illicit Use of an Author's Work or an Artistic Performance

Article 230

(1) Whoever, without the approval of the author or another carrier of the copyright, or the person who is authorized to grant approval when such approval is required pursuant to the provisions of the law, or contrary to their prohibition, makes a master copy, reproduces, multiplies, puts into circulation, rents, imports, transfers across the border, shows, performs, broadcasts, transmits, makes accessible to the public, translates, adapts, refashions or in any other way uses a work of authorship,

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

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without approval of the performing artist or the person who is authorized to grant approval, when such approval is required pursuant to the provisions of the law, or contrary to their prohibition, records, reproduces, multiplies, puts into circulation, rents, imports, transfers across the border, shows, performs, broadcasts, transmits, makes accessible to the public or in any other way uses a performance of a performing artist.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, intending to make possible the unauthorized use of an intellectual work or performance of a performing artist, produces, imports, transfers across the border, puts into circulation, rents, or enables another to use or exploit any kind of equipment or devices whose primary or predominant purpose is to enable the unauthorized removal or thwarting of some technical means or computer program intended to protect the copyright or the right of a performing artist against unauthorized use.

(4) The person on whom the objects intended for, or used in, the perpetration of a criminal offence are found, or come into being through the perpetration of the criminal offence referred to in paragraphs 1, 2 and 3 of this Article, while such a person knows it, could know or should have known it,

shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding six months.

(5) If, by the perpetration of a criminal offence referred to in paragraphs 1, 2, and 3 of this Article, considerable pecuniary gain is acquired or considerable damage is caused while the perpetrator acts with intent to acquire such pecuniary gain or to cause such damage,

the perpetrator shall be punished by imprisonment for six months to five years.

(6) The objects which were intended for or used in the perpetration of a criminal offence or came into being by the perpetration of the criminal offence referred to in paragraphs 1, 2 and 3 of this Article shall be forfeited, and the objects which came into

being by the perpetration of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be forfeited and destroyed.

*Violation of the Rights of Producers of Audio or Video Recordings
and the Rights Related to Radio Broadcasting*

Article 231

(1) Whoever, without the approval of the producer of an audio or video recording, when such approval is required pursuant to the provisions of the law, or contrary to his prohibition, broadcasts, multiplies directly or indirectly an audio or video recording, puts it without authorization into circulation, rents, imports, transfers across the border or makes it accessible to the public

shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without the approval of the carrier of the right relating to radio broadcasts, when such approval is required pursuant to the law, or contrary to his prohibition, rebroadcasts such a broadcasting or recording, multiplies or puts into circulation the recording of the broadcast.

(3) If, by the perpetration of the criminal offence referred to in paragraphs 1 and 2 of this Article, considerable financial gain is acquired or considerable damage is caused while the perpetrator acts with an aim to acquire such pecuniary gain or to cause such damage,

he shall be punished by imprisonment for six months to five years.

(4) The objects which were intended for or used in the perpetration of the criminal offence, or came into being through the perpetration of the criminal offence referred to in paragraphs 1, 2 and 3 of this Article, shall be forfeited and destroyed.

Violation of Patent Rights

Article 232

(1) Whoever, without authorization, files a patent application or does not state or falsely states in the patent application the inventor or makes the essence of the invention accessible to the public prior to the invention being published in the way stipulated by the law

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

(2) Whoever, without authorization, makes, imports, transfers across the border, offers, puts into circulation, stores or uses a product or procedure which is the subject of patent protection

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

(3) If, by the perpetration of the criminal offence referred to in paragraphs 1 and 2 of this Article, considerable pecuniary gain is acquired or considerable damage is caused while the perpetrator acts with an aim to acquire such pecuniary gain or to cause such damage,

the perpetrator shall be punished by imprisonment for six months to five years.

(4) The objects which were intended for or used in the perpetration of the criminal offence or came into being through the perpetration of the criminal offence referred to in paragraphs 2 and 3 of this Article shall be forfeited, and the objects which came into being by the perpetration of the criminal offence referred to in paragraphs 2 and 3 of this Article shall be forfeited and destroyed.

Usurious Contract

Article 233

(1) Whoever, taking advantage of the emergency/ distress, difficult financial conditions, insufficient experience, light-mindedness or the diminished capability of judgment of another person, receives from such a person, or contracts with such a person, pecuniary gain for himself or for a third person which is obviously disproportionate to the consideration he has given, done or bound himself to give or to do shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever engages himself to giving loans, contracting thereby exorbitant pecuniary gain.

Extortion

Article 234

(1) Whoever, with an aim to procure unlawful pecuniary gain for himself or for a third person, with force or by a serious threat, coerces another to do or to omit to do something to the detriment of his own property or the property of another shall be punished by imprisonment for six months to five years.

(2) If, in the perpetration of the criminal offence referred to in paragraph 1 of this Article, a weapon or a dangerous instrument is used, or if, by the offence, considerable pecuniary gain is acquired or the offence is committed as a member of a group or criminal organization, the perpetrator shall be punished by imprisonment for one to ten years.

Blackmail

Article 235

(1) Whoever, with an aim to procure unlawful pecuniary gain for himself or for another person, threatens this person with a disclosure about him or about persons close to him concerning something which could harm their honour or reputation and thus coerces him to do or to omit to do something to the detriment of his own property or the property of another

shall be punished by imprisonment for six months to five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, considerable pecuniary gain is acquired or the offence is committed as a member of a group or criminal organization,

the perpetrator shall be punished by imprisonment for one to ten years.

Concealing

Article 236

Whoever purchases, receives in pledge or otherwise acquires, conceals or resells an object which he knows was acquired by a criminal offence or what has been received for such an object as the result of a sale or exchange

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

Institution of Criminal Proceedings for Criminal Offences against Property

Article 237

Except for criminal offences where the institution of criminal proceedings is specially prescribed by a private charge or following a motion, for the criminal offences referred to in Article 216, paragraph 1, Article 217, Article 221, paragraphs 1 and 2, Article 224, paragraph 1 and 2, Article 228, paragraph 1 and Article 236 of this Code, if they are committed against a spouse, a blood relative in a direct line, a sibling, adopter, adopted person, or against the person with whom the perpetrator cohabitates, criminal proceedings shall be initiated by a private charge.

CHAPTER EIGHTEEN (xviii)

CRIMINAL OFFENSES AGAINST PEOPLE'S HEALTH

Transmission of Contagious Diseases

Article 238

(1) Whoever fails to comply with regulations or directions by which the competent state authority orders examinations, disinfection, quarantine or other measures for the suppression or prevention of a contagious disease and where consequently the danger of the spreading of a contagious disease occurs

shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever fails to comply with regulations or directions by which the competent state authority stipulates measures for the suppression or prevention of the contagious diseases of animals to which humans are also prone and consequently where a danger of the transmission of the contagious disease onto humans occurs.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed by negligence,

the perpetrator shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Transmission of Venereal Diseases

Article 239

(1) Whoever, knowing that he is infected with a venereal disease, communicates the same to another through sexual intercourse or an equivalent sexual act, if at the same time the criminal offence of aggravated bodily injury is not committed,

shall be punished by a fine or imprisonment not exceeding one year.

(2) Criminal proceedings for the criminal offence referred to in paragraph 1 of this Article shall be instituted following a motion, except when the criminal offence is committed against a juvenile.

Medical Malpractice

Article 240

(1) A physician or dentist who, in rendering medical services, does not apply measures for the protection of patients in accordance with professional standards, or applies an obviously inadequate remedy or method of treatment, or in general acts carelessly, thus causing the deterioration of an illness or the impairment of a person's health,

shall be punished by a fine or by imprisonment not exceeding two years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on the health provider who, in rendering medical services, does not apply

measures for the protection of patients or does not act in accordance with professional standards, or renders medical services in premises not having the statutory approval for work, or in general acts carelessly, thus causing the deterioration of an illness or the impairment of a person's health.

(3) A physician or dentist who commits the criminal offences referred to in paragraphs 1 or 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

Unauthorized Medical Treatment

Article 241

(1) Whoever treats another without that person's consent shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) A physician or dentist who performs a surgical or other medical intervention on another person's body without such a person's express and valid written consent shall be punished by a fine or by imprisonment not exceeding one year.

(3) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article when the law prescribes the compulsory medical treatment, or treatment, surgical or other medical intervention be performed on a person who is not conscious or is not capable of reasoning, when a close member of the family or legal representative is not accessible and when the postponement of treatment or intervention would endanger such a person's life or would cause a considerable deterioration in his health.

Illicit Transplantation of Parts of the Human Body

Article 242

(1) Whoever, without medical justification, removes for transplantation purposes a part of the human body with the consent of a living donor, or whoever, without medical justification, transplants a part of the human body with the consent of a recipient shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, with medical justification, removes for transplantation purposes a part of the human body without the consent of a living donor, or who, with medical justification, transplants a part of the human body without the consent of a recipient.

(3) Whoever, without medical justification, removes for transplantation purposes a part of the human body without the consent of a living donor, or whoever, without medical justification, transplants a part of the human body without the consent of a recipient shall be punished by imprisonment for six months to five years.

(4) Whoever, for transplantation purposes, removes a part of a deceased person's body before death is established in the prescribed manner

shall be punished by imprisonment for three months to three years.

(5) Whoever, for transplantation purposes, removes a part of a deceased person's body, knowing that this person expressly and in writing opposed the removal, or whoever, for transplantation purposes, removes a part of the body of a deceased juvenile or a mentally ill person without the express written consent of his legal representative shall be punished by a fine or by imprisonment not exceeding one year.

(6) Whoever, for remuneration or pecuniary gain, gives a part of his own body or a part of the body of another living or deceased person for transplantation purposes or intermediates in so doing shall be punished by a fine or by imprisonment not exceeding two years.

(7) If a physician commits the criminal offence referred to in paragraphs 1, 2 and 4 of this Article, he shall be punished by imprisonment for six months to five years, while, if he commits the criminal offence referred to in paragraph 3 of this Article, he shall be punished by imprisonment for not less than three years.

Failure to Render Medical Aid

Article 243

A physician or dentist or other health service provider who fails to render urgent medical aid to a patient or a person who needs such aid because of direct peril for his life shall be punished by a fine or by imprisonment not exceeding two years.

Quackery

Article 244

(1) Whoever, lacking prescribed professional qualifications, medically treats another or renders medical aid to such a person shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever commits the criminal offences referred to in paragraph 1 of this Article for remuneration or pecuniary gain shall be punished by a fine or by imprisonment not exceeding one year.

Preparation and Production of Hazardous Drugs

Article 245

(1) Whoever prepares or produces drug preparations or products which are - hazardous to human health in order to sell them or otherwise put them into circulation shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 by negligence shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(3) The products and means for production shall be forfeited.

Carelessness in Preparation and Dispensing of Drugs

Article 246

(1) A pharmacist or another person authorized for the preparation and dispensing of drugs to be used in medicine who prepares a drug contrary to professional standards or dispenses a wrong drug, and thereby endangers the health of a person, shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Production and Circulating of Harmful Foodstuffs

Article 247

(1) Whoever produces, sells or otherwise puts into circulation victuals, dishes, drinks or other products which are harmful to human health, not declaring or keeping secret their harmfulness, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Careless Inspection of Meat

Article 248

(1) A veterinarian or another person authorized to inspect livestock for slaughter or meat intended for human nutrition who inspects livestock and meat contrary to professional standards or who does not perform the inspection which he is bound to perform, thus allowing the distribution of meat which is harmful to human health, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Serious Criminal Offences against People's Health

Article 249

(1) If, by the criminal offence referred to in Article 238, paragraphs 1 and 2, Article 240, paragraphs 1 and 2, Article 241, paragraphs 1 and 2, Article 242, paragraphs 1 and 3, Article 243, Article 244, paragraphs 1 and 2, Article 245, paragraph 1, Article 246, paragraph 1, Article 247, paragraph 1 and Article 248, paragraph 1 of this Code, serious bodily injury to a person is caused, or his health is severely impaired, or the existing illness considerably deteriorates, the perpetrator shall be punished by imprisonment for one to eight years.

(2) If, by the criminal offences referred to in paragraph 1 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for three to ten years.

