

**THE CRIMINAL CODE
OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA**

SFRJ

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THE GENERAL PART

Chapter One

INTRODUCTORY PROVISIONS

Protective function of the Yugoslav criminal code

Article 1.

(1) The Criminal Code of the Socialist Federal Republic of Yugoslavia protects against violence, arbitrariness, exploitation, counter-revolutionary activities, violations of the constitution and law, and against other socially dangerous deeds; basic rights and freedoms of the persons and the citizens, their socio-economic position, the socialist self-management social system, the independence and security of the country, brotherhood and unity and equality among nations and nationalities, as well as the legal system established by the Constitution.

(2) This protection is effected by determining which socially dangerous deeds shall be considered criminal acts, by prescribing punishments and other criminal sanctions for these acts, and by applying sanctions to perpetrators of criminal acts through a procedure regulated by provided by law.

The basis and limits of criminal justice compulsion

Article 2.

The protection of man and other basic values of a socialist self-managing society and the application of criminal justice compulsion, when and to the extent necessary to suppress socially dangerous activities, represent the basis and limits for deciding on criminal acts and imposing criminal sanctions.

**Lawfulness in the determination of criminal acts
and imposition of criminal sanctions**

Article 3.

No punishment or other criminal sanction may be imposed on anyone for an act which, prior to being committed, was not defined by law as a criminal act, and for which a punishment has not been prescribed by statute.

Mandatory application of a less severe criminal law

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Article 4.

(1) The law that was in power at the time when a criminal act was committed shall be applied to the person who has committed the criminal act.

(2) If the law has been altered one or more times after the criminal act was committed, the law which is less severe in relation to the offender shall be applied.

Criminal sanctions and their general purpose

Article 5.

(1) Criminal sanctions are: punishments, conditional sentence and court reprimand, security measures and corrective measures.

(2) The general purpose of drafting and imposing the criminal sanctions is to suppress the socially dangerous activities which violate or jeopardize the social values protected by the criminal code.

Restrictions on the execution of the criminal sanctions

Article 6.

In the course of the execution of a criminal sanction, certain rights of a person who has committed a criminal act may be removed or restricted only to the extent which suits the nature and the content of the sanction, and only in a way which provides for the respect of the offender's personality and his human dignity.

Effectiveness of the General Part

Article 7.

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Provisions of the General Part of this Code are applicable to all criminal acts defined in the laws of the federation, republics and autonomous provinces.

Chapter Two

CRIMINAL CONDUCT AND CRIMINAL LIABILITY

Criminal act

Article 8.

(1) A criminal act is a socially dangerous act which is defined by law as a criminal act, the characteristics of which are defined by law.

(2) An act which, although containing characteristics of a criminal act defined by law, represents an insignificant social danger because of its slight importance and the insignificance or absence of detrimental consequences, shall not be considered a criminal act.

Defense of necessity

Article 9.

(1) An act committed in necessary defense is not considered a criminal act.

(2) Necessary defense is an act of defense which is absolutely necessary for the offender to avert an immediate and unlawful attack from himself or from another.

(3) If the offender exceeds the limits of necessary defense, the court may reduce the punishment, and if he has exceeded the limits by reason of great excitement or fright stirred up by the attack, it may also refrain from imposing a punishment on him.

Extreme necessity

Article 10.

(1) An act committed in extreme necessity is not a criminal act.

(2) An act is committed in extreme necessity if it is performed in order that the offender avert from himself or from another an immediate danger which could not have been averted in any other way, provided that the evil created thereby does not exceed the one which was threatening him.

(3) If the offender himself has negligently created the danger, or if he has exceeded the limits of extreme necessity, the court may impose a reduced punishment on him, and if he exceeded the limits under particularly mitigating circumstances, it may also refrain from imposing a punishment on him.

(4) There is no extreme necessity if the offender was under an obligation to expose himself to the danger.

Criminal liability

Article 11.

(1) An offender is considered criminally liable if he is responsible and if he has committed a criminal act with premeditation or by negligence.

(2) An offender is criminally liable for a criminal act committed negligently insofar as the act in question is punishable by law.

Responsibility

Article 12.

(1) A person who committed a criminal act is not considered responsible if at the time of the commission of a criminal act he was incapable of understanding the significance of his act or control his conduct due to a lasting or temporary mental disease, temporary mental disturbance, or mental retardation (no responsibility).

(2) If due to one of the states referred to in paragraph 1 of this article, the capacity of the offender to understand the significance of his act or his ability to control his conduct was substantially reduced, the court may impose a reduced punishment on him. (materially reduced responsibility).

(3) The offender shall be criminally liable if, by indulgence in alcohol, drugs or in some other way, he has placed himself in a state in which he has not been capable of understanding the importance of his actions or controlling his conduct, and if prior to his placing himself in such a state, the act was premeditated or if he was negligent in relation to the criminal act, insofar as the act in question is punishable by law if committed negligently.

Premeditation

Article 13.

A criminal act is premeditated if the offender is conscious of his deed and wants its commission; or when he is conscious that a prohibited consequence might result from his act or omission and consents to its occurring.

Negligence

Article 14.

A criminal act is committed negligently when the offender is conscious that a prohibited consequence may occur but carelessly assumes that it will not occur or that he will be able to avert it; or when he was unaware of the possibility that a prohibited consequence might occur although, under the circumstances and by his personal characteristics, he should and could have been aware of this possibility.

Liability for a graver consequence

Article 15.

When a graver consequence has resulted from a criminal act for which a more severe punishment is prescribed by statute, this more severe punishment may be imposed if the consequence is attributable to the offender's negligence.

Mistake of fact

Article 16.

(1) A person is not criminally responsible if at the time of committing a criminal act he was not aware of some statutory element of it; or if he mistakenly believed that circumstances existed which, if they had actually existed, would render such conduct permissible.

(2) If the offender's mistake is due to his negligence, he shall be criminally responsible for a criminal act committed by negligence, insofar as the act in question is punishable by law if committed by negligence.

Legal mistake

Article 17.

The court may reduce the punishment of the perpetrator of a criminal act who had justifiable cause for not knowing that his conduct was prohibited, and it may also grant remission of punishment.

Preparation

Article 18.

(1) A person who prepares to commit a criminal act with premeditation shall be punished insofar as the act in question is punishable by law for the particular social danger of the preparation alone.

(2) Preparation of a criminal act may be defined by law as a separate criminal act, or the law may provide punishment for the preparation of a particular criminal act.

(3) When the law prescribes a punishment for the preparation of a particular criminal act, the preparation may comprise procuring or making operational means for the commission of the criminal act, removing obstacles to the commission of the criminal act, planning or organizing with others the commission of a criminal act, as well as other activities which create conditions for the direct commission of a criminal act and which are not part of the commission itself.

Attempt

Article 19.

(1) Anybody who with intent commenced the execution of a criminal act but has not completed it, shall be punished for the attempt of only those criminal acts for which there is according to statute a sentence of five years' imprisonment or a more severe penalty. With regard to other criminal acts attempt is punishable only when so provided by statute.

(2) For an attempted criminal act the court may reduce the punishment provided for the completed criminal act.

Inappropriate attempt

Article 20.

If a person tries to commit a criminal act by inappropriate means or against an inappropriate object the court may refrain from imposing a punishment on him.

Voluntary abandonment of attempt

Article 21.

(1) The court may refrain from imposing a punishment on an offender who has been preparing or has attempted to commit a criminal act, but has voluntarily desisted from its completion.

(2) In the event of voluntary desisting from the completion of a criminal act the offender is punishable for those acts which constitute another independent criminal act.

Complicity

Modes of liability

Article 22.

If several persons jointly commit a criminal act by participating in the act of commission or in some other way, each of them shall be punished as prescribed for the act.

Incitement

Article 23.

(1) Anybody who intentionally incites another to commit a criminal act shall be punished as if he himself has committed it.

(2) Anybody who intentionally incites another to commit a criminal act for which five years imprisonment or a more severe punishment is laid down by statute, and the act is never even attempted, shall be punished in accordance with the provisions applicable to attempt.