(3) If, by the criminal offence referred to in Article 238, paragraph 3, Article 240, paragraph 3, Article 245, paragraph 2, Article 246, paragraph 2, Article 247, paragraph 2 and Article 248, paragraph 2 of this Article, serious bodily injury to a person is caused, or his health is severely impaired, or the existing illness considerably deteriorates, the perpetrator shall be punished by imprisonment for six months to five years.

(4) If, by the criminal offences referred to in paragraph 3 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for one to eight years.

CHAPTER NINETEEN (xix)

CRIMINAL OFFENSES AGAINST THE ENVIRONMENT

Environmental Pollution

Article 250

(1) Whoever, contrary to regulations, pollutes the air, soil, running, still or ground water, watercourses or the sea, sea bed or subsoil or in some other way imperils the quality of air, soil, water, watercourses or the sea, sea bed or subsoil or the natural genetic harmony of biological diversity within a wide area and to an extent which can worsen the conditions of life of humans or animals, or endanger the existence of forests, plants and other vegetation,

shall be punished by imprisonment for three months to five years.

(2) The same punishment referred to in paragraph 1 of this Article shall be inflicted on whoever pollutes the air, soil, running, still or ground water, watercourses or the sea, sea bed or subsoil or in some other way imperils the quality of the air, soil, watercourses or the sea, sea bed or subsoil or the natural genetic harmony of biological diversity, thus causing danger to the life or health of humans or animals, or causes destruction or substantial damage to forests, plants and other vegetation within a wider area.

(3) Whoever commits the criminal offence referred to in paragraphs 1 and 2 of this Article by negligence

shall be punished by a fine or by imprisonment not exceeding one year.

Endangering the Environment by Noise

Article 251

(1) Whoever, contrary to regulations, makes noise which is apt to cause substantial damage to the health of a number of persons

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

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence

shall be punished by a fine or by imprisonment not exceeding one year.

Endangering the Environment by Waste Disposal

Article 252

(1) Whoever, contrary to regulations, disposes, deposits, collects, stores, treats or transports waste or in general handles it in a way which endangers the quality of the air, soil, water, watercourses or the sea within a wider area and to an extent which can worsen the conditions of life of humans or animals or endanger the existence of forests, plants and other vegetation

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

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever disposes, deposits, collects, stores, treats or transports waste or in general handles it in a way which endangers the quality of the air, soil, watercourses or the sea, thus causing danger to the life or health of humans or animals, or causes destruction or substantial damage to forests, plants and other vegetation within a wide area.

(3) Whoever commits the criminal offence referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

Illegal construction

Article 252 a

(1) Whoever, without necessary building permit or contrary to regulations or decisions of the competent state authorities constructs a building shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in an area that was, by the regulation or decision of the competent state authority pronounced a cultural historical unit, cultural goods or a protected natural value or an area of special interest to the state, shall be punished by imprisonment for six months to five years.

Importing of Radioactive or Other Hazardous Waste into the Republic of Croatia

Article 253

(1) Whoever, contrary to regulations, imports into the Republic of Croatia - radioactive or other hazardous waste harmful to the life or health of humans shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever, by abusing his official position or authority, contrary to regulations, enables radioactive or other hazardous waste harmful to the life or health of humans to be imported into the Republic of Croatia shall be punished by imprisonment for six months to five years.

(3) The attempt of the criminal offence referred to in paragraph 1 of this Article is punishable.

Endangering the Environment with Installations

Article 254

(1) Whoever, contrary to regulations, puts into operation or runs installations, or deviates from the manufacturing processes in which hazardous substances are released which may endanger the quality of the air, soil, water, watercourses or the sea within a wide area and of the ecosystems of the sea to an extent which can worsen the conditions of life of humans or animals or endanger the existence of forests, plants and other vegetation shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence shall be punished by a fine of not more than one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Transmission of Contagious Diseases among Animals and Plants

Article 255

(1) Whoever fails to comply with regulations or directions by which a competent state authority imposes measures for the suppression or prevention of contagious diseases among animals or plants, thus raising the danger of the spreading of such a disease or its agents or plant pests shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Production of Harmful Drugs for Animals

Article 256

Whoever produces for the purpose of sale or circulates drugs for the treatment or prevention of infection among animals and which are dangerous for their life or health, so that consequently a large number of animals perishes or the spreading of the contagious disease occurs, shall be punished by a fine or by imprisonment not exceeding one year.

Veterinary Malpractice

Article 257

(1) A veterinarian or veterinary assistant who, in rendering veterinary aid or carrying out an examination, inoculation or treatment of an animal, does not adhere to the rules of the veterinary profession, so that consequently sickness, the deterioration of the sickness or the death of the animal occurs, shall be punished by a fine or by imprisonment not exceeding one year.

(2) The veterinarian or veterinary assistant who commits the criminal offence referred to in paragraph 1 of this Article by negligence shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Poaching Game

Article 258

(1) Whoever hunts game during the closed season or within an area where hunting is forbidden, or whoever hunts protected fauna species, or whoever hunts wild game of a particular species without the special license required for such hunting, or whoever hunts in a manner or with devices which are prohibited by regulation or which destroy game on a large scale, or whoever moves game from its habitat to another place without the approval of a competent state authority shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever hunts on the hunting ground of another, if his act does not constitute a criminal offence against property, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Poaching Fish

Article 259

(1) Whoever catches fish or other freshwater or sea animals or organisms during the closed season or within an area where fishing is forbidden, or whoever catches protected fish or other water or sea animals or organisms which are forbidden to be caught, or whoever catches fish or other freshwater or sea animals or organisms of particular species without the license required for such catching, or whoever catches fish or other freshwater or sea animals or organisms using explosives, electric power, poison, dazing preparations or in some other manner or with devices which are harmful to their procreation or which are prohibited by regulations, or whoever moves fish or other freshwater or sea animals or organisms from their habitat to another place without the approval of a competent state authority shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever catches fish or other freshwater or sea animals or organisms in the fishing preserve of another, if his act does not constitute a criminal offence against property, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Criminal proceedings for the criminal offence referred to in paragraph 2 of this Article shall be instituted by private charge.

Torturing Animals

Article 260

(1) Whoever severely maltreats an animal or exposes it to unnecessary sufferance or causes it unnecessary pain or exposes it to suffering by giving vent to base instincts shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article so as to win a bet or otherwise procure a pecuniary gain shall be punished by a fine or by imprisonment not exceeding one year.

(3) Whoever by negligence or by withholding food or water or otherwise exposing an animal during its transport to a difficult condition through a long period of time shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

Devastation of Forests

Article 261

(1) Whoever, contrary to regulations or to the directions of competent state - authorities, lumbers or clears a forest or whoever barks trees or in some other way devastates a forest, while not committing thereby some other criminal offence for which a more severe punishment is prescribed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in a specially protected forest or in a forest which is a constituent part of a specially protected nature area shall be punished by a fine or by imprisonment not exceeding two years.

Unlawful Exploitation of Mineral Resources

Article 261a

(1) Whoever, contrary to regulations or decisions of the competent state authorities exploits mineral resources shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in a specially protected area shall be punished by imprisonment for six months to five years.

(3) If, by the perpetration referred to in paragraphs 1 and 2 of this Article, considerable pecuniary gain is acquired or considerable damage is caused, and while the perpetrator acted with an aim to acquire such pecuniary gain or to cause such damage, he shall be punished by imprisonment for one to eight years.

(4) The objects which were intended for or used in the perpetration of the criminal offence, or came into being by the perpetration of the criminal offence shall be forfeited.

(5) Whoever attempts to perpetrate the criminal offence referred to in paragraph 1 of this Article shall be punished.

Serious Criminal Offences against the Environment

Article 262

(1) If, by the criminal offence referred to in Article 250, paragraphs 1 and 2, Article 251, paragraph 1, Article 252, paragraphs 1 and 2, Article 253, paragraphs 1 and 2 and Article 254, paragraph 1 of this Code, serious bodily injury or severe impairment to the health of a number of persons is caused, or the death of one or more persons is caused, or if the changes caused by the pollution cannot be eliminated for a considerable period of time, or if an ecological catastrophe is caused, the perpetrator shall be punished by imprisonment for one to ten years.

(2) If, by the criminal offence referred to in Article 250, paragraph 3, Article 251, paragraph 2, Article 252, paragraph 3 and Article 254, paragraph 2 of this Code, the death of one or more persons is caused, or serious bodily injury or severe impairment to the health of a number of persons is caused, or if the changes caused by the pollution cannot be eliminated for a considerable period of time, or if the quality of the environment is substantially diminished, the perpetrator shall be punished by imprisonment for one to five years.

(3) If, by the criminal offence referred to in Article 255, paragraph 1, Article 256, paragraph 1 and Article 257, paragraph 3, of this Code, extensive material damage is caused, the perpetrator shall be punished by imprisonment for one to five years.

(4) If, by the criminal offence referred to in Article 255, paragraph 2 and Article 257 paragraph 2 of this Code, extensive material damage is caused, the perpetrator shall be punished by imprisonment for one to three years.

CHAPTER TWENTY (xx)

CRIMINAL OFFENSES AGAINST THE PUBLIC SAFETY OF PERSONS AND PROPERTY AND SAFETY IN TRAFFIC

Endangering Life and Property by Dangerous Public Acts or Means

Article 263

(1) Whoever endangers the life or limb of people or property of considerable value by fire, flood, an explosive, poison or poisonous gas, ionizing radiation, mechanical force, electric or other power, or by some publicly dangerous act or publicly dangerous objects shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on an official or responsible person who does not install devices for protection against fire, explosion, flood, poison, poisonous gases or ionizing radiation proscribed by statute, or does not maintain such devices in working condition, or fails to activate them in case of need, or fails to act in accordance with the regulations or technical rules on safety measures, endangering thereby the life and limb of people or property of considerable value.

(3) If the criminal offences referred to in paragraphs 1 and 2 of this Article are committed at a place where a number of persons is gathered, the perpetrator shall be punished by imprisonment for one to eight years.

(4) Whoever commits the criminal offences referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding three years.

Destruction or Damage of Public Utility Installations

Article 264

(1) Whoever destroys, damages, changes, renders unusable, removes or disconnects a public utility installation for water, heat, gas, electric or other power, or does likewise to a communications system installation, thus causing disorder to the ordinary life of citizens, shall be punished by imprisonment for six months to five years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

Damage of Safety Equipment at Work

Article 265

(1) Whoever destroys, damages, removes, disconnects or otherwise renders unusable or inefficient safety equipment in a mine, factory, workshop or another place where work is performed, and thereby endangers the life and limb of people or property of considerable value, shall be punished by imprisonment for one to five years.

(2) A responsible person in a mine, factory, workshop, or another place where work is performed who does not install safety equipment, or does not maintain it in working

condition, or fails to put it into operation in case of need, or fails to act in accordance with the regulations on measures of safety at work, endangering thereby the life and limb of people or property of considerable value,
shall be punished by a fine or by imprisonment not exceeding three years.

(3) Whoever commits the criminal offence referred to in paragraphs 1 and 2 of this Article by negligence
shall be punished by a fine or by imprisonment not exceeding one year.

Dangerous Execution of Construction Works

Article 266

(1) Whoever in the design, supervision or construction of a building or in the execution of any construction work, or the demolition of a building, by acting contrary to - regulations or generally recognized professional standards, endangers the life of people or property of considerable value
shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence
shall be punished by a fine or by imprisonment not exceeding one year.

Handling Publicly Dangerous Substances

Article 267

(1) Whoever without authority makes, manufactures, collects, hides or transports contrary to regulations ionizing or other substances which can cause public danger to the life of people or to property of considerable value, or whoever enables another to acquire such substances without authority, or prevents another from acquiring them with authority,
shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whomever, contrary to regulations on the transportation of explosives or easily inflammable materials, hands over the explosive or easily inflammable material to be transported by a public transport conveyance, or transports such material himself using a public transport conveyance.

(3) Ionizing or other substances referred to in paragraph 1 of this Article shall be forfeited.

Destroying or Damaging Danger Signs

Article 268

Whoever destroys, damages, removes or in any way renders unusable or - unnoticeable a sign or device warning of a certain danger or serving for the safety of land, sea, water or air traffic shall be punished by a fine or by imprisonment not exceeding one year.

Failure to Avert a Danger

Article 269

(1) Whoever fails to undertake measures to avert the immanent danger of fire, flood, explosion, traffic accident or some other immanent danger to the life of people or to property of considerable value, by timely notifying a competent service or in some other way, although he could have done so without considerable danger to himself or another, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever, by dissuasion or in some other way, thwarts another in undertaking measures toward averting a public danger to the life of people or to property of considerable value shall be punished by a fine or by imprisonment not exceeding two years.

(3) The attempt of the criminal offence referred to in paragraph 2 of this Article is punishable.

Failure to Participate in Averting a Public Danger

Article 270

Whoever, contrary to the order of a competent state authority, without justified reason, refuses to participate in averting a public danger to the life of people and to property of considerable value shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

Serious Criminal Offences against Public Safety

Article 271

(1) If by the criminal offence referred to in Article 263, paragraphs 1, 2 and 3, Article 264, paragraph 1, Article 265, paragraphs 1 and 2 and Article 266, paragraph 1 of this Code the serious bodily injury of another or extensive material damage is caused, the perpetrator shall be punished by imprisonment for one to ten years.

(2) If by the criminal offence referred to in Article 263, paragraphs 1, 2 and 3, Article 264, paragraph 1, Article 265, paragraphs 1 and 2 and Article 266, paragraph 1 of this Code the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for three to twelve years.

(3) If by the criminal offence referred to in Article 263, paragraph 4, Article 264, paragraph 2, Article 265, paragraph 3, Article 266, paragraph 2 of this Code the serious bodily injury of another or extensive material damage is caused, the perpetrator shall be punished by imprisonment for six months to five years.

(4) If by the criminal offence referred to in Article 263, paragraph 4, Article 264, paragraph 2, Article 265, paragraph 3 and Article 266, paragraph 2 of this Code the death of one or more persons is caused,
the perpetrator shall be punished by imprisonment for one to eight years.

Causing Traffic Accident

Article 272

(1) Whoever, by violating regulations on traffic safety, endangers the traffic in such a manner that he causes an accident in which another is seriously bodily injured, or extensive material damage is caused to another,
shall be punished by imprisonment for six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence,
the perpetrator shall be punished by a fine or by imprisonment not exceeding three years.

(3) If by the criminal offence referred to in paragraph 1 of this Article the death of one or more persons is caused,
the perpetrator shall be punished by imprisonment for one to ten years.

(4) If by the criminal offence referred in paragraph 2 of this Article the death of one or more persons is caused,
the perpetrator shall be punished by imprisonment for six months to five years.

Failure to Render Aid to a Person Who Suffers Serious Bodily Injury in a Traffic Accident

Article 273

(1) A driver of a motor vehicle or some other means of transport who leaves without aid a person who suffers serious bodily injury caused by the motor vehicle or transportation conveyance
shall be punished by a fine or by imprisonment not exceeding one year.

(2) If by the criminal offence referred to in paragraph 1 of this Article the death of one or more persons is caused,
the perpetrator shall be punished by a fine or by imprisonment not exceeding three years.

CHAPTER TWENTY-ONE (xxi)

CRIMINAL OFFENSES AGAINST THE SAFETY OF PAYMENT AND BUSINESS OPERATIONS

Counterfeiting of Money

Article 274

(1) Whoever counterfeits money with an aim that it be brought into circulation as genuine, or whoever alters genuine money with an aim that it be brought into circulation, or whoever brings such counterfeit money into circulation, shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever procures counterfeit money with an aim that it be brought into circulation as genuine.

(3) Whoever brings into circulation counterfeit money received by him as genuine, knowing or finding out that it has been counterfeited or altered shall be punished by a fine or by imprisonment not exceeding one year.

(4) Counterfeit money shall be forfeited.

Counterfeiting of Securities

Article 275

(1) Whoever counterfeits securities issued pursuant to regulations with the intent that they be brought into circulation as genuine, or whoever alters genuine securities to give them the appearance of a higher value with an aim that they be brought into circulation as genuine, or whoever brings such securities into circulation, shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever procures counterfeit securities with an aim that they be brought into circulation as genuine.

(3) Whoever brings into circulation securities received by him as genuine, knowing or finding out that these have been counterfeited or altered, shall be punished by a fine or by imprisonment not exceeding one year.

(4) Counterfeit securities shall be forfeited.

Counterfeiting of Value Tokens

Article 276

(1) Whoever counterfeits tax stamps or postage stamps or other value tokens issued pursuant to regulations, or whoever alters some of these genuine value tokens with an aim that they be used as genuine or conveyed to another for use, or whoever uses such counterfeit tokens as genuine or procures them with such an aim, shall be punished by imprisonment for six months to five years.

(2) Whoever removes the seal from a value token or in some other way treats the already used value token so as to give it the appearance of an unused token, or whoever

uses or sells an already used value token as valid,
shall be punished by a fine or by imprisonment not exceeding three years.

(3) Counterfeit value tokens shall be forfeited.

***Manufacturing, Supplying, Possessing, Selling or Providing
of Instruments of Forgery***

Article 277

(1) Whoever manufactures, supplies, possesses, sells or provides instruments for counterfeiting value tokens issued pursuant to regulations shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever manufactures, supplies, possesses, sells or provides instruments for counterfeiting money or securities issued pursuant to regulations shall be punished by imprisonment for six months to five years.

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

Forgery of Trademarks, Measures and Weights

Article 278

(1) Whoever, with an aim to use as genuine, makes false trademarks used for the identification of domestic or foreign commodities, such as seals, stamps or hallmarks for branding gold, silver, livestock, wood or some other commodities, or alters such genuine trademarks, or whoever uses false trademarks as genuine,
shall be punished by imprisonment for three months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever forges measures or weights.

(3) Whoever, without authority, manufactures, supplies, sells or provides instruments to make trademarks or false measures and weights shall be punished by a fine or by imprisonment not exceeding three years.

(4) False trademarks, measures and weights shall be forfeited.

Money Laundering

Article 279

(1) Whoever, in banking, financial or other economic operations, invests, takes over, exchanges or otherwise conceals the true source of money, objects or rights procured by money which he knows to be acquired by a criminal offence shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be - inflicted on whoever acquires, possesses or brings into circulation for himself or for another the money, objects or rights referred to in paragraph 1 of this Article, although at the moment of acquisition he knew the origin of such.

(3) Whoever commits the criminal offence referred to in paragraphs 1 and 2 of this Article as a member of a group or a criminal organization shall be punished by imprisonment for one to ten years.

(4) Whoever, committing the criminal offence referred to in paragraphs 1 and 2 of this Article, acts negligently regarding the fact that the money, objects or rights are acquired by the criminal offence referred to in paragraph 1 of this Article shall be punished by imprisonment for three months to three years.

(5) If the money, objects or rights referred to in paragraphs 1, 2 and 4 of this Article are acquired by a criminal offence committed in a foreign state, such an offence shall be evaluated pursuant to the provisions of the Croatian criminal legislation taking into consideration the provisions of Article 16, paragraphs 2 and 3 of this Code.

(6) The money and objects referred to in paragraphs 1, 2 and 4 of this Article shall be forfeited while the rights referred to in paragraphs 1, 2 and 4 shall be pronounced void.

(7) The court may remit the punishment of the perpetrator of the criminal offence referred to in paragraphs 1, 2, 3 and 4 of this Article who voluntarily contributes to the discovery of such a criminal offence.

Violating Equality in Performing Economic Activities

Article 280

(1) Whoever, by abusing his official position or authority, limits the free movement of capital and labour within a certain area, withholds or limits the right of a legal or natural person to be engaged within a certain area in trading with goods and services, places a company in a disadvantageous position in relation to other legal and natural persons regarding the conditions of work or trading with goods and services, or limits the free exchange of goods and services shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever exploits his social position or influence so that the offence referred to in paragraph 1 is committed.

Preference of Creditors

Article 281

(1) Whoever, with knowledge of his insolvency, gives in payment of a debt or otherwise a preference to a creditor in collecting claims, thus causing damage to at least one of his other creditors
shall be punished by a fine or by imprisonment not exceeding one year.

(2) Criminal proceedings for the criminal offence referred to in paragraph 1 of this Article shall be instituted following a motion.

Misuse of Bankruptcy

Article 282

(1) Whoever, with knowledge of his own indebtedness or insolvency, stopping the collection of his claims with an aim to diminish the future bankruptcy estate, spends excessively, gives away property considerably below its value, assumes unreasonable liability, recklessly takes or gives loans, does business with an insolvent person, omits to collect his claims on time, or in some other way which is in obvious contrariety to the requirements of the proper conduct of business decreases his assets,
shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a responsible person in a legal entity who commits the criminal offence referred to in paragraphs 1 of this Article.

(3) Whoever commits a criminal offence referred to in paragraphs 1 of this Article by negligence
shall be punished by a fine or by imprisonment not exceeding three years.

Malpractice in Bankruptcy Proceedings

Article 283

(1) Whoever, in bankruptcy proceedings, files a false claim or claims in a false order of settlement so as to realize a right not due to him
shall be punished by a fine or by imprisonment not exceeding one year.

(2) The punishment referred to in paragraph 1 of this Article shall be inflicted on a creditor, a member of a creditors' committee or a bankruptcy trustee who, for himself or for another, accepts pecuniary gain or a promise of pecuniary gain to vote in a certain way, or to omit to vote, or to act in some other manner in order to damage at least one creditor in bankruptcy proceedings.

(3) The punishment referred to in paragraph 1 of this Article shall be inflicted on whoever gives or promises pecuniary gain to a creditor, a member of a creditors' committee or a bankruptcy trustee committing the criminal offence referred to in paragraph 2 of this Article.

Deceiving Buyers

Article 284

(1) Whoever, with an aim to deceive buyers, brings into circulation products bearing a mark containing data not corresponding to the contents, kind, origin or quality of the product, or puts a mark of protection on products which are not protected, or brings into circulation products which by their weight or quality do not correspond to the standards assumed for such products, or brings into circulation products bearing no indication as to their contents, kind, origin or quality when such an indication is prescribed,

shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever, with an aim to deceive buyers, falsely announces reductions in the prices of products, the sale of goods at reduced prices or otherwise by false advertising deceives buyers regarding the prices of the products he sells

shall be punished by a fine not exceeding one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Infringement of Industrial Property Rights and Unauthorized Use of Another's Company Name

Article 285

(1) Whoever, contrary to regulations on industrial property, infringes another's seal, model or pattern, the mark of origin of a product, or some other industrial property right, except that of invention (Article 232),

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

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without authorization, makes, imports, carries across the border, offers, brings into circulation, stores or uses a product protected pursuant to paragraph 1 of this Article.

(3) Whoever, without authorization, uses the trademark of another or inserts into it features of the respective special marks or characteristics of the rights referred to in paragraph 1 of this Article

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

(4) If, by perpetration of the criminal offence referred to in paragraphs 1 and 2, considerable pecuniary gain is acquired or considerable damage is caused while the perpetrator acts with an aim to acquire such pecuniary gain or to cause such damage, the perpetrator

shall be punished by imprisonment for six months to five years.

(5) Instruments which are intended to be used or are used for the perpetration of the criminal offence referred to in paragraphs 1 and 2 of this Article shall be forfeited and destroyed.

Evasion of Tax and Other Levies

Article 286

Whoever, with an aim that he or another evades wholly or in part payment of tax, social security or health insurance contributions, other statutory contributions or levies, furnishes false data on legally acquired income, on items or other facts relevant for the assessment of such an obligation, or whoever, with the same aim, in the case of a mandatory tax return, does not report legally acquired income, or an item or other facts relevant for the assessment of such obligations which he is bound to report by law, whereas the amount of the obligation whose payment is being evaded exceeds ten thousand Kuna,

shall be punished by imprisonment for six months to five years.

Violation of the Obligation to Keep Business Books

Article 287

Whoever fails to keep trade or business books which he is required to keep pursuant to law, or keeps them in such a way that the examination of business operations or pecuniary status is rendered difficult, or destroys, conceals, damages to a large extent or otherwise renders unusable trade or business books and records which he is bound to keep,

shall be punished by imprisonment for three months to five years.