Aiding

Article 24.

(1) Anybody who intentionally aids another in the commission of a criminal act shall be punished as if he himself had committed it, but his punishment may also be reduced.

(2) The following, in particular, shall be considered as aiding: the giving of instructions or counselling about how to commit a criminal act, the supply of tools and resources for the crime, the removal of obstacles to the commission of a crime, as well as the promise, prior to the commission of the act, to conceal the existence of the criminal act, to hide the offender, the means to commit the crime, its traces, or goods gained through the commission of a criminal act.

The limits of responsibility and punishability of accomplices, inciters and aiders

Article 25.

(1) The co-perpetrator shall be criminally responsible within the limits set by his own intention or negligence, and the inciter and the aider – within the limits of their own intention.

(2) The court may refrain from imposing a punishment on the co-perpetrator, inciter or aider who voluntarily prevented the commission of a criminal act. This also applies to cases of the preparation of a criminal act, regardless of whether the law defines it as an independent criminal act or of whether the law provides for punishment for the preparation of a certain criminal act (Article 18, paragraph 2).

(3) The personal relations, characteristics and circumstances to which the statute attaches the exclusion of criminal responsibility, or by reason of which it permits or provides for the remission of punishment, its reduction or aggravation, are applicable only to such principals, perpetrators, co-perpetrators, inciters or aiders in whom these relations, characteristics and circumstances inhere.

Criminal responsibility and punishability of the organizers of criminal associations

Article 26.

Anybody creating or making use of an organization, gang, cabal, group or any other association for the purpose of committing criminal acts is criminally responsible for all criminal acts resulting from the criminal design of these associations and shall be punished as if he himself has committed them, irrespective of whether and in what manner he himself directly participated in the commission of any of those acts.

Criminal responsibility of editor in chief

Article 27.

(1) An editor in chief, or a person replacing him at the time of broadcasting an information, is criminally responsible for criminal acts committed through newspapers or some other occasional press publication, through radio, television or film news if

1) the author remained unknown by the completion of the main proceedings before a first instance court;

2) the information was published without the author's consent;

3) there were actual or legal obstacles to the prosecution of the author at the time of the broadcasting of the information, and if they still last.

(2) An editor in chief or a person replacing him is not criminally responsible if he had justifiable cause for not knowing of some of the circumstances mentioned in items 1 to 3 of paragraph 1 of this article.

Criminal responsibility of publisher, type-setter and manufacturer

Article 28.

(1) If conditions referred to in article 27 of this law exist, the following are criminally responsible:

1) a publisher - for a criminal act committed through regular press publication, and - if there is no publisher or if there are actual or legal obstacles to his prosecution - the type-setter who had the knowledge of it;

2) a manufacturer - for a criminal act committed through phonograph record, magnetic tape, film for public and private display, as well as diapositives, phonograms, video-clips, audio-clips or similar means of communication intended for a wider audience.

(2) If a publisher, type-setter or manufacturer is a legal person or a state organ, the person who is in charge of publishing, printing and production is criminally responsible.

Application of general provisions concerning criminal responsibility

Article 29.

Provisions on the criminal responsibility of the persons referred to in articles 27 and 28 of this law are applicable only if those persons are not criminally responsible under general provisions concerning criminal responsibility defined in this law.

The mode of commission of a criminal act

Article 30.

- (1) A criminal act may be committed by a positive act or by an omission.
- (2) A criminal act is committed by omission if the offender abstained from performing an act which he was obligated to perform.

The time of commission of a criminal act

Article 31.

A criminal act is committed at the time when the offender was acting or was under the duty to act, irrespective of when the consequence occurred.

The place of commission of a criminal act

Article 32.

- (1) A criminal act is committed both in the place where the offender was acting or was obligated to act and in the place where the consequence occurred.
- (2) Preparation and attempt to commit a criminal act are considered committed both in the place where the offender was acting and in the place where the consequence was to have occurred according to his intention.

Chapter Three

PUNISHMENTS

Purpose of punishment

Article 33.

The purpose of punishment in the framework of the general purpose of criminal sanctions (art 5, para 2) is:

- 1) preventing the offender from committing criminal acts and his rehabilitation;
- 2) rehabilitative influence on others not to commit criminal acts;
- 3) strengthening the moral fibre of a socialist self-managing society and influence on the development of citizens' social responsibility and discipline.

Types of punishment

Article 34.

The following punishments may be imposed on the perpetrators of criminal acts:

- 1) capital punishment;
- 2) imprisonment;
- 3) fine;
- 4) confiscation of property.

Principal and accessory punishments

Article 35.

- (1) Capital punishment and imprisonment may be imposed only as principal punishments.
- (2) A fine may be imposed both as a principal and as an accessory punishment.
- (3) The punishment of confiscation of property may only be imposed as an accessory punishment.
- (4) If several punishments are prescribed for a criminal act, only one of them may be imposed as a principal punishment.
- (5) A fine may not be imposed together with the punishment of confiscation of property.

Legality in the imposition of punishments

Article 36.

(1) Punishments provided by the present Code may only be imposed if respectively prescribed for a given criminal act. The court may increase or reduce the punishment provided for an offence only subject to the conditions laid down by the present Code.

(2) For criminal acts committed with the intention of acquiring gain a fine may be imposed as an accessory punishment even when the same is not specifically prescribed by statute. For such criminal acts a fine may be imposed as an accessory punishment also in cases where imprisonment or a fine are laid down as alternatives and the court has decided to impose the punishment of imprisonment as the principal penalty.

Capital punishment

Article 37.

(1) The death penalty may not be imposed as the only principal punishment for a certain criminal act.

(2) The death penalty may be imposed only for the most serious criminal acts when so provided by the statute.

(3) The death penalty may not be imposed on a pregnant woman or on a person who was not aged 18 or over at the time of the commission of a criminal act.

(4) The death penalty may be imposed on an adult person who was under 21 years of age at the time of the commission of a criminal act, under conditions referred to in paragraph 2 of this article, only for criminal acts committed against the bases of the socialist self-management social system and security of the SFRJ, for criminal acts against humanity and international law, and for criminal acts against the armed forces of the SFRJ.

(5) The death penalty shall be executed by shooting, without members of the public present.

Imprisonment

Article 38.

(1) The punishment of imprisonment may not be shorter than 15 days nor longer than 15 years.

(2) The court may impose a punishment of imprisonment for a term of 20 years for criminal acts eligible for the death penalty.

(3) For criminal acts committed with intent for which the punishment of fifteen years imprisonment may be imposed under statute, and which were perpetrated under particularly aggravating circumstances or caused especially grave consequences, a punishment of imprisonment for a term of 20 years may be imposed when so provided by statute.

(4) The punishment of imprisonment is imposed in full years and months, but prison terms not exceeding six months may also be measured in full days.

(5) A term of imprisonment is served in closed, semi-open or open institutions for serving sentences.

(6) A convicted person who has served half of his term of imprisonment, and exceptionally a convicted person who has served a third of his term, may be exempted from serving the rest of his term on the condition that he does not commit a new criminal act by the end of the period encompassed by his sentence (parole).

Fine

Article 39.

(1) A fine may not amount to less than 500 dinars. A fine may be imposed up to the amount of 50,000 dinars, and for criminal acts committed out of greed up to the amount of 200,000 dinars.

(2) The judgement shall determine the period of grace for the payment of the fine, which period may not be less than 15 days nor more than three months, but in cases which warrant such a decision the court may permit the convicted person to pay the fine in instalments, providing that the time-limit for the payment may not exceed the period of two years.

(3) If a fine cannot be collected by coercion, a court shall carry out the execution of this punishment by ordering a day of imprisonment for each 100 dinars of the fine, providing that the term of imprisonment may not exceed six months.

(4) If a convicted person pays only a part of his fine, the rest shall accordingly be converted to imprisonment, and if the convicted person pays the rest of the fine, the execution of the imprisonment shall be cancelled.

(5) A fine shall not be collected after the convicted person dies.

The punishment of confiscation of property

Article 40.

(1) The punishment of confiscation of property consists of the seizure within limits provided by statute and without indemnity of the property of the convicted person.