Creating a Monopolistic Position in the Market

Article 288

Whoever in a legal entity enters into an agreement by which another legal or natural person is limited with regard to the free circulation of goods and services in a certain area or with certain legal and natural persons, or whoever enters into an agreement that otherwise creates a monopolistic position of legal or natural persons in the market shall be punished by imprisonment for six months to five years.

Unfair Competition in Foreign Trade Operations

Article 289

(1) A representative of a legal or natural person, knowing that another domestic legal or natural person has reached a preliminary agreement with a foreign company or an individual trader regarding a foreign trade operation, or that a contract is going to be entered into, makes an offer to sell or purchase the same kinds of goods or render the same service to this foreign company or the individual trader, so that as a result the foreign company or the individual trader refrains from entering into a previously agreed contract or the contract is concluded under less favourable terms for a domestic legal or natural person,

such a person shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the perpetrator of the criminal offence referred to in paragraph 1 of this Article realizes some pecuniary gain,
he shall be punished by imprisonment for six months to five years.

Illicit Trade in Gold

Article 290

(1) Whoever, contrary to regulations, sells or buys gold or gold coins which have considerable value
shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever organizes a network of middlemen or resellers for the purpose of committing the criminal offence referred to in paragraph 1 of this Article
shall be punished by a fine or by imprisonment not exceeding three years.

(3) The gold and gold coins which are the subject of the criminal offence referred to in paragraphs 1 and 2 of this Article shall be forfeited.

Economic Mismanagement

Article 291

(1) A responsible person in legal entity, who, by violating the law or other regulations on business operations, obviously conducts business carelessly and causes thereby considerably pecuniary damage to such a legal entity,
shall be punished by a fine or imprisonment not exceeding three years.

(2) If, by the criminal offence referred to in the paragraph 1 of this Article, extensive pecuniary damage or the bankruptcy of the legal entity is caused,
the perpetrator shall be punished by imprisonment for six months to five years.

Abuse of Authority in Economic Business Operations

Article 292

(1) A responsible person in a legal entity who, with an aim to acquire unlawful pecuniary gain for his own legal entity or any other legal entity,
- creates or keeps illicit funds within the country or in a foreign state,
- falsely presents the position and flow of funds and the success of business operations by drawing up deeds of untrue content, false balances, estimates or stock-inventories, or other types of false representation or concealment of facts,
- puts the legal entity in a more favourable position when obtaining funds or other favours which would not be conceded to the legal entity pursuant to the existing regulations,
- in fulfilling obligations towards budgets and funds, withholds funds due to these,
- uses earmarked funds entrusted to him contrary to their purpose,
- in some other way seriously violates the law or rules of business operations regarding the use and management of property,
shall be punished by imprisonment for six months to five years.

- (2) If, by the criminal offence referred to in paragraph 1 of this Article, considerable pecuniary gain is acquired while the perpetrator acts with intent to acquire such gain,
he shall be punished by imprisonment for one to eight years.

Fraud in Economic Operations
Article 293

- (1) A responsible person within a legal entity who, with an aim to acquire unlawful pecuniary gain for this or another legal entity, by use of uncollectible payment instruments ensuring the payment or otherwise by false representation or concealment of facts misleads or keeps another in mistaken belief, inducing him to do or fail to do something to the detriment of his own property or the property of another,
shall be punished by imprisonment for six months to five years.
- (2) If, by the perpetration of the criminal offence referred to in paragraph 1 of this Article, considerable pecuniary gain is acquired or considerable damage is caused while the perpetrator acts with an aim to acquire such gain or to cause such damage,
he shall be punished by imprisonment for one to eight years.

Concluding a Prejudicial Contract
Article 294

- (1) Whoever, as a representative of a legal entity in its economic activities concludes a contract which he knows to be prejudicial to the legal entity, or concludes a contract contrary to the authority given to him, causing thereby damage to the legal entity,
shall be punished by imprisonment for six months to five years.
- (2) If, by the perpetration of the criminal offence referred to in the paragraph 1 of this Article extensive damage is caused,
the perpetrator shall be punished by imprisonment for one to ten years.

Accepting a Bribe in Economic Business Operations
Article 294a

- (1) A responsible person within a legal entity engaged in economic business operations, which solicits or accepts a gift or some other benefit, or who accepts a promise of a gift or some other benefit, so that he, while concluding business or providing services, would favour another causing thereby damage to whom he represents,
shall be punished by imprisonment for six months to five years.
- (2) A responsible person in a legal entity engaged in economic business operations who solicits or accepts a gift or some other benefit, or who accepts a promise of a gift or some other benefit as a counterfavour for concluding business or providing services,
shall be punished by imprisonment for three months to three years.

(3) The gift or other pecuniary gain received shall be forfeited

Offering a Bribe in Economic Business Operations
Article 294 b

(1) Whoever confers or promises to confer a gift or other benefit upon a responsible person of a legal entity engaged in economic business operations so that, the responsible person, while concluding business or providing services, would favour another causing thereby damage to whom he represents, or whoever intermediates in so bribing a responsible person,

shall be punished by imprisonment for three months to three years.

(2) Whoever confers or promises to confer a gift or other benefit upon a responsible person of a legal entity involved in economic business operations as a counterfavour for him concluding business or providing services, or whoever intermediates in so bribing a responsible person,

shall be punished by a fine or imprisonment not exceeding one year.

(3) The court shall remit the punishment of the perpetrator of the criminal offense referred to in paragraphs 1 and 2 of this Article, provided that he has given a bribe at the request of a responsible person and that he reports this act prior to its discovery or prior to his knowledge that it has been discovered.

(4) The gift or the pecuniary gain given under the circumstances referred to in paragraph 3 of this Article shall be restored to the person who gave a bribe.

Disclosure and Unauthorized Procurement of a Business Secret

Article 295

(1) Whoever, without authorization, communicates, delivers or in some other way makes accessible to another data which are a business secret, or whoever collects such data with an aim to deliver them to an unauthorized person,

shall be punished by imprisonment for one to five years.

(2) If data which are a business secret are disclosed or acquired with a view to transmitting them abroad, or if the perpetrator has procured pecuniary gain for himself or another or has caused extensive damage,

he shall be punished by imprisonment for one to ten years.

(3) Whoever commits the criminal offence referred to in paragraphs 1 and 2 by negligence

shall be punished by imprisonment not exceeding two years.

Illicit Manufacturing

Article 296

(1) Whoever manufactures or processes items or goods whose production is forbidden, and if, by such an act, some other criminal offence for which a more severe punishment is prescribed has not been committed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Items and goods which are illicitly manufactured shall be forfeited.

Illicit Trade

Article 297

(1) Whoever, without authorization, buys, sells or exchanges items or goods whose distribution is forbidden or limited, and if, by such an act, some other criminal offence for which a more severe punishment is prescribed has not been committed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Items and goods which are illicitly traded shall be forfeited.

Avoiding Customs Control

Article 298

(1) Whoever carries a large quantity of goods or an object of great value across the customs line, avoiding measures of customs control, shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever organizes a group or persons for the perpetration of the criminal offence referred to in paragraph 1 of this Article, or a network of resellers or middlemen for the sale of goods not cleared by customs, shall be punished by imprisonment for six months to five years.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever carries across the customs line, avoiding measures of customs control, goods whose manufacture or distribution is limited or forbidden.

(4) Whoever organizes a group or persons for the perpetration of the criminal offence referred to in paragraph 3 of this Article shall be punished by imprisonment for one to eight years.

(5) The attempt of the criminal offence referred to in paragraphs 1 and 3 of this Article is punishable.

(6) Goods which are the subject of the criminal offence referred to in paragraph 1 of this Article shall be forfeited.

CRIMINAL OFFENSES AGAINST THE JUDICIARY

Failure to Report the Preparation of a Criminal Offence

Article 299

(1) Whoever knows that a serious criminal offence, for which a punishment of five years of imprisonment or a more severe punishment is prescribed by law, is being prepared and fails to report this when it is still possible to avert its perpetration, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article regarding a criminal offence for which long-term imprisonment is prescribed by law shall be punished by imprisonment for three months to three years.

(3) There shall be no criminal offence referred to in paragraph 1 of this Article if its material elements are realized by a person who lives in or out of wedlock with the person who is preparing the criminal offence, or if such a person is his relative by blood in a direct line, or a sibling, or an adopter or adoptee.

(4) The punishment can be mitigated for the perpetrator of the criminal offence referred to in paragraph 2 of this Article who is, with the person who is preparing the perpetration of a criminal offence, in some respective relationship referred to in paragraph 3 of this Article.

Failure to Report a Criminal Offence

Article 300

(1) Whoever knows that a serious criminal offence, for which long-term imprisonment is prescribed by law, was committed and fails to report it, although he knows that by reporting it the discovery of the offence or the perpetrator would be made possible or considerably facilitated, shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on an official or responsible person who fails to report the perpetration of a criminal offence which comes to his knowledge in the discharge of his duty if, for such a criminal offence, criminal proceedings are not instituted by a private charge or following a motion.

(3) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article if its material elements are realized by a person who lives in or out of wedlock with the person who has perpetrated the unreported criminal offence, or is to such a person a relative by blood in a direct line, a sibling, an adopter or adoptee, attorney-at-law, defence counsel, notary public, physician, dentist, midwife or other health provider, psychologist, guardian, religious confessor or if it is committed by another person in the performance of

his profession.

(4) A physician, a dentist, midwife or other health provider, psychologist, notary public, and guardian shall be punished for the criminal offence referred to in paragraphs 1 and 2 of this Article if it is committed against a child or a juvenile.

*Assistance to the Perpetrator Following the Perpetration
of a Criminal Offence*

Article 301

(1) Whoever conceals the perpetrator of a serious criminal offence, for which a punishment of five years of imprisonment or a more severe punishment is prescribed by law , or by concealing the means of perpetration of the criminal offence, traces of criminal offence or objects resulting from or acquired by a criminal offence or in any other way assists him not to be discovered,

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

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever conceals a person who is convicted to imprisonment or otherwise obstructs the execution of such a punishment.

(3) A punishment may not be inflicted on the perpetrator referred to in paragraph 2 of this Article which is more severe than the one to which the person to whom the perpetrator rendered assistance was convicted.

(4) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article if its material elements are realized by a person who lives in or out of wedlock with the person who is offered help, or if such a person is to him a relative by blood in a direct line, a sibling, or an adopter or adoptee.

False Report of a Criminal Offence

Article 302

(1) Whoever reports that a person has committed a criminal offence for which criminal proceedings are non instituted by a private charge or following a motion, despite knowing this not to be true, or whoever, by supposition of traces or otherwise, causes the institution of criminal proceedings against a person whom he knows not to be the perpetrator of the criminal offence

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

(2) Whoever reports that a criminal offence, for which criminal proceedings are not instituted by a private charge or following a motion, was committed, despite knowing this not to be true, or whoever charges himself with the perpetration of a criminal offence, although it is not true,

shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

Making a False Statement

Article 303

(1) A witness, expert-witness, translator or interpreter who, in proceedings before the court, administrative proceedings, proceedings before a notary public or disciplinary proceedings, makes a false statement, finding or opinion, or if he translates something falsely

shall be punished by imprisonment for six months to five years.

(2) The punishment as referred to in paragraph 1 of this Article shall be inflicted on a party in proceedings, except the defendant, who makes a false statement if the final decision in these proceedings is based on such a statement.

(3) If the criminal offence referred to in paragraph 1 of this Article results in the criminal conviction of an innocent defendant or in some other serious consequences for the defendant in criminal proceedings, the perpetrator

shall be punished by imprisonment for one to ten years.

(4) If, prior to the final decision, the perpetrator of the criminal offence referred to in paragraph 1 of this Article voluntarily withdraws his false statement, the court may remit the punishment.

Obstruction of Evidence

Article 304

(1) Whoever, in proceedings before the court, International Criminal Tribunal, in administrative proceedings, proceedings before a notary public or disciplinary proceedings, uses force, threat or any other kind of coercion, or promises, offers or gives a gift or any other benefit to a witness or expert witness, with an aim to induce the giving of false testimony or to prevent or hamper the presentation of evidence,

shall be punished by imprisonment for six months to five years.