(2) The punishment of confiscation of property may be imposed only for the criminal acts for which it is expressly prescribed, and when a punishment of imprisonment for a term of at least three years has been imposed on the offender.

General principles in fixing punishment

Article 41.

(1) The court shall fix the punishment for a criminal act within the limits provided by statute for such an act, taking into account all the circumstances bearing on the magnitude of punishment (extenuating and aggravating circumstances), and, in particular, the degree of criminal responsibility, the motives from which the act was committed, the degree of danger or injury to the protected object, the circumstances in which the act was committed, the past conduct of the offender, his personal situation and his conduct after the commission of the criminal act, as well as other circumstances relating to the personality of the offender.

(2) In deciding upon the punishment the court shall take into special consideration whether the most recent offence is of the same type as a previous one, whether both acts were committed from the same motive, and it will also consider the period of time which has elapsed since the previous conviction was pronounced, or since the punishment has been served or pardoned.

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

Reduction of punishment

Article 42.

The court may set the punishment below the limit prescribed by statute, or impose a milder type of punishment;

- 1) when provided by statute that the offender's punishment may be reduced;
- 2) when it finds that such extenuating circumstances exist which indicate that the aims of punishment can be attained by a lesser punishment.

Mode of reducing punishments

Article 43.

(1) When there are conditions for the reduction of punishment referred to in Article 42 of this law, the court shall reduce the punishment within the following limits:

- 1) if a period of three years' imprisonment is prescribed as the lowest limit for the punishment for a criminal act, it may be reduced for a period not exceeding one year of imprisonment;
- 2) if a period of two years' imprisonment is prescribed as the lowest limit for the punishment for a criminal act, it may be reduced for a period not exceeding six months of imprisonment;

3) if a period of imprisonment of one year is prescribed as the lowest limit for the punishment for a criminal act, it may be reduced for a period not exceeding three months of imprisonment;

4) if a period of imprisonment not exceeding one year is prescribed as the lowest limit for the punishment for a criminal act, it may be reduced to a period not exceeding 15 days of imprisonment;

5) if the punishment of imprisonment is prescribed for a criminal act without indication of the lowest limit, the court may impose a fine in lieu of imprisonment;

6) if a fine is prescribed as the lowest limit for the punishment for a criminal act, it may be reduced for an amount not exceeding 500 dinars.

(2) In deciding on the extent of the reduction of punishment under the rules set forth in paragraph 1 of this article, the court shall take into special consideration the smallest and the biggest punishment prescribed for the particular criminal act.

Remission of punishment

Article 44.

(1) The court may refrain from imposing a punishment on a person who has committed a criminal act only when so provided by statute.

(2) Where the court is authorized to refrain from imposing a punishment on a person who has committed a criminal act, it may also reduce the punishment regardless of the limitations prescribed for the mode of reduction of punishment.

Special condition for the relief of punishment

Article 45.

The court may refrain from imposing a punishment on a person who has committed a criminal act by negligence when the consequences of the act committed affect the offender so severely that imposing a punishment in such a case would manifestly not serve the purpose of the punishment.

Determination of punishment in the case of multirecidivism

Article 46.

(1) For a criminal act committed with premeditation for which the law provides the punishment of imprisonment, the court may impose a more severe punishment than the one prescribed by statute in the following cases:

1) if the offender has been sentenced to imprisonment for a term exceeding one year at least twice before, and if he still demonstrates a propensity toward continuing to commit criminal acts;

2) if a period of five years has not expired between the day when the offender was released after serving his previous sentence and the day when he committed the most recent criminal act.

(2) The more severe punishment must not exceed double the amount of the prescribed punishment of imprisonment, and must not exceed a period of fifteen years.

(3) In considering whether to impose the more severe punishment the court shall take special account of the similarity among the criminal acts committed, the motives from which they were committed, as well as the need that such a punishment be imposed for the sake of attaining the aim of punishment.

Especially grave cases

Article 47.

When more severe punishment is provided by statute for an especially grave case of some criminal act, such punishment shall be imposed by the court if the act poses social danger because:

1) the offender has shown a particular determination, persistence or ruthlessness in committing the act;

2) the act has caused particularly grave consequences or has been committed under other, especially aggravating circumstances.

Combination of criminal acts

Article 48.

(1) If an offender by one deed or several deeds has committed several criminal acts, and if he is tried for all of the acts at the same time (none of which has yet been adjudicated), the court shall first assess the punishment for each of the acts, and then proceed with the determination of the integrated punishment (compounded sentence) for all the acts taken together.

(2) The court shall impose the integrated punishment by the following rules:

1) if capital punishment has been inflicted by the court for one of the combined criminal acts, it shall pronounce that punishment only;

2) if the court has decided upon a punishment of 20 years' imprisonment for one of the combined criminal acts, it shall impose that punishment only;

3) if the court has decided upon punishments of imprisonment for the combined criminal acts, the integrated punishment shall consist of an aggravation of the most severe punishment assessed, but the aggravated punishment may not be as high as the total of all incurred punishments, and may not exceed a period of 15 years' imprisonment;

4) if for the combined criminal acts several punishments of imprisonment have been decided upon which taken together do not exceed three years, the integrated punishment may not exceed a period of eight years of imprisonment;

5) if fines have been determined by the court for the combined criminal acts, the court shall increase the highest fine determined, but it may neither exceed the total of all punishments decided upon nor 50,000 dinars, that is to say 200,000 dinars when one or more of the criminal acts have been committed for the purpose of obtaining gain;

6) if the court has fixed punishments of imprisonment for some of the combined criminal acts, and fines for others, it shall impose one punishment of imprisonment and one fine under provisions set forth in items 3 to 5 of this paragraph.

(3) The court shall impose an accessory punishment if it is prescribed for any one of the combined criminal acts, and if it has decided upon several fines it shall impose one compound fine under provisions set forth in item 5, paragraph 2 of this article.

(4) If the court has decided upon punishments of imprisonment and juvenile custody for the combined criminal acts, it shall impose a punishment of imprisonment as the compound sentence, following the rules set forth in items 2 to 4, paragraph 2 of this article.

Deciding upon punishment of convicted persons

Article 49.

(1) If a convicted person is tried for a criminal act committed before he commenced serving his previous sentence, or for a criminal act he committed while serving a sentence of imprisonment or juvenile custody, the court shall impose a compounded punishment for all the criminal acts by applying provisions set forth in article 48 of this code, taking the punishment from the earlier sentence as an already fixed punishment. The sentence or part of the sentence which the convicted person had served shall be credited towards the imposed sentence of imprisonment.

(2) For criminal acts committed in the course of serving a sentence of imprisonment or juvenile custody the court shall determine the offender's punishment independently of the punishment for the earlier sentence, if by applying the provisions set forth in Article 48 of this code the aims of punishment could not be realized due to the short term left to serve from the previous sentence.

(3) If a convicted person, while serving a sentence of imprisonment or juvenile custody commits a criminal act for which a fine or punishment of up to one year of imprisonment is prescribed by statute, he shall be punished disciplinarily.

Credit for a period spent in custody and credit for punishment under an earlier sentence

Article 50.

(1) The period of time spent in custody awaiting trial, as well as each deprivation of freedom relating to a criminal act, shall be counted as part of the sentence of imprisonment, juvenile custody or a fine.

(2) The part of punishment served under an earlier sentence or paid under an earlier fine for a minor offense or economic violation, as well as the punishment or disciplinary measure of the deprivation of liberty which a person has served because of violation of military discipline shall also be counted as part of the new sentence imposed for a criminal act whose characteristics encompass the characteristics of a minor offense, economic violation or violation of military discipline

(3) In counting the credit, one day spent in custody awaiting trial, one day of deprivation of freedom, one day of juvenile custody, one day of imprisonment and a fine of 100 dinars shall be deemed equal.

Chapter Four

SUSPENDED SENTENCE AND JUDICIAL ADMONITION

Purpose of a suspended sentence and judicial admonition

Article 51.