(2) Whoever, with an aim to prevent or considerably hamper the presentation of evidence in proceedings before the court, administrative proceedings, proceedings before a notary public or disciplinary proceedings, conceals, damages or destroys the object or document of another serving as evidence, forges evidence in proceedings before the court, or whoever submits such a evidence knowing it to be a forgery,

shall be punished by a fine or by imprisonment not exceeding one year.

(3) The punishment referred to in paragraph 2 of this Article shall be inflicted on whoever, with an aim to prevent or considerably hamper the presentation of evidence in proceedings before the court or in administrative proceedings, removes, destroys, relocates or shifts a boundary stone, geodetic mark, or in general any other mark intended to indicate ownership or some other real property right, or a water right, or whoever, with the same aim, falsely installs such a mark.

Breach of Secrecy of Proceedings

Article 305

(1) Whoever, without authorization, discloses what has come to his knowledge in proceedings before the court, administrative proceedings, proceedings before a notary public or disciplinary proceedings and what, pursuant to the law or a decision based upon the law, is deemed to be a secret,
shall be punished by a fine or by imprisonment not exceeding six months.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without the court's permission, publishes information about the course of criminal proceedings against a juvenile or the decision in such proceedings.

Disclosure of the protected witness' identity

Article 305a

Whoever, without authorization reveals, gives or undertakes any action resulting in disclosing to a third party, data on the identity of a person included in the witness protection program provided by a special law,
shall be punished by imprisonment for tree months to three years.

Riot of Persons in Official Detention

Article 306

(1) Whoever, in an institution wherein he is placed pursuant to a lawful decision depriving him of liberty, participates in gathering persons who are deprived of liberty, with an aim to set themselves free by force, or to jointly attack official persons in such an institution, or to coerce them by force, or threat of immediate use of force, to do or omit to do an act in breach of their duty
shall be punished by imprisonment for three months to three years.

(2) The perpetrator of the criminal offence referred to in paragraph 1 of this Article who uses force or threatens to use it,
shall be punished by imprisonment for six months to five years.

(3) The court shall remit the punishment of the perpetrator of the criminal offense referred to in paragraph 1 of this Article who, on the call of an official person, abstains from gathering.

Escape of a Detained Person

Article 307

(1) Whoever, by force or threat of immediate attack upon the life or limb of a person, escapes from the institution wherein he is placed pursuant to a lawful decision depriving him of liberty,

shall be punished by imprisonment for three months to three years.

(2) Whoever, by force or threat of immediate attack upon the life or limb of a person or by deceit, enables a person deprived of liberty pursuant to a lawful decision to escape, shall be punished by a fine or by imprisonment not exceeding one year.

*Thwarting Prohibitions Contained in Security Measures
and Legal Consequences of Conviction*

Article 308

(1) Whoever enables a person to perform a certain profession, activity, duty, or certain jobs, despite knowing that against such a person a security measure is applied, or against whom the legal consequences of a conviction have become effective, for reasons of which such performance is forbidden or is not allowed,
shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) The same punishment referred to in paragraph 1 of this Article shall be inflicted on whoever enables a person to drive a motor vehicle, although he knows that the security measure of the prohibition to drive a motor vehicle is ordered against such a person.

Duress against Judicial Official

Article 309

(1) Whoever makes demands on a judge, State Attorney, notary public, by force, threat or another form of coercion to undertake actions or pass a decision, within or outside the framework of his authority, or whoever mediates in such acts or demands, if by so acting some other criminal offence for which a more severe punishment is prescribed is not committed,
shall be punished by imprisonment for one to five years.

(2) Whoever, during proceedings before a court, but prior to the rendering of the final judgment, expounds his opinion in the public media, at a public rally or in front of a body of persons on how the judicial official should act in a particular case or which decisions he should pronounce,
shall be punished by a fine or by imprisonment not exceeding six months.

(3) There shall be no criminal offence referred to in paragraph 2 of this Article if its material elements are realized by the defendant or his defence counsel and if they express their opinion after an official public statement of the State Attorney or the judge regarding the respective case.

Unlicensed Legal Services

Article 310

(1) Whoever is engaged in offering legal aid without authorization shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without authorization, offers legal aid to another for reimbursement settled in advance or settled subsequently.

CHAPTER TWENTY-THREE (xxiii)

CRIMINAL OFFENSES AGAINST AUTHENTICITY OF DOCUMENTS

Forgery of a Document

Article 311

(1) Whoever fabricates a false document or falsifies a genuine one for the purpose of using such a document as genuine, or whoever uses a false or falsified document as genuine, or procures one for use,
shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in regard of a public document, certificate of citizenship, will, bill of exchange, cheque, payment card or other document for non-cash payment, public or official books which have to be kept pursuant to the law
shall be punished by imprisonment for three months to five years.

(3) The attempt of the criminal offence referred to in paragraph 1 of this Article is punishable.

Forgery of an Official Document

Article 312

(1) An official or responsible person who, in an official or business document, book or file enters untrue data, or does not enter an important fact, or with his signature and/or official seal attests such a document, book or file with untrue contents, or who with his signature and/or official seal enables a document, book or file with untrue contents to be prepared,
shall be punished by imprisonment for three months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on an official or a responsible person who uses in service or in a business an untrue official or business document, book or file as if they were true, or who destroys, conceals, or damages to a large extent or otherwise renders unusable a true document,

book or file.

Special Cases of Forgery of a Document

Article 313

Following actions shall be deemed as the perpetration of the criminal offence of forgery of a document:

- 1) whoever, without authorization, inserts a statement of value for legal relationships in any paper, blank or other object duly signed by another person,
- 2) whoever deceives another regarding the contents of a document, so that he signs such a document in the belief of signing some other document or contents,
- 3) whoever issues a document on behalf of another without his authorization, or on behalf of a non-existing person,
- 4) whoever, in issuing a document, adds to his signature a position or rank which he does not hold, provided that this has a material influence upon the evidentiary value of the document,
- 5) whoever makes a document by using a genuine seal or mark without authorization.

Making, Supplying, Possessing, Selling or Providing Means of Forging Documents

Article 314

(1) Whoever makes, supplies, possesses, sells or provides the means of forging documents shall be punished by a fine or by imprisonment not exceeding three years.

(2) The means of forging referred to in paragraph 1 of this Article shall be forfeited.

Certification of Untrue Content

Article 315

(1) Whoever, by deceiving a competent body, causes it to certify in a public document, in minutes or a book any untrue content intended to serve as evidence in legal transactions,

shall be punished by imprisonment for three months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever uses such a document, minutes or a book, despite knowing it to be untrue.

***Issuance and Use of False Medical or Veterinary
Health Certificates***

Article 316

(1) A physician, dentist or veterinarian who issues a false medical or veterinary certificate shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever makes use of a medical or veterinary certificate, despite knowing it to be false, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

CHAPTER TWENTY-FOUR (xxiv)

CRIMINAL OFFENSES AGAINST PUBLIC ORDER

Obstructing an Official in the Performance of Official Duty

Article 317

(1) Whoever, by force or threat of immediate use of force, prevents an official from performing an official act falling within the scope of his authority or, by using the same means, coerces him to perform an official act shall be punished by imprisonment for three months to three years.

(2) Whoever, in the course of committing the criminal offence referred to in paragraph 1 of this Article, maltreats an official, inflicts bodily injury upon him or threatens to use a weapon, shall be punished by imprisonment for six months to five years.

(3) Whoever commits the criminal offence referred to in paragraphs 1 and 2 of this Article against a person authorized to help an official in the performance of an official act shall be punished as if he had committed the offence against the official.

(4) The court shall remit the punishment of the perpetrator of the criminal offense referred to in paragraphs 1, 2 and 3 of this Article provided he was provoked by illegal,

inconsiderate or rude treatment on the part of the official or the person authorized to help him.

Attacking an Official

Article 318

(1) Whoever, apart from the cases referred to in Article 317 of this Code, attacks or seriously threatens an immediate attack on an official or a person authorized to help an official in the performance of his duties falling within the scope of internal affairs to prevent and discover criminal offences, apprehend perpetrators of criminal offences, or safeguard public order and peace,

shall be punished by imprisonment for three months to three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever commits the criminal offence referred to in paragraph 1 of this Article against a person entrusted to guard persons who have been deprived of liberty by a legal decision or in a legal manner.

(3) Whoever, in the course of committing the criminal offence referred to in paragraphs 1 and 2 of this Article, maltreats, inflicts slight bodily injury on an official or person authorized to help him or threatens to use a weapon,

shall be punished by imprisonment for six months to five years.

(4) The punishment of the perpetrator of the criminal offense referred to in paragraphs 1, 2 and 3 of this Article may be remitted provided he was provoked by illegal, inconsiderate or rude treatment on the part of the official or the person authorized to help him.

Participation in a Group Obstructing or Attacking an Official

Article 319

(1) Whoever participates in a group which, by joint action, commits the criminal offence referred to in Articles 317 and 318 of this Code, for mere participation in the group, shall be punished by a fine or by imprisonment not exceeding one year.

(2) The organizer or leader of the group referred to in paragraph 1 of this Article shall be punished by imprisonment for one to five years.

Unlawful Change of Organization of Local Government, Self-Government or State Administration

Article 320

Whoever, by force, threat to use force or in some other unlawful way, changes the organization of local government, self-government or state administration within the

territory of the Republic of Croatia as established by the law,
shall be punished by imprisonment for six months to five years.

Incitement to Resistance

Article 321

(1) Whoever incites another to resist the lawful decisions or measures of state authorities or against an official performing a lawful official act shall be punished by a fine or by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article results in frustrating or in causing considerable difficulties in the implementation of a lawful decision or measure or an official act,
the perpetrator shall be punished by imprisonment for six months to five years.

Spreading False and Alarming Rumours

Article 322

(1) Whoever asserts, disseminates or spreads rumours which he knows to be false with an aim to cause anxiety among a large number of citizens and where such anxiety really occurs,
shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever informs the police or any other public service responsible for maintaining order, or offers help in connection with an alleged event that requires urgent action on the part of the service knowing that it is not true,
shall be punished by a fine or by imprisonment not exceeding three years.

Removal and Damage of an Official Seal and Mark

Article 323

(1) Whoever removes or damages an official seal or mark which an authorized official placed for the purpose of securing objects or premises, or whoever enters upon such premises or opens the secured object without removing or damaging the seal or mark,
shall be punished by a fine or by imprisonment not exceeding one year.

(2) The attempt of the criminal offence referred to in paragraph 1 of this Article is punishable.

Removal or Destruction of an Official Seal or Official Document

Article 324

(1) Whoever unlawfully removes, hides, destroys, damages or otherwise renders

unusable an official seal, book, file or document belonging to or in the possession of a governmental body or organization exercising public service,
shall be punished by a fine or by imprisonment not exceeding three years.

(2) The attempt of the criminal offence referred to in paragraph 1 of this Article is punishable.

Damage, Destruction and Illicit Export of a Piece of Cultural or Natural Heritage

Article 325

(1) Whoever damages or destroys a piece of cultural or natural heritage protected by the provisions of a special statute,
shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without the permission of a competent body, exports or removes to a foreign country a piece of cultural or natural heritage, or after removing the same, does not return it to the country within the time limit stipulated in the permission.

(3) If, as a result of the criminal offence referred to in paragraphs 1 and 2 of this Article, considerable damage occurs, or if the piece of cultural heritage referred to in paragraphs 1 and 2 of this Article is of national importance,
the perpetrator shall be punished by imprisonment for six months to five years.

(4) The attempt of the criminal offence referred to in paragraphs 1 and 2 of this Article is punishable.

Illicit Research Activities and Usurpation of Cultural Heritage

Article 326

(1) Whoever, without the permission of a competent body, performs the conservation, restoration, exploration, or other works on a piece of cultural heritage, or despite a ban, or without the permission of a competent body, performs archaeological excavations or searches, as a result of which such cultural property is destroyed, severely damaged, or loses the character of a piece of cultural heritage,
shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed against a piece of cultural heritage of particular value or importance, or if considerable damage is caused,
the perpetrator shall be punished by a fine or by imprisonment not exceeding three years.