Within the general purpose of criminal sanctions (Article 5, paragraph 2), the purpose of a suspended sentence and judicial admonition is that punishment for socially less dangerous acts not be imposed on a criminally liable offender when it is not necessary for the criminal justice protection, and when it can be expected that an admonition with a threat of punishment (suspended sentence) or the admonition alone (judicial admonition) will influence the offender enough to deter him from committing criminal acts.

Suspended sentence

Article 52.

(1) In imposing a suspended sentence, the court imposes a punishment on a person who committed a criminal act and at the same time it orders that the sentence shall not be carried out if the convicted person does not commit another criminal act for a period of time lasting for not less than one year nor more than five years, (testing period).

(2) Within a suspended sentence, a court may order that the sentence shall be carried out if within a certain time-limit the convicted person fails to restore the material gain acquired through the commission of the criminal act, or if he fails to compensate the damage occasioned through the commission of the criminal act, or fails to fulfil further obligations provided for in criminal justice regulations. The court shall determine a time-limit for the fulfilment of these obligations within the framework of a certain testing period.

(3) Security measures, ordered alongside a suspended sentence, shall be executed.

Conditions for imposing a suspended sentence

Article 53.

(1) A suspended sentence may be imposed when an offender has been sentenced to imprisonment for a term not exceeding two years or to a fine.

(2) The court may impose a suspended sentence for criminal acts which are eligible for a sentence of imprisonment for a term of 10 years or a more severe punishment, only if the sentence referred to in paragraph 1 of this article has been imposed by the reduction of the sentence prescribed by the law (Article 42).

(3) The suspended sentence cannot be imposed for criminal acts for which even after a reduction of the sentence a punishment of less than one year' imprisonment cannot be imposed.

(4) In deciding whether to impose a suspended sentence, the court shall, taking into account the purpose of the suspended sentence, take into special consideration the personality of the offender, his conduct in the past, his conduct after the commission of the criminal act, the degree of criminal liability and other circumstances in which the act has been committed.

(5) If the offender has been sentenced to both imprisonment and a fine, the suspended sentence may be imposed either for the both sentences or just for the sentence of imprisonment.

Revocation of suspended sentence due to a new criminal act

Article 54.

(1) The court shall revoke the suspended sentence if the convicted person committed one or more criminal acts during the testing period, for which the law provides imprisonment for a term of or exceeding two years.

(2) If the convicted person commits one or more criminal acts during the testing period for which the law has set a punishment of imprisonment for a term not exceeding two years or a fine, the court shall decide, upon consideration of all circumstances relating to the criminal acts committed as well as to the offender, especially the possible similar nature of the acts committed, their significance and motives from which they have been committed, whether to revoke the suspended sentence or not. In making such a decision, the court is limited by the ban on imposing a suspended sentence if a sentence of imprisonment for a term exceeding two years (Article 53, paragraph 1) needs to be imposed on the offender for the suspended sentence and for new criminal acts.

(3) In the event of revocation of the suspended sentence, the court shall impose one aggregate punishment both for the previously committed and the new criminal act, pursuant to the provisions of Article 48 of this code, taking the punishment from the revoked suspended sentence as an already fixed punishment.

(4) In the event that the court does not revoke a suspended sentence, then it may impose a suspended sentence or a sentence of imprisonment for a newly-committed criminal act. If the court decides that a suspended sentence should be imposed for the newly-committed criminal act as well, then by applying provisions set forth in Article 48 of this code, the court shall impose one aggregate sentence both for the previously committed and the new criminal act and it shall also determine an aggregate testing period which may not be shorter than one year nor longer than five years, commencing with the day the judgement becomes final. If the court imposes a punishment of imprisonment for the new criminal act, the period of time spent serving such a term of imprisonment shall not be deducted from the testing period established by the suspended sentence for the previously committed act.

Revocation of suspended sentence due to previously committed criminal act

Article 55.

(1) The court shall revoke a suspended sentence when after it has been imposed, it becomes known that the offender had committed a criminal act prior to the imposition of the suspended sentence, and if it is felt by the court that grounds would have been lacking for the imposition of a suspended sentence had the existence of that offence been known. In such a case, the provision set forth in Article 54, paragraph 3 of this law shall be applied.

(2) If the court does not repeal a suspended sentence, it shall apply the provision set forth in Article 54, paragraph 4 of this law.

Revocation of suspended sentence due to failure to discharge particular obligations

Article 56.

If a suspended sentence is further conditioned by the performance of a certain obligation referred to in Article 54, paragraph 2 of this law, and if the offender fails to discharge that obligation within the determined time-limit, the court may, within the testing period, extend the time-limit for the performance of the obligation or may revoke the suspended sentence and carry out the punishment which is set forth by the suspended sentence. If the court is of the opinion that for the objective reasons the convicted person is incapable of discharging the obligation, it shall remit the performance of that obligation or replace it with another adequate obligation provided in law.

Time-limit for the revocation of the suspended sentence

Article 57.

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

(2) If a convicted person fails to fulfil a certain obligation defined under Article 52, paragraph 2 of this law within the determined time-limit, the court may revoke the suspended sentence not later than one year after the expiration of the testing period, and order that a punishment imposed in the suspended sentence be carried out.

Suspended sentence with protective supervision

Article 58.

(1) Under conditions set forth in the laws of republics or autonomous provinces the court may order that an offender who has been subject to a suspended sentence be put under protective supervision for a certain period of time during the testing period.

(2) Protective supervision encompasses measures of assistance, care, supervision and protection provided for in statute.

(3) If during protective supervision the court establishes that the purpose of the sentence has been attained, it may terminate the protective supervision even before the expiration of a certain period.

(4) If a convicted person who has been ordered to have protective supervision does not fulfil obligations imposed on him by the court, the court may warn him or may replace earlier obligations with others or extend the protective supervision in the framework of the testing period, or may revoke the suspended sentence.

(5) A court may order protective supervision against an offender who has been subject to a suspended sentence for a criminal act defined in the federal law, if the sentence is provided for in the law of republic or autonomous province in which the offender is on trial.

Judicial admonition

Article 59.

(1) Judicial admonition may be administered for criminal acts for which a punishment of imprisonment of up to one year or a fine has been prescribed, if they have been committed under such extenuating circumstances which render them particularly minor.

(2) Judicial admonition may be administered for certain criminal acts under conditions provided by statute even in cases for which a punishment of imprisonment for a term not exceeding three years has been prescribed.

(3) Given the conditions numerated in paragraphs 1 and 2 of this article, the court may administer judicial admonition for several criminal acts committed together..

(4) In deciding whether to administer judicial admonition, the court shall, taking into account the purpose of judicial admonition, give special consideration to the personality of the offender, his past conduct, his conduct after the commission of the criminal act, the level of criminal liability and other circumstances in which the act has been committed.

(5) Judicial admonition shall not be administered to military persons for criminal acts against the armed forces of the SFRJ.

Chapter Five

SECURITY MEASURES

Purpose of security measures

Article 60.

In the framework of the general purpose of criminal sanctions (Article 5, paragraph 2), the purpose of security measures is to remove the situations or conditions which might influence an offender so that he commits criminal acts in the future.

Types of security measures

Article 61.

The following security measures may be imposed on persons who have committed criminal acts:

- 1) mandatory psychiatric treatment and custody in a medical institution;
- 2) mandatory psychiatric treatment outside prison;
- 3) mandatory medical treatment of alcoholics and drug addicts;
- 4) prohibition to carry out a certain occupation, activity or duty;
- 5) bar to public appearance;
- 6) prohibition against driving a motor vehicle;
- 7) confiscation of property;
- 8) banishment of a foreigner from the country.

Imposing security measures

Article 62.

(1) The court may impose one or more security measures on a person who has committed a criminal act when grounds exist for their application pursuant to the present code.

(2) Mandatory psychiatric treatment and custody in a health institution, and mandatory psychiatric treatment outside prison shall be imposed independently on a mentally incompetent perpetrator of a criminal act. Besides these measures, the court may also order a prohibition to carry out a certain occupation, activity or duty, bar to public appearance, prohibition against driving a motor vehicle and confiscation of property.