(3) Whoever usurps or takes away property constituting a piece of cultural heritage which was excavated or found in the course of archaeological or other discoveries, or otherwise,
shall be punished by a fine or by imprisonment not exceeding three years.

(4) The attempt of the criminal offence referred to in paragraphs 2 and 3 of this Article is punishable.

Desrtruction or Concealment of Archives
Article 327

(1) Whoever, contrary to the regulations, destroys, conceals or renders unusable registered and archival materials, or removes them to a foreign country without the approval of a competent governmental body,
shall be punished by a fine or by imprisonment not exceeding three years.

(2) The attempt of the criminal offence referred to in paragraph 1 of this Article.

False Impersonation

Article 328

(1) Whoever falsely represents himself as an official or military person, or wears without authority any insignia of an official or a military person with an aim to acquire benefit for himself or another, or to cause damage to another,
shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever performs any action which only an official or military person is authorized to perform.

Self-Help

Article 329

(1) Whoever arbitrarily acquires his own right or a right he deems to appertain to him, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Imprisonment for three months to five years shall be inflicted on a perpetrator who commits the criminal offence referred to in paragraph 1 of this Article as a member of a group or a criminal organization.

(3) Criminal proceedings for the criminal offence referred to in paragraph 1 of this Article shall be instituted by a private charge and for the criminal offence referred to in the paragraph 2 of this Article following a motion.

Illegal Debt Collection

Article 330

(1) Whoever, for the purpose of collecting a debt, appropriates the movable property of another by force or threat of immediate attack upon his life or limb or on the life or limb of persons close to him,
shall be punished by imprisonment for three months to five years.

(2) Whoever, for the purpose of collecting a debt, coerces another by force or a serious threat to do or omit to do something to the detriment of his property or the property of another,
shall be punished by imprisonment for three months to three years.

(3) The attempt of the criminal offence referred to in paragraph 2 of this Article is punishable.

(4) Imprisonment for one to eight years shall be inflicted on a perpetrator who commits the criminal offence referred to in paragraph 1 of this Article as a member of a group or a criminal organization.

(5) Imprisonment for six months to five years shall be inflicted on a perpetrator who commits the criminal offence referred to in paragraph 2 of this Article as a member of a group or a criminal organization.

Violent Behaviour

Article 331

(1) Whoever, to give vent to his base instincts through violence, maltreatment or particularly impertinent conduct in a public place, humiliates another,
shall be punished by imprisonment for three months to three years.

(2) If an individual commits a criminal offence as a member of a group or against a larger number of persons,
the perpetrator shall be punished by imprisonment for six months to five years.

Conspiracy to Commit a Criminal Offence

Article 332

Whoever agrees with another to commit a serious criminal offence for which imprisonment for three years or a more severe penalty may be imposed,
shall be punished by a fine or by imprisonment not exceeding three years.

Associating for the Purpose of Committing Criminal Offences

Article 333

- (1) Whoever organizes a group of people or in some other way associates three or more persons in joint action with an aim to commit criminal offences for which, according to the law, imprisonment of three years or a more severe punishment may be imposed, shall be punished by imprisonment for six months to five years.
- (2) Whoever organizes a criminal organization or manages it, shall be punished by imprisonment for one to eight years.
- (3) A member of the group referred to in paragraph 1 of this Article shall be punished by a fine or by imprisonment not exceeding three years.
- (4) A member of the group referred to in paragraph 2 of this Article shall be punished by imprisonment for six months to five years.
- (5) The court shall remit the punishment of a member of a group or a criminal organization provided he uncovers such a group or criminal organization prior to committing a criminal offence as a member of it or for it.

Making and Supplying Weapons and Instruments Intended for the Perpetration of a Criminal Offence

Article 334

- (1) Whoever makes, supplies, possesses or enables another to obtain weapons, explosive substances or the means needed for their production, or poisons which he knows to be intended for the perpetration of a criminal offence, shall be punished by imprisonment for three months to three years.
- (2) Whoever makes or cedes to another a false key, skeleton key or other instrument or device for burglary, despite knowing it is intended for the perpetration of a criminal offence, shall be punished by a fine or by imprisonment not exceeding one year.

Illicit Possession of Weapons and Explosive Substances

Article 335

- (1) Whoever, without authorization, makes, supplies, possesses, sells or otherwise acquires for himself or a third person firearms, ammunition or explosive substances whose supply, sale or possession is not permitted to citizens, shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever, without authorization, supplies, possesses, sells, makes or exchanges large quantities of firearms, ammunition or explosive substances, shall be punished by imprisonment for one to five years.

(3) Firearms, ammunition and explosive substances shall be forfeited.

Participating in a Group Committing a Criminal Offence

Article 336

(1) Whoever participates in a group of people which, by joint action, kills a person or inflicts serious bodily injury upon a person, commits arson, damages property to a large extent, or commits other acts of grave violence, or which attempts to commit such offences,

shall for mere participation, be punished by imprisonment for three months to three years.

(2) The organizer or leader of the group committing the criminal offence referred to in paragraph 1 of this Article

shall be punished by imprisonment for one to eight years.

CHAPTER TWENTY-FIVE (xxv)

CRIMINAL OFFENCES AGAINST OFFICIAL DUTY

Abuse of Office and Official Authority

Article 337

(1) An official or responsible person who, with an aim to procure for himself or another non-pecuniary benefit, or to cause damage to a third person, abuses his office or official authority, oversteps the limits of his official authority, or fails to perform his duty, shall be punished by a fine or by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article results in considerable damage or a serious violation of the rights of a third person, the perpetrator shall be punished by imprisonment for three to five years.

(3) If pecuniary gain is acquired by the criminal offence referred to in paragraph 1 of this Article,

the perpetrator shall be punished by imprisonment for six months to five years.

(4) If considerable pecuniary gain is acquired by the criminal offence referred to in paragraph 1 of this Article, and the perpetrator acts with an aim to acquire such gain, or if extensive damage is caused,
the perpetrator shall be punished by imprisonment for one to ten years.

Abuse in Performing Governmental Duties

Article 338

An official or responsible person in a governmental bodies or units of regional or local self-government and administration, units of local self-government or bodies which perform public services, or a responsible person in legal entities whose owner or majority owner is the Republic of Croatia or a unit of local self-government and administration who, for the purpose of acquiring pecuniary gain in his private business or the private business of members of his family, abuses his office or official authority by giving preferential treatment in a competition, or by giving, obtaining or contracting jobs shall be punished by imprisonment for six months to five years.

Negligent Performance of Duty

Article 339

An official or responsible person who, by violating laws or other regulations, by failing to perform mandatory supervision or in any other way acts in a clearly unconscientious manner in the performance of his duty, thus causing a serious violation of the rights of a third person or considerable property damage,
shall be punished by a fine or by imprisonment not exceeding three years.

Failure to Execute Orders

Article 340

An official person who, in discharging duties in internal affairs related to the prevention and discovery of criminal offences, the apprehension of perpetrators of criminal offences or securing public order and peace, fails or refuses to execute the order of his superior based on a statutory provision to undertake an official act, thus causing a serious violation of the right of a third person, a serious disturbance of public order or peace, or considerable pecuniary damage,
shall be punished by imprisonment for three months to five years.

Violation of a Duty to Guard the State Border

Article 341

(1) An official person who, in performing duties in internal affairs, while performing a duty on the border, acts contrary to regulations on guarding the state border, thus causing serious harmful consequences to the service or, by which the service becomes seriously imperilled,
shall be punished by imprisonment for three months to three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, serious bodily injury is inflicted or extensive pecuniary damage or other serious consequences are caused,
the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offence referred to in paragraph 1 of this Article results in the death of one or a number of persons,
the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence,
the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offence referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator shall be punished by imprisonment not exceeding three years, and if the consequence referred to in paragraph 3 of this Article is caused,
the perpetrator shall be punished by imprisonment not exceeding three years.

Illegal Release of a Person Deprived of Liberty

Article 342

An official who, charged with the surveillance of a person deprived of liberty, releases such a person in violation of the law, or who helps such a person to escape or enables illicit communication or correspondence to be made, as a result of which the person who is deprived of liberty succeeds in escaping,
shall be punished by imprisonment for three months to five years.

Illegal Intercession

Article 343

(1) Whoever demands or receives a gift or any other gain, or receives an offer or promise of a gift or any other gain for himself or for another natural or legal person so as to intercede by taking advantage of his official or social position or influence, whereby an official or other act be performed which should be performed, or that an official or other act not be performed which should not to be performed
shall be punished by imprisonment for six months to three years.

(2) The punishment referred to in paragraph 1 of this Article shall be inflicted on whoever, by abusing his official or social position or influence, intercedes so that an official or other act be performed which should not be performed or so that an official or other act not be performed which should be performed.

(3) If, for the intercession referred to in paragraph 2 of this Article, the perpetrator has received a gift or some other gain, or if he has received an offer or accepted the promise of a gift or some other gain for himself or for another natural or legal person, while some other criminal offence is not committed for which a more severe punishment is prescribed,
the perpetrator shall be punished by imprisonment for one to five years.

(4) Whoever offers, promises or gives a gift or some other gain to another, meant for that person or for another natural or legal person so that by abusing his official or social

position or influence he intercedes so that an official or other act be performed that should be performed, or so that an official or other act not be performed that should not be performed

shall be punished by imprisonment for six months to three years.

(5) Whoever offers, promises or gives a gift or some other gain to another, meant for that person or for another natural or legal person, so that by abusing his official or social position or influence he intercedes so that an official or other act be performed that otherwise should not be performed, or so that an official or other act not be performed which should be performed

shall be punished by imprisonment for one to five years.

Fraud in the Performance of a Duty

Article 344

(1) An official person who, in the performance of his duty, with an aim to procure for himself or a third party unlawful pecuniary gain by submitting a false statement of account, or in some other way, by a false presentation of facts, deceives an authorized person into making an illegal disbursement,

shall be punished by imprisonment for six months to five years.

(2) If, as result of the criminal offence referred to in paragraph 1 of this Article, a small pecuniary gain is acquired, while the perpetrator has acted with an aim to realize such gain,

the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(3) If, as a result of the criminal offence referred to in paragraph 1 of this Article considerable pecuniary gain is acquired, while the perpetrator has acted with an aim to realize such gain,

the perpetrator shall be punished by imprisonment for one to ten years.

Embezzlement

Article 345

(1) Whoever unlawfully appropriates money, securities or other movable property which is entrusted to him in service or generally in his work,

shall be punished by imprisonment for six months to five years.

(2) If the value of the embezzled property is small, or if a small sum of money or securities of small value is embezzled, while the perpetrator acts with an aim to appropriate such value,

he shall be punished by a fine or by imprisonment not exceeding one year.

(3) If a large sum of money is embezzled or securities or property of large value are embezzled, while the perpetrator acts with an aim to appropriate such value,

he shall be punished by imprisonment for one to ten years.

Unauthorized Use

Article 346

Whoever, without authorization, uses money, securities or other movable property entrusted to him in service or generally in his work, or which is accessible to him in connection with his service or work, or confers such property to another for use, shall be punished by a fine or by imprisonment not exceeding three years.

Accepting a Bribe

Article 347

(1) An official or responsible person who solicits or accepts a gift or some other benefit, or accepts the promise of a gift or some other gain for performing within the scope of his authority an official or other act which he should not perform, or for omitting an official or other act which he should perform, shall be punished by imprisonment for one year to eight years.

(2) An official or responsible person who solicits or accepts a gift or some other gain, or who accepts the promise of a gift or some other gain for performing within the scope of his authority an official or other act which he should perform, or omitting an official or other act which he should not perform, shall be punished by imprisonment for six months to five years.

(3) An official or responsible person who, following the performance or omission of an official or other act referred to in paragraphs 1 and 2 of this Article, solicits or accepts a gift or some other gain in relation to this act, shall be punished by a fine or by imprisonment not exceeding one year.

(4) The gift or other pecuniary gain received shall be forfeited.