(3) The prohibition against driving a motor vehicle and confiscation of property may be ordered if a punishment, suspended sentence, judicial admonition or remission of punishment has been imposed on an offender.

(4) Mandatory medical treatment of alcoholics and drug addicts, prohibition to carry out a certain occupation, activity or duty, bar to public appearance and banishment of a foreigner from the country may be ordered if a punishment or a suspended sentence has been imposed on an offender.

Mandatory psychiatric treatment and custody in a medical institution

Article 63.

(1) The court shall impose mandatory psychiatric treatment and custody in a medical institution on an offender who has committed a criminal act while in the state of mental incompetence or substantially diminished responsibility, if it establishes that the offender poses danger to the environment and that his treatment and custody in such an institution is necessary for the sake of removing that danger.

(2) The court shall cancel the measure referred to in paragraph 1 of this article upon a determination that further detention in the institution is not necessary.

(3) The time spent in the institution by the offender who has committed a criminal act in a state of substantially diminished responsibility and who has been sentenced to imprisonment shall be credited toward service of the imposed sentence. In the event that the term of the imposed sentence exceeds the time spent by the convicted person in the institution, the court may order that the convicted person be sent to serve the remainder of the sentence or be released on parole. In deciding whether to grant parole, the court shall take into special consideration the convicted person's response to the treatment, to the condition of his health, to the time spent by him in the medical institution and to the remainder of the sentence he is to serve.

Mandatory psychiatric treatment outside prison

Article 64.

(1) The court shall impose mandatory psychiatric treatment outside prison on an offender who has committed a criminal act in the state of mental incompetence, if it establishes that he poses a danger to his environment, and if his treatment outside prison is sufficient for the removal of this danger.

(2) The measure referred to in paragraph 1 of this article may be imposed on a mentally incompetent offender on whom a mandatory psychiatric treatment and custody in a medical institution have been imposed when on the basis of the results of the treatment a court establishes that further treatment and custody in the medical institution is no longer needed, but only his treatment outside prison.

(3) The court may impose mandatory psychiatric treatment outside prison defined under paragraph 1 of this article on an offender whose responsibility is substantially diminished and who has been granted parole on the basis of Article 63, paragraph 3 of this law.

(4) Mandatory psychiatric treatment outside prison shall not exceed two years.

(5) If in cases referred to in paragraphs 1 to 3 of this article the offender fails to undergo treatment outside prison, or if he terminates it of his own accord, or if despite the treatment he becomes so dangerous to his environment that his custody in a medical institution becomes necessary, then the court may impose on him a measure of mandatory psychiatric treatment and custody in a medical institution.

Compulsory medical treatment of alcoholics and drug addicts

Article 65.

(1) The court may order a mandatory treatment of an offender who had become addicted to alcohol or narcotic drugs and has therefore committed a criminal act if there is a danger that due to this addiction he might recidivate.

(2) The measure defined in paragraph 1 of this article shall be carried out in an institution for the execution of punishment or in a medical or some other specialized institution. The time spent in such an institution shall be credited toward service of the sentence.

(3) When imposing a suspended sentence, the court may order the offender to submit himself to medical treatment outside prison, taking into special consideration the offender's readiness to undergo such treatment. If the offender fails to undergo such a treatment outside prison without a justifiable cause, or if he of his own accord quits the treatment, a court may order that the suspended sentence be revoked or that the measure of compulsory medical treatment of an alcoholic or drug addict be compulsorily carried out in a medical or some other specialized institution.

(4) If this measure has been imposed alongside a suspended sentence, it may not exceed two years.

Being prohibited from carrying out a certain occupation, activity or duty

Article 66.

(1) The court may prohibit a person who has committed a criminal act from exercising a particular profession, independent activity, or some duties related to the disposition, utilization, management or handling of social property or safe-keeping of such property, if the offender has misused his profession, activity or duty for the sake of committing a criminal act, or if there is a probable cause to believe that his further exercise of such activity would be dangerous.

(2) The court shall decide on the duration of the measure defined in paragraph 1 of this article, which must exceed one but must not exceed 10 years, as of the day of effectiveness of the judgement. The time spent in prison or medical institution for custody and medical treatment shall not be credited towards the term of this measure.

(3) When imposing a suspended sentence, the court may dispose that such sentence will be revoked if the offender violates the attached prohibition from carrying out a certain occupation, activity or duty.

Bar to public appearance

Article 67.

(1) The court may debar a person who has committed a criminal act from public expression in the press, public appearance on the radio, television and at public meetings, as well as from performing publishing activities, if the offender has misused his public appearance for the purpose of committing a criminal act, or if there is a probable cause to believe that his further public appearance would be dangerous.

(2) The court shall decide on the duration of the measure defined in paragraph 1 of this article which must exceed one but must not exceed five years, as of the day of effectiveness of the judgement. The time spent in prison or medical institution for custody and medical treatment shall not be credited towards the term of this measure.

(3) When imposing a suspended sentence, the court may dispose that such sentence will be revoked if the offender violates the bar to public appearance.

Prohibition against driving a motor vehicle

Article 68.

(1) The court may impose a prohibition against driving a motor vehicle of a certain type or category on a person who has committed a criminal act which has endangered traffic safety.

(2) The court may impose the measure defined in paragraph 1 of this article if it finds that the circumstances in which the act has been committed or earlier violations of traffic regulations on the part of the offender constitute evidence that it would be dangerous for him to drive a motor vehicle of a certain type or category. In making a determination whether to order this measure, the court shall take into account whether the offender happens to be a professional driver of a motor vehicle.

(3) The court shall decide on the duration of the measure defined in paragraph 1 of this article which must exceed three months but must not exceed five years, as of the day of effectiveness of the judgement. The time spent in prison or medical institution for custody and medical treatment shall not be counted towards the term of this measure.

(4) If the measure defined in paragraph 1 of this article has been imposed on a person who holds a foreign driving license, then the measure comprises the ban on its utilization on the territory of the SFRJ for a period of between three months and five years.

(5) When imposing a suspended sentence, the court may determine that the sentence will be revoked if the offender violates the ban on driving a motor vehicle.

Confiscation of objects

Article 69.

(1) Objects used or destined for use in the commission of a criminal act as well as those which resulted from the commission of a criminal act may be confiscated if they are owned by the offender.

(2) Objects referred to in paragraph 1 of this article may be confiscated even when they are not owned by the offender when considerations of general safety or preservation of morals so require, but such confiscation does not affect the rights of third parties to obtain damages from the offender.

(3) It may be set forth in the law that the confiscation of objects be mandatory.

Expulsion of a foreigner from the country

Article 70.

(1) The court may order that a foreigner be expelled from the territory of the SFRJ for a period of from one to 10 years, or for all time.

(2) In deciding whether to impose the measure defined in paragraph 1 of this article, the court shall take into account motives from which he committed the criminal act, the mode of its commission, and other circumstances which indicate the prejudicial character of his further residence in the country.

(3) The period of expulsion commences on the day when the decision takes legal effect. The time spent in prison shall not be counted towards the term of this measure.

Chapter Six

GENERAL RULES RELATING TO EDUCATIONAL MEASURES AND TO THE PUNISHMENT OF JUVENILES

Special criminal justice provisions applicable to juveniles

Article 71.

(1) The provisions of this chapter and criminal justice provisions on juveniles set forth in the criminal codes of the republics and autonomous provinces are applicable to juveniles who have committed criminal acts, while other criminal justice provisions set forth in the laws of the federation, republics and autonomous provinces shall be applied to juveniles only if they are not in contravention of special provisions which are applicable to them.

(2) Special provisions applicable to juveniles who have committed criminal acts are applied under conditions provided for in the provisions set forth in this chapter to adult persons when on trial for criminal acts which they have committed as juveniles, and exceptionally to persons who have committed a criminal act as junior adults.

Exemption of children from criminal sanctions

Article 72.

Criminal sanctions cannot be applied to a juvenile who at the time of the commission of a criminal act was aged under 14 (a child).

Criminal sanctions against juveniles

Article 73.

(1) A juvenile who at the time of commission of a criminal act had attained the age of 14 years but had not reached the age of 16 years (a junior juvenile) may not be punished but educational measures shall be ordered on him.

(2) A juvenile who at the time of commission of a criminal act had attained the age of 16 years but had not yet reached the age of 18 years (a senior juvenile) may be subject to educational measures under conditions laid down by this code, and exceptionally, he may be sentenced to a juvenile custody.

(3) Security measures may be imposed on juveniles under conditions laid down in the laws of republics or provinces.

(4) Judicial admonition or a suspended sentence may not be imposed on a juvenile.

Purpose of educational measures and juvenile custody

Article 74.

In the framework of the general purpose of criminal sanctions (Article 5, paragraph 2), the purpose of educational measures and juvenile custody is to ensure the education, rehabilitation and proper development of juveniles who have committed criminal acts by extending protection, assistance and supervision to them, providing them with expert training and developing their personal responsibility. Besides that, the purpose of juvenile custody is to exercise special influence on juvenile offenders in order to prevent them from committing criminal acts in the future, as well as to deter other juveniles from committing criminal acts.

Types of educational measures

Article 75.

- (1) Educational measures are: disciplinary, intensive supervision and institutional measures.
- (2) Disciplinary measures shall be imposed on a juvenile who need not be submitted to extended educational or reformatory measures, in particular if he has committed a criminal act out of thoughtlessness or frivolity.
- (3) Measures of intensive supervision shall be imposed on a juvenile if it appears necessary to submit the juvenile to extended measures of education, rehabilitation or treatment with adequate supervision, but where it is not necessary to completely isolate him from the old environment.
- (4) Institutional measures shall be imposed on a juvenile when it appears necessary to submit him to extended measures of education, rehabilitation or treatment, as well as to detach him completely from his old environment. These measures may not last more than five years.

Discontinuance and modification of decisions relative to educational measures

Article 76.

Under conditions laid down in law, the court may decide that the enforcement of educational measure ordered be discontinued, or the measure ordered be substituted by another educational measure, or other changes in terms of the imposed educational measure be carried out, or it may decide to cancel the execution of the educational measure ordered if a certain period of time has elapsed since the measure was ordered and if the execution has not yet commenced.

Punishing senior juveniles

Article 77.

A senior juvenile may be punished only if he has committed a criminal act for which a punishment more severe than five years of imprisonment has been prescribed, and if it would not be warranted to apply an educational measure because of the grave consequences of the act committed and the high degree of criminal responsibility.

Juvenile custody

Article 78.

(1) The punishment of juvenile custody may not be shorter than one year nor longer than 10 years, and shall be measured in full years or half-years.

(2) In deciding upon punishment for a senior juvenile for a certain criminal act, the court may not impose a punishment of juvenile custody for a term exceeding that of the period of imprisonment prescribed for that particular act, but the court shall not be bound by the minimum punishment provided for a given act.

Ordering educational measures and juvenile custody when there is a concurrence of criminal acts

Article 79.

(1) The court shall impose only one educational measure on a juvenile for criminal acts in concurrence, or only a sentence to juvenile custody when legal conditions exist for the sentence to be imposed and when the court finds that it should be imposed.

(2) Pursuant to the provision set forth in paragraph 1 of this article, the court shall proceed in the same manner in case it establishes that a juvenile had committed a criminal act prior or after an educational measure or juvenile custody has been imposed.

Bar to execution of the punishment of juvenile custody by lapse of time

Article 80.

The execution of the punishment of juvenile custody is barred after the lapse of:

- (1) 10 years from the sentence to juvenile custody for a term exceeding five years;
- (2) five years from the sentence to juvenile custody for a term exceeding three years;
- (3) three years from the sentence to juvenile custody for a term not exceeding three years.

Imposing criminal sanctions on adults for acts they committed as juveniles

Article 81.

(1) An adult who is aged 21 or over cannot be tried for a criminal act he committed as a junior juvenile.

(2) If an adult is not aged 21 or over at the time of the trial, he may be tried only for criminal acts for which a punishment of imprisonment for a term exceeding five years has been prescribed. The court may impose on such a person only an appropriate institutional educational measure. In considering whether to order such a measure or not, the court shall take into account all the relevant circumstances of the case, in particular the gravity of the act committed, the time that has elapsed since the commission, the conduct of the offender and the purpose of the educational measure.

(3) An appropriate institutional educational measure may be imposed on an adult for a criminal act he committed as a senior juvenile, and under conditions defined in Article 77 of this law a punishment of juvenile custody may also be imposed. In deciding whether to impose a sanction and which of the sanctions to impose, the court shall take into account all the relevant circumstances of the case, in particular the gravity of the act committed, the time which has elapsed since its commission, the conduct of the offender, as well as the purpose of these sanctions.

(4) As an exception to the provision set forth in paragraph 3 of this article, in lieu of juvenile custody the court may sentence of imprisonment or impose a suspended sentence on an adult who was aged 21 or more at the time of the trial. Regarding rehabilitation, deleting the sentence and legal consequences of the sentence, the sentence of imprisonment in this case has the same legal effect as a juvenile custody sentence.

Imposing educational measures on young adults

Article 82.

(1) The court may impose an appropriate measure of intensive supervision or an institutional measure on an offender who has committed a criminal act as an adult, if given his personality and circumstances in which he committed the act, it may be expected that the purpose which would be attained by sentencing him to imprisonment will be attained by the educational measure.

(2) Under conditions defined in this law, the court may impose all security measures on a young adult on whom it had imposed an educational measure, except for a prohibition to carry out a certain occupation, activity or duty, and a bar to public appearance.

(3) The educational measure imposed may last only until the offender is aged 23.

Effect of educational measures and juvenile custody punishment

Article 83.

Educational measures and juvenile custody do not include legal consequences consisting of the suspension of the exercise of certain rights (Article 89, paragraph 2).

Chapter Seven

APPROPRIATION OF MATERIAL GAIN ACQUIRED BY THE COMMISSION OF A CRIMINAL ACT

The basis of the appropriation of material gain

Article 84.

- (1) No one is allowed to retain material gain acquired by the commission of a criminal act.
- (2) The benefit referred to in paragraph 1 of this article shall be appropriated by court order which established the commission of a criminal act, under the terms set forth in this law.

Modes of appropriating material gain

Article 85.

- (1) All the money, valuable objects and every other material gain acquired by the commission of a criminal act shall be appropriated from offenders, and in case the appropriation is not feasible - the offender shall be obliged to pay a sum of money which corresponds to the acquired material gain.
- (2) Material gain acquired by the commission of a criminal act may be appropriated from the persons to whom it has been transferred without compensation or with a compensation which do not corresponds to the real value, if the persons knew or might have known that the material gain has been acquired by the commission of a criminal act. In cases when the material gain has been transferred to close relatives, it shall be appropriated from them as well, unless they prove that they have given the full value worth of compensation.

Protection of damaged party

Article 86.

(1) If legal damages have been awarded to a damaged party the court shall order the appropriation of material gain if it exceeds the ordered property-legal claim of the damaged party.

(2) A damaged party who has been directed to litigate in the course of criminal proceedings regarding his property-legal claim - may demand that he be compensated from the amount of the appropriated value, providing he litigates within six months from the day when the decision by which he has been directed to litigate takes effect, and if within three months from the day when his claim has been legally established he demands to be compensated from the appropriated value.

(3) A damaged party who did not report a property-legal claim in the course of a criminal proceedings may demand compensation from the appropriated value, if for the sake of establishing his claim he has begun litigating within three months from the day when he found out about the verdict which appropriates a material gain, and no longer than within two years from the day when the decision on the appropriation of material gain took effect, and if within three months from the day when the decision by which his claim was established he demands compensation from the appropriated value.

Appropriating material gain from an organization or grouping

Article 87.

If by a criminal act committed by a perpetrator a material gain has been acquired for an organization of associated labour or other self-managing organization or grouping, the benefit shall be appropriated from the organization or grouping.

Chapter Eight

LEGAL CONSEQUENCES INCIDENT TO CONVICTION

Taking effect of the legal consequences incident to conviction

Article 88.