Offering a Bribe

Article 348

(1) Whoever confers or promises to confer a gift or other gain upon an official or responsible person so that he would, within the scope of his official authority, perform an official or other act which he should not perform, or omit an official or other act which he should perform, or whoever intermediates in so bribing an official or responsible person, shall be punished by imprisonment for six months to three years.

(2) Whoever confers or promises to confer a gift or other gain upon an official or responsible person so that he would, within the scope of his official authority, perform an official or other act which he should perform, or omit an official or other act which he

should not perform, or whoever intermediates in so bribing an official or responsible person,
shall be punished by a fine or imprisonment not exceeding one year.

(3) The court shall remit the punishment of the perpetrator of the criminal offence referred to in paragraphs 1 and 2 of this Article, provided that he gives the bribe on the request of an official or responsible person and upon giving the bribe reports the offense before it is discovered or before he realizes that the offense has been discovered.

(4) The gift or the pecuniary gain given under the circumstances referred to in paragraph 3 of this Article shall be restored to the person who gave a bribe.

Unlawful Appropriation of Objects during Inspection, Search or Enforcement Proceedings

Article 349

An official person who, in the course of a search of a home, premises or persons, or in the course of enforcement proceedings or an inspection, appropriates movable property with an aim to procure by its appropriation unlawful pecuniary gain for himself or another,
shall be punished by imprisonment for six months to five years.

Illegal Collection and Payment

Article 350

An official or responsible person who collects from another something that he is not bound to pay, or collects more than he is bound to pay, or whoever, in payment for or handing over such things, pays or hands over less,
shall be punished by a fine or by imprisonment not exceeding one year.

Disclosure of an Official Secret

Article 351

(1) Whoever, without authorization, communicates, conveys or otherwise renders accessible to another data which are an official secret or provides such data with an aim to convey them to an unauthorized person s
hall be punished by imprisonment for three months to three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed for personal gain, or if the data referred to in paragraph 1 of this Article are highly classified, or if the offence is committed in order to publish or use abroad data which are an official secret,
the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence,
the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

CHAPTER TWENTY-SIX (xxvi)

CRIMINAL OFFENSES AGAINST THE ARMED FORCES OF THE REPUBLIC OF CROATIA

Failure and Refusal to Execute an Order

Article 352

(1) A military person who fails or refuses to execute the order of his superior given in the line of duty, thus causing serious harmful consequences for the service or seriously imperilling the service
shall be punished by imprisonment for three months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article causes particularly serious consequences for the service,
the perpetrator shall be punished by imprisonment for one to ten years.

(3) A military person who fails to execute the command of the superior referred to in paragraph 1 of this Article by negligence,
shall be punished by a fine or by imprisonment not exceeding one year.

Refusal to Receive and Use Arms

Article 353

(1) A military person who refuses to accept arms or does not use arms as ordered or as demanded by the regulations of the service
shall be punished by imprisonment for one to ten years.

(2) A conscript who, without a justified reason, refuses to accept from the competent body arms which are assigned to him for duty in the reserve corps of the armed forces
shall be punished by imprisonment for three months to three years.

(3) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article if, in the proceedings proscribed by law, conscientious objection by a military person or conscript is recognized.

Resisting a Superior

Article 354

(1) A military person who, in connection with other military persons, offers resistance to an order given by a superior in the line of duty, or disobeys the same, or refuses to discharge his duty,
shall be punished by imprisonment for three months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed in an organized way,
the perpetrator shall be punished by imprisonment for one to ten years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed with the use of arms,
the perpetrator shall be punished by imprisonment not exceeding one year.

(4) A military person who in committing the criminal offence referred to in paragraph 3 of this Article kills another by negligence,
shall be punished by imprisonment not exceeding three years.

(5) A military person who in committing the criminal offence referred to in paragraphs 1 and 2 of this Article intentionally kills another
shall be punished by imprisonment for not less than five years or long-term imprisonment.

Resisting a Sentry, Guard, Patrol, Military Person on Duty or on Similar Assignments

Article 355

A military person who resists a sentry, guard, patrol, a military person on duty or on a similar assignment while discharging official duty, as well as a military person who disobeys their call or does not execute or refuses to execute their order, thus causing serious harmful consequences for the service, or imperilling seriously the service,
shall be punished by imprisonment for three months to three years.

Coercion against a Military Person Discharging his Official Duty

Article 356

(1) Whoever, by force or threat of immediate use of force, prevents a military person from executing his official duty, or coerces such a person in the same way to execute his official duty,
shall be punished by imprisonment for three months to three years.

(2) The attempt of the criminal offence referred to in paragraph 1 of this Article is punishable.

Assault against a Military Person Discharging

his Official Duty

Article 357

(1) Whoever attacks or seriously threatens to attack a military person who is -
discharging his official duty
shall be punished by imprisonment for three months to three years.

(2) If the perpetration of the criminal offence referred to in paragraph 1 of this
Article results in bodily injury to the military person, or the perpetrator threatens to use
weapons,
he shall be punished by imprisonment for three months to five years.

(3) If the perpetration of the criminal offence referred to in paragraph 1 of this
Article results in serious bodily injury, or entails serious consequences for the service,
the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the perpetrator in perpetration of the criminal offence referred to in paragraph
1 of this Article intentionally kills a military person,
he shall be punished by imprisonment for not less than ten years or by long-term
imprisonment.

More Lenient Punishment for Criminal Offences Referred to in Article 352 and Articles 354 to 357

Article 358

If the perpetrator of the criminal offence referred to in Article 352, paragraphs 1 and
3, Article 354, paragraph 1, Article 356, paragraphs 1 and 2 and Article 357, paragraphs 1
and 2 of this Code is provoked by illegal or inappropriate treatment by the military
person, the court may mitigate the punishment or remit the perpetrator of the
punishment.

Maltreatment of a Subordinate or a Military Person of Lower Rank

Article 359

(1) A military person who, on duty or in connection with duty, maltreats a -
subordinate or treats him in a way offensive to human dignity
shall be punished by imprisonment for three months to three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed
against a number of persons,
the perpetrator shall be punished by imprisonment for one to five years.

Violation of Sentry, Patrol or Other Similar Duty

Article 360

(1) A military person, who acts contrary to regulations on sentry or patrol duty or on internal or a similar duty, thus causing serious harmful consequences for the service or seriously imperilling the service,
shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed near arms or ammunition depots or depots of explosive mining substances, or other installations of great importance,
the perpetrator shall be punished by imprisonment for three months to three years.

(3) If the criminal offences referred to in paragraphs 1 and 2 of this Article result in serious bodily injury or extensive pecuniary damage or other serious consequences
the perpetrator shall be punished by imprisonment for six months to five years.

(4) If the criminal offences referred to in paragraphs 1 and 2 of this Article result in the death of one or more persons,
the perpetrator shall be punished by imprisonment for one to ten years.

(5) If the criminal offences referred to in paragraphs 1 and 2 of this Article are committed by negligence, the perpetrator shall be punished, for the criminal offence referred to in paragraph 1 of this Article, by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months, and for the criminal offence referred to in paragraph 2 of this Article, by a fine or by imprisonment not exceeding one year.

(6) If, by the criminal offence referred to in paragraph 5 of this Article, the consequence referred to in paragraphs 3 and 4 of this Article is caused, the perpetrator shall be punished by imprisonment for three months to five years.

Submission of False Reports and Information

Article 361

(1) A military person who, in the execution of duty, submits a report or information of untrue content or in his report or information he suppresses a fact which he should not suppress, thus causing serious consequences to the service, or seriously imperilling the service,
shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by submitting a report or information of special importance or if particularly serious consequences occur,
the perpetrator shall be punished by imprisonment for one to five years.

(3) If the criminal offence referred to in paragraph 2 of this Article is committed by negligence,

the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

Failure to Undertake Measures for the Protection of a Military Unit

Article 362

(1) A military person who fails to undertake the prescribed, ordered or other obviously needed measures towards protecting the life and health of persons entrusted to him, securing and maintaining in fit condition installations, objects and means serving to ensure combat readiness, providing the unit entrusted to him with a regular supply of food, equipment and material, tending and caring for livestock, or taking measures towards the timely and proper execution of security work or the protection of installations entrusted to him, thus endangering human lives or seriously endangering the health of people or material goods of great value,
shall be punished by imprisonment for three months to three years.

(2) If the criminal offence referred to in paragraph 1 of this Article results in serious bodily injury, or extensive pecuniary damage, or other serious consequences,
the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offence referred to in paragraph 1 of this Article results in the death of one or more persons,
the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence,
the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offence referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator shall be punished by a fine or by imprisonment not exceeding three years, while if the consequence referred to in paragraph 3 of this Article is caused,
the perpetrator shall be punished by imprisonment for six months to five years.

Failure to Ensure Safety in Performing Military Exercises

Article 363

(1) A military person who fails to undertake the prescribed, ordered or other obviously needed measures during exercise, training courses or in the course of conducting experiments, thus endangering human lives or seriously endangering the health of people or material goods of great value,
shall be punished by imprisonment for three months to three years.

(2) If the criminal offence referred to in paragraph 1 of this Article results in serious bodily injury, or extensive pecuniary damage, or other serious consequences,
the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offence referred to in paragraph 1 of this Article results in the death of one or more persons,
the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence,
the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offence referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator shall be punished by a fine or imprisonment not exceeding three years, while if the consequence referred to in paragraph 3 of this Article is caused,
the perpetrator shall be punished by imprisonment for six months to five years.

Defaulting Order and Evasion of Military Service

Article 364

(1) Whoever, without justifiable reason, fails to report at the appointed time for conscription to be told the combat posting, or to receive arms, or to fulfil compulsory military service, military exercises or another military service, although being summoned by an individual or general order,
shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever hides in order to evade the obligation referred to in paragraph 1 of this Article, although being summoned by an individual or general order,
shall be punished by imprisonment for three months to five years.

(3) Whoever leaves the country or remains in a foreign state in order to evade conscription or fulfilling compulsory military service, military exercises or other military service
shall be punished by imprisonment for one to ten years.

(4) Whoever calls or instigates a number of persons to commit the criminal offence referred to in paragraphs 1 to 3 of this Article shall, for the criminal offence referred to in paragraph 1 of this Article, be punished by imprisonment for three months to three years, and for the criminal offences referred to in paragraphs 2 and 3 of this Article, by imprisonment not exceeding one year.

(5) The perpetrator of the criminal offence referred to in paragraphs 1, 2 and 3 of this Article who voluntarily reports to a competent governmental body may have his punishment mitigated or remitted.

Evasion of Military Service by Mutilation or Deception

Article 365

(1) Whoever, with an aim to evade military service or to be assigned to an easier duty, injures himself, or otherwise temporarily disables himself for military service, or permits another to temporarily disable him, or whoever for the same purpose disables another, with or without such a person's approval, shall be punished by imprisonment for three months to five years.

(2) If the perpetration of the criminal offence referred to in paragraph 1 of this Article results in permanent disability for military service, the perpetrator shall be punished by imprisonment for one to ten years.

(3) Whoever, with an aim referred to in paragraph 1 of this Article, simulates illness, or uses a false document for himself or for another, or otherwise acts in a fraudulent manner, shall be punished by imprisonment for three months to five years.

Illegal Exemption from Military Service

Article 366

Whoever, by abusing his official position or authority, enables a military person or a person subject to conscription to be exempted from duty or to be assigned to an easier duty shall be punished by imprisonment for six months to five years.

Arbitrary Abandonment and Desertion of a Military Unit or Service

Article 367

(1) A military person who arbitrarily leaves his unit or service and does not return to duty within the time limit of ten days or does not, within this time limit, return from an authorized furlough from the unit or service shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a military person who, more than twice for a period shorter than ten days, stays outside his unit or service without permission or to a military person who arbitrarily leaves his unit or service at the time of executing an important task or when his unit is at an increased level of readiness for combat.

(3) A military person who hides in order to evade military service, or who arbitrarily leaves his unit or service and does not return to his duty within the time limit of thirty days, or does not within this time limit return from an authorized furlough from the unit or service, shall be punished by imprisonment for six months to five years.

(4) A military person who leaves the country or remains in a foreign state in order to evade military service

shall be punished by imprisonment not exceeding three years.

(5) A military person who prepares to escape abroad in order to evade military service shall be punished by imprisonment for six months to five years.