(1) Convictions for particular criminal acts or sentences of particular punishments may entail as legal consequences the cessation, that is the loss of certain rights or bar on the acquisition of certain rights.

(2) Legal consequences incident to conviction cannot occur when the perpetrator of a criminal act has been punished with a fine, suspended sentence or judicial admonition, or when the court has refrained from imposing a punishment on him.

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

Types of legal consequences incident to conviction

Article 89.

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

1) cessation of the performance of particular jobs or functions in organs of socio-political communities, other state organs, organizations of associated labour and other self-managing organizations and groupings;

2) termination of employment or cessation of the performance of a particular profession, occupation or activity;

3) deprivation of a military officer's rank, or loss of a military employee's grade;

4) deprivation of decorations.

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

1) debarment on the performance of certain jobs or functions in organs of socio-political communities, other state organs, organizations of associated labour and other self-managing organizations and groupings;

2) debarment on public expression in the press, on radio or television or at public assemblies, prohibition from performing publishing activities and from participation in the forming of associations;

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

4) bar on the acquisition of particular permits or licenses which are approved by a decision of state organs.

Beginning and duration of the legal consequences incident to conviction

Article 90.

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

(2) The legal consequences incident to conviction which consist of bars on the acquisition of particular rights may not exceed 10 years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitation, unless for certain legal consequences such a statute provides a shorter period of time for serving the sentence.

(3) The legal consequences incident to conviction cease to be effective by the deletion of the sentence.

Chapter Nine

REHABILITATION, EXTINCTION OF PUNISHMENT AND CONDITIONS FOR RELEASING INFORMATION FROM THE CRIMINAL RECORDS

Rehabilitation

Article 91.

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

(2) The provision referred to in paragraph 1 of this article is in force for persons on conditional leave, unless their rights are limited by a special lawful provisions on the conditional leave.

Termination of security measures and legal consequences incident to conviction on the basis of the court decision

Article 92.

(1) The court may decide that security measures imposing a prohibition to carry out a certain occupation, activity or duty, bar to public appearance and prohibition against driving a motor vehicle be terminated if three years have elapsed from the day they took effect.

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

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

(4) The termination of legal consequences incident to conviction does in no way affect the rights of third parties originating from the judgment.

Expunging of the conviction

Article 93.

(1) The sentence of judicial admonition and the sentence by which a person who has committed a criminal act was excused of a punishment shall be expunged of the criminal record, provided he does not commit a fresh criminal act within one year from the day of effectiveness of the decision.

(2) A suspended sentence shall be expunged of the criminal record after one year from the expiration of the testing period unless the person convicted commits another criminal act within that period.

(3) A sentence of a fine shall be expunged of the criminal record after three years have elapsed from the day on which the punishment has been served, pardoned or amnestied, or barred by the statute of limitation, provided the convicted person does not commit a fresh criminal act within that period.

(4) The sentence of imprisonment for a term not exceeding one year and juvenile custody shall be expunged of the criminal record after five years have elapsed from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitation, provided that the convicted person does not commit a fresh criminal act within that period.

(5) Upon an appeal by a convicted person, the court may decide that a sentence of imprisonment for a term exceeding one year but not exceeding three years be expunged of the criminal record, if a period of five years has expired from the day on which the punishment has been served, pardoned or amnestied, or barred by lapse of time, and provided that the convicted person has not committed a fresh criminal act within that period. In deciding on the expungion of the sentence the court shall take into account the conduct of the convicted person after serving his sentence, the nature of the criminal act, and other circumstances that might be relevant for the evaluation of the justifiability of the expungion.

(6) Sentences cannot be expunged of criminal records as long as security measures are in force.

(7) If in the course of the expunging period a convicted person is sentenced to imprisonment for a term exceeding three years, neither previous nor subsequent sentences shall be expunged of the criminal record.

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

Information from the criminal record

Article 94.

(1) Information contained in the criminal record may be transmitted to the court, the public prosecutor's office and organs of internal affairs in connection with criminal proceedings conducted against a person who was already convicted earlier, to competent organs in charge of the execution of criminal sanctions and competent organs participating in the procedure of granting amnesty, pardon or expungion of a sentence.

(2) Information from the criminal record may, upon the presentation of a justifiable request, be given to state organs, organizations of associated labour and other self-managing organizations and groupings, if certain legal consequences incident to conviction or security measures are still in force, or if there exists a lawfully justified interest for it.

(3) In case when a conviction is expunged, information on the conviction may only be given to the court, the public prosecutor's office and organs of internal affairs in relation to criminal proceedings conducted against a person whose previous conviction has been expunged.

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

(5) At their request, citizens may be given information on their being convicted or not being convicted only if the information is necessary for exercising their rights abroad.

Chapter Ten

BAR BY LAPSE OF TIME

Bar to prosecution by lapse of time

Article 95.

(1) Unless it is stipulated otherwise in this law, criminal prosecution is barred after the lapse of:

- 1) 25 years from the commission of a criminal act for which the law provides the capital punishment or the punishment of imprisonment for a term of 20 years;
 - 2) 15 years from the commission of a criminal act for which the law provides imprisonment for a term exceeding 10 years;
 - 3) 10 years from the commission of a criminal act for which the law provides imprisonment for a term exceeding five years;
 - 4) five years from the commission of a criminal act for which the law provides imprisonment for a term exceeding three years;
 - 5) three years from the commission of a criminal act for which the law provides imprisonment for a term exceeding one year;
 - 6) two years from the commission of a criminal act for which the law provides imprisonment for a term not exceeding one year or a fine.
- (2) If several punishments are prescribed for a single criminal act, the period of limitation shall be determined according to the heaviest punishment prescribed.

The running and interruption of the period of limitation to criminal prosecution

Article 96.

(1) The period of limitation to the criminal prosecution commences with the day on which the criminal act has been committed.

(2) The running of the period of limitation is suspended for any time during which the prosecution cannot be instituted or continued by reason of provision of law.

(3) The running of the period of limitation is interrupted by every act of proceedings which relates to the prosecution of the perpetrator on account of the criminal act committed.

(4) The running of the period of limitation is also interrupted if the perpetrator, before the period of limitation has elapsed, commits a fresh criminal act of the same gravity or a graver criminal act.

(5) A new period of limitation begins with every interruption.

(6) There shall be an absolute bar to prosecution when twice as much time lapses as required, in accordance with the law, for the bar to prosecution.

Bar to execution of punishment by lapse of time

Article 97.

Unless it is stipulated otherwise in the law, the execution of sentences is barred after the lapse of:

1) 25 years from the death penalty or from the sentence of imprisonment for a term of 20 years;

2) 15 years from the sentence of imprisonment for a term exceeding 10 years;

3) 10 years from the sentence of imprisonment for a term exceeding five years;

4) five years from the sentence of imprisonment for a term exceeding three years;

5) three years from the sentence of imprisonment for a term exceeding one year;

6) two years from the sentence of imprisonment for a term not exceeding one year or to a fine.

Bar to execution of accessory punishment and security measures by lapse of time

Article 98.

(1) The execution of the punishment of confiscation of property is barred after the lapse of 10 years from the day of effectiveness of the judgment under which such punishment has been imposed.

(2) The execution of a fine as an accessory punishment shall be barred after the lapse of two years from the day of effectiveness of the judgment whereby such punishment has been imposed.

(3) The execution of the security measures of compulsory psychiatric treatment and custody in a medical institution, compulsory psychiatric treatment outside prison and forfeiture of objects shall be barred after the lapse of five years from the day of effectiveness of the judgment whereby these measures have been ordered.

(4) The execution of the security measures of prohibition to carry out a certain occupation, activity or duty, bar on public appearance and prohibition against driving a motor vehicle shall be barred after the lapse of the period for which the measures have been ordered.

The running and interruption of the period of limitation to execution of punishment

Article 99.

(1) The period of limitation to the execution of punishment commences with the day of the effectiveness of the judgement, and in the case of the revocation of a suspended sentence with the day on which the decision on the revocation became legally effective.

(2) The running of the period of limitation is suspended for any time during which the law prevents the execution of the punishment from commencing.