(6) The perpetrator of the criminal offences referred to in paragraphs 1, 3 and 4 of this Article who voluntarily reports to a competent governmental body may have his punishment mitigated.

Evasion of Enlistment and Inspections

Article 368

Whoever, in time of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, contrary to the obligation established by law, without justifiable reason, fails to respond or opposes enlistment or inspection of manpower, or fails to respond or opposes the requisitioning or inspection of means of transport, livestock, buildings and other installations necessary to the armed forces, or whoever in the course of such enlistment or inspection makes inaccurate statements or furnishes inaccurate data,

shall be punished by imprisonment for one to five years.

Failure to Fulfil Material Obligations

Article 369

Whoever, in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, contrary to the obligation established by law, without justifiable reason, fails to place at the disposal of military authorities, at the appointed time and in the prescribed condition, objects and other means, or fails to deliver livestock, shall be punished by imprisonment for one to five years.

Careless Manufacture and Delivery of Military Material

Article 370

(1) A military person or other person to whom, in a public enterprise, company or institution working for the needs of defence, the management of manufacturing or another economic activity or supervision is entrusted, who carelessly performs a service or obligation entrusted to him and for that reason arms, ammunition, explosive mining devices or other combat devices are not manufactured on time or fall short of a specified quality,

shall be punished by imprisonment for three months to three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a military person who, in carelessly executing his duty, accepts supplies for

the army or military equipment or weapons which fail to meet the stipulated conditions or contract terms.

(3) If the perpetration of the criminal offences referred to in paragraphs 1 and 2 of this Article results in serious consequences,
the perpetrator shall be punished by imprisonment for one to eight years.

(4) If the criminal offences referred in paragraphs 1 and 2 of this Article are committed by negligence,
the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offence referred to in paragraph 4 of this Article, the consequence referred to in paragraph 3 of this Article is caused,
the perpetrator shall be punished by imprisonment for three months to three years.

Irregular and Careless Treatment of Entrusted Arms

Article 371

(1) Whoever irregularly or carelessly keeps, stores or handles arms, ammunition or explosive devices belonging to a military unit or military institution which have been entrusted to him and thereby causes substantial damage to these items or causes their destruction or disappearance
shall be punished by a fine or imprisonment not exceeding one year.

(2) The manager of a storehouse for weapons, ammunition, explosive mining devices and means of combat, who fails to take measures towards their protection or maintenance, causing thereby damage or destruction or the disappearance of such means of combat,
shall be punished by imprisonment for three months to five years.

(3) If the perpetration of the criminal offence referred to in paragraph 2 of this Article results in extensive pecuniary damage,
the perpetrator shall be punished by imprisonment for three to ten years.

(4) If the criminal offence referred to in paragraph 2 of this Article is committed by negligence,
the perpetrator shall be punished by imprisonment not exceeding three years.

(5) If, by the criminal offence referred to in paragraph 4 of this Article, the consequence referred to in paragraph 3 of this Article is caused,
the perpetrator shall be punished by imprisonment for three months to five years.

Illegal Disposition of Entrusted Arms

Article 372

Whoever appropriates, conveys, pledges, gives to another for use, damages or destroys arms, ammunition or explosive mining devices which are entrusted to him and which serve defence needs

shall be punished by imprisonment for six months to three years.

Larceny of Arms or Parts of a Means of Combat

Article 373

(1) Whoever steals arms, ammunition, explosive mining devices or a part of a means of combat serving defence needs shall be punished by imprisonment for three months to five years.

(2) If the larceny is committed by breaking into or entering by force closed buildings, rooms, safes or other enclosed areas, or if it is committed by a number of persons who have joined together for the purpose of committing the larceny, or if it is committed in a particularly dangerous or brazen manner, or if it is committed by a person carrying a weapon or a dangerous instrument for attack or defence, or if it is committed during a fire, flood or a similar calamity, or if the stolen object is of great value, while the perpetrator acts with an aim of appropriating the object of such value, he shall be punished by imprisonment for one to ten years.

Disclosure of a Military Secret

Article 374

(1) A military or other person who, contrary to his duties related to keeping a military secret, communicates, delivers to another, or in some other way makes accessible to another data which are a military secret, or whoever collects such data with an aim to deliver them to an unauthorized person, shall be punished by imprisonment for six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed for personal gain, or if the data referred to in paragraph 1 of this Article are classified or highly classified, or if the offence is committed in order to publish or use abroad data which are a military secret, the perpetrator shall be punished by imprisonment not exceeding three years.

(3) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment for three months to three years.

Trespass on Military Installations and Unauthorized Making of Sketches or Drawings of Military Installations or Means of Combat

Article 375

(1) Whoever, for the purpose of reconnaissance, enters a military installation without authorization, despite knowing that access is forbidden, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever, without authorization, makes sketches or drawings of military installations or means of combat or takes photographs of the same or otherwise records them shall be punished by imprisonment for three months to three years.

*Sentencing for Criminal Offences Committed in Times
of War or in the Case of Immediate Peril to the Independence
and Unity of the Republic of Croatia*

Article 376

(1) For the criminal offences referred to in Article 352, paragraphs 1 and 3, Article 353, paragraph 2, Article 354, paragraph 1, Article 355, Article 356, paragraphs 1 and 2, Article 357, paragraphs 1 and 2, Article 358, Article 360, paragraphs 1, 2 and 5, Article 361, paragraphs 1 and 3, Article 362, paragraphs 1, 4 and 5, Article 363, paragraphs 1, 4 and 5, Article 364, paragraph 1, Article 365, paragraphs 1 and 2, Article 366, paragraphs 1, 2, 4 and 5, Article 367, paragraphs 1, 2, 4 and 5, Article 368, Article 373, paragraph 1, Article 374, paragraph 4 and Article 375 of this Code, if committed in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment for one to ten years.

(2) For the criminal offences referred to in Article 354, paragraph 4, Article 356, paragraph 3, Article 357, paragraph 3, Article 360, paragraph 3, when serious bodily injury is inflicted, or extensive pecuniary damage is caused, and paragraph 4, Article 361, paragraph 2, Article 362, paragraphs 2 and 3, Article 363, paragraphs 2 and 3, Articles 365 and 366, Article 367, paragraph 5, Article 371, paragraph 3, Article 373, paragraphs 2 and 3 and Article 374, paragraphs 1 and 2 of this Code, if committed in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment not exceeding three years.

(3) For the criminal offences referred to in Article 352, paragraph 2, Article 353, paragraph 1, Article 354, paragraphs 2 and 3, Article 361, paragraph 2, if particularly serious consequences are caused, Article 364, paragraphs 2 and 3, Article 367, paragraphs 3 and 4, Article 370, paragraph 3 and Article 374, paragraph 3 of this Code, if committed in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment for not less than five years or by long-term imprisonment.

Defection and Surrender to the Enemy

Article 377

(1) A military person who defects in times of war or armed conflict to the enemy's military shall be punished by imprisonment for not less than five years or by long-term imprisonment.

(2) A military person who in times of war surrenders to the enemy prior to having exhausted all modes of defence shall be punished by imprisonment not exceeding three years.

***Failure to Carry out Duty during Combat
or Combat Action***

Article 378

A military person who, during combat or immediately prior to it or prior to action in combat, fails to carry out his duty, causing thereby damage to a military unit or combat situation, shall be punished by imprisonment not exceeding three years.

***Arbitrary Abandonment of Duty during Combat
or Combat Action***

Article 379

A military person who, during combat or immediately prior to it or prior to action in combat, arbitrarily or in a fraudulent way abandons his duty shall be punished by imprisonment not exceeding three years.

Abandoning a Position Contrary to Orders

Article 380

A military person who, in breach of orders, abandons a position together with the unit entrusted to him prior to having exhausted all modes of defence shall be punished by imprisonment not exceeding three years.

***Premature Abandonment of a Damaged Vessel
or Aircraft***

Article 381

(1) A captain of a warship who in time of war abandons a damaged ship without having fulfilled his duty pursuant to ship service regulations shall be punished by imprisonment not exceeding three years.

(2) A member of a warship crew who in times of war abandons a damaged ship before the ship's captain gives the order to abandon ship or a military aircraft crew member who in times of war jumps from a damaged aircraft without having discharged his duty pursuant to flying and aircraft use regulations shall be punished by imprisonment for one to ten years.

***Leaving Undamaged Means of Combat
to the Enemy***

Article 382

(1) A military person who allows a substantially undamaged military storehouse, vessel, aircraft, tank or other means of combat to fall into enemy hands shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred in paragraph 1 of this Article shall be inflicted on whoever, contrary to orders, allows substantially undamaged installations or other premises of relevance for the defence to fall into enemy hands.

Weakening of Combative Morale and Military Situation

Article 383

(1) A military person who, during combat or immediately prior to it, weakens the combative morale of a unit or does damage to the military situation by flight, throwing away arms or ammunition, spreading fear, creating disorder or confusion, or in any other way

shall be punished by imprisonment not exceeding five years.

(2) A military person who fails to take the necessary measures towards a subordinate who, during combat or immediately prior to it, spreads fear among soldiers, creates disorder or confusion in the ranks of the unit or otherwise weakens the combative morale or does damage to the military situation

shall be punished by imprisonment for one to ten years.

Failing to Secure a Military Unit

Article 384

(1) A military person who in time of war or armed conflict fails to secure a unit entrusted to him, causing thereby serious consequences to the unit, shall be punished by imprisonment not exceeding three years.

(2) If particularly serious consequences to the unit occur as a result of the criminal offence referred to in paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for not less than five years or long-term imprisonment.

(3) If the criminal offence referred in paragraph 2 of this Article is committed by negligence,

the perpetrator shall be punished by imprisonment for one to ten years.

Failure to Report to Military Authorities

Article 385

Whoever in times of war or immediate peril to the independence and unity of the Republic of Croatia fails to report to a superior, a person of higher rank or to a military command an event which clearly requires undelayed military measures

shall be punished by imprisonment for three months to one year.

Failure to Perform Duty

in Carrying Out Mobilization

Article 386

(1) A military or official person who, in carrying out mobilization in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, in violation of his duty, fails to ensure the reception, deployment and accommodation of mobilized manpower, transport and other conveyances and livestock, or fails to ensure the supply of the mobilized manpower and livestock, or to perform any other duty related to mobilization, causing thereby serious consequences,
shall be punished by imprisonment for one to five years.

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

Conditions for Imposing Disciplinary Measures

Article 387

For a criminal offence against the armed forces for which imprisonment not - exceeding three years is prescribed, it is possible that, instead of a criminal sanction, a disciplinary measure established by regulations ordering disciplinary responsibility in the armed forces of the Republic of Croatia be imposed against the military person, provided that the offence is of an especially light character and if the interests of the service so require.

Responsibility for a Criminal Offence Committed on Superior Orders

Article 388

There shall be no criminal offence if an act is committed by a subordinate pursuant to an order from his superior given in the line of official duty, except if such an order relates to the perpetration of a war crime or another criminal offence for which, according to law, imprisonment for ten years or a more severe punishment may be imposed, or if it is obvious that by obeying such an order a criminal offence would be committed.

CHAPTER TWENTY-SEVEN (xxvii)

TRANSITORY AND CLOSING PROVISIONS

Article 389

When this Code comes into force, the following shall cease to be valid:

1. Basic Criminal Code of the Republic of Croatia - ("*Narodne novine*" - Official Gazette of the Republic of Croatia Nos. 31/93, 39/93, 108/95, 16/96 and 28/96),

2. Criminal Code of the Republic of Croatia - ("*Narodne novine*" - Official Gazette of the Republic of Croatia Nos. 32/93, 38/93, 16/96 and 28/96),

3. Act on Criminal Offences of Subversive and Terrorist Activities against the State Sovereignty and Territorial Unity of the Republic of Croatia - ("*Narodne novine*" - Official Gazette of the Republic of Croatia No. 74/92).

Article 390

The execution of sanctions imposed by a final decision in accordance with the provisions of the criminal statutes referred to in Article 389 of this Code, whose enforcement has not begun or whose execution is in course, shall in their formulation, content and the mode of enforcement be brought into accord with the provisions of this Code as of the day of its coming into force.