(3) The running of the period of limitation is interrupted by every act of a competent organ undertaken toward the execution of the punishment.

(4) The running of the period of limitation is resumed after every interruption.

(5) There shall be an absolute bar to the execution of punishment when twice as much time has elapsed as required, in accordance with the law, for the bar to the execution of punishment.

(6) The provisions set forth in paragraphs 2 to 5 of this article shall be applied accordingly to the bar to the execution of the security measures.

Genocide and war crimes as criminal acts not subject to the statute of limitations

X 国際法
genocide, w.c.

Article 100.

A criminal prosecution and the execution of a sentence are not subject to the statute of limitations for criminal acts referred to in articles 141 to 145 of this law, as well as for other criminal acts which pursuant to international agreements are not subject to the statute of limitations.

Chapter Eleven

AMNESTY AND PARDON

Amnesty

Article 101.

Persons covered by an act of amnesty are granted immunity from prosecution, complete or partial exemption from the execution of punishment, substitution of the imposed punishment by a less severe one, expungion of the conviction, or annulment of legal consequences incident to conviction.

Pardon

Article 102.

(1) By means of pardon specifically designated persons are granted immunity from prosecution, complete or partial exemption from the execution of punishment, substitution of the imposed punishment by a less severe one, expungion of the conviction, or annulment or shortening the duration of the legal consequences incident to conviction or security measure.

(2) A pardon may establish termination or shorter duration of the following security measures: prohibition to carry out a certain occupation, activity or duty, bar to public appearance, prohibition against driving a motor vehicle for the offenders who are drivers by profession, or expelling a foreigner from the country.

Impact of amnesty and pardon on third parties

Article 103.

The granting of amnesty or pardon shall in no way affect the rights of third parties emanating from the judgment.

Chapter Twelve

APPLICABILITY OF YUGOSLAV CRIMINAL LAW WITH RESPECT TO THE PLACE OF THE COMMISSION OF A CRIMINAL ACT

Applicability of Yugoslav criminal law to anybody committing a criminal act on the territory of the SFRJ

Article 104.

(1) Yugoslav criminal law applies to anybody who has committed a criminal act on the territory of the SFRJ.

(2) Yugoslav criminal law applies to anybody who commits a criminal act aboard a domestic vessel, regardless of its whereabouts at the time of commission of the act.

(3) Yugoslav criminal law applies to anybody who commits a criminal act aboard a domestic civil aircraft while in flight, or aboard a domestic military aircraft, regardless of its location at the time of commission of the act.

Applicability of Yugoslav criminal law to specific criminal acts committed abroad

Article 105.

Yugoslav criminal law applies to anybody who while abroad commits a criminal act referred to in articles 114 to 133, and 135 to 138 of this law, or article 168 of this law insofar as the falsifying relates to domestic currency.

Applicability of Yugoslav criminal law to a SFRJ citizen committing a criminal act abroad

Article 106.

Yugoslav criminal law applies to a citizen of SFRJ when he commits abroad a criminal act other than those referred to in article 105 of this law, provided he is found on the territory of the SFRJ or has been extradited to the SFRJ.

**Applicability of Yugoslav criminal law
to a foreigner committing a criminal act abroad**

Article 107.

(1) Yugoslav criminal law applies to a foreigner who has committed a criminal act outside the territory of the SFRJ against the country or its citizen, when the acts in question do not belong to the group of acts referred to in article 105 of this law, provided he is found on the territory of the SFRJ or has been extradited to the SFRJ.

(2) Yugoslav criminal law applies to a foreigner who commits a criminal act abroad against a foreign country or another foreigner, for which this law provides imprisonment for a term of five years or a heavier penalty, provided the perpetrator is found on the territory of the SFRJ and is not extradited to a foreign country. Unless it is stipulated otherwise in this law, in such a case the court may not impose a heavier punishment than the one provided by the law of the country in which the criminal act has been committed.

Special prerequisites of prosecution

Article 108.

(1) If, in cases referred to in Article 104 of this law, criminal proceedings have commenced or have terminated in a foreign country, prosecution shall be instituted in the SFRJ only upon the approval on the part of the Federal Public Prosecutor for criminal acts defined in the federal criminal code, that is to say upon the approval on the part of the public prosecutor of a republic or autonomous province for criminal acts defined in the criminal codes of the republic or autonomous province.

(2) In cases referred to in articles 106 and 107 of this law, prosecution shall not be instituted if:

- 1) the offender has completely served the sentence to which he has been sentenced abroad;
- 2) the offender has been acquitted by a legally effective foreign judgement, or if his punishment has been barred by lapse of time, amnestied or pardoned abroad;
- 3) by foreign law the criminal act may only be prosecuted upon request by the damaged party and if such a request has not been filed.

(3) In cases referred to in articles 106 and 107 of this law, prosecution shall be instituted only if the act committed is also punishable. If in cases referred to in articles 106 and 107, paragraph 1 of this law, such criminal act is not punishable under the law of the country of commission, prosecution may be instituted only upon the approval on the part of the Federal Public Prosecutor for criminal acts defined in the federal criminal code, that is to say upon the approval on the part of the public prosecutor of a republic or autonomous province for criminal acts defined in the criminal codes of the republic or autonomous province.

(4) It is only after the approval on the part of the Federal Public Prosecutor that prosecution may be instituted in the SFRJ in cases referred to in Article 107, paragraph 2 of this law, regardless of the law of the country in which the criminal act has been committed, if at the time of the commission the act in question was considered a criminal act in accordance with the general legal principles recognized by the international community.

(5) In cases referred to Article 104 of this law, prosecution of a foreigner may be handed over to a foreign country on the condition of reciprocity.

Credit for the detention and sentence served abroad

Article 109.

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

Chapter Thirteen

APPLICABILITY OF CRIMINAL LAWS OF REPUBLICS AND PROVINCES WITH RESPECT TO THE PLACE OF THE COMMISSION OF A CRIMINAL ACT

Applicability of criminal laws of republics or provinces to criminal acts committed inside the territory of a republic or autonomous province

Article 110.

(1) Criminal codes of republics and autonomous provinces apply to anybody who on the territory of the republic or autonomous province commits a criminal act for which the law provides a punishment, regardless of where he is tried for the act.

(2) If a criminal act has been committed in the territory of two or more republics or autonomous provinces, and if the offender is tried in one of those republics or autonomous provinces, it is the law of the republic or autonomous province in which the act has been committed that shall be applied.

(3) If a criminal act has been committed in the territory of two or more republics or autonomous provinces, and if the offender is tried outside the territory of these republics or autonomous provinces, to be applied is the law of the republic or autonomous province which is less severe for the offender, and if these laws are equally severe, to be applied is the law of the republic or autonomous province in which the commission of the criminal act commenced.

Application of provisions on educational measures and punishment of juveniles

Article 111.

Provisions on educational measures and punishment of juveniles, which are in force in the place where a person who has committed a criminal act is tried, apply when a juvenile or an adult who was juvenile at the time of the commission of a criminal act is tried for a criminal act defined in the federal criminal code, and in criminal codes of republics and autonomous provinces.

**Applicability of criminal laws
of republics or provinces to criminal acts committed
outside the territory of the SFRJ**

Article 112.

Criminal code of the republic or autonomous province in which an offender is being tried apply to criminal acts defined in the code of the republic or autonomous province in cases when the acts have been committed outside the territory of the SFRJ, including criminal acts committed aboard a domestic vessel or aboard a domestic aircraft while outside the territory of the SFRJ.

Chapter Fourteen

MEANING OF STATUTORY TERMS

Article 113.

- (1) The term "territory of the SFRJ" understands its land territory, coastal seas and water areas within its borders, as well as the air space over them.
- (2) The term "territory of a republic or autonomous province" understands its land territory, coastal seas and water areas within its borders, as well as the air space over them.
- (3) The term "Yugoslav criminal law" understands all criminal justice provisions set forth in the laws of the federation, republics and autonomous provinces.
- (4) The term "official," when it refers to a perpetrator of a criminal act understands: elected or appointed officials in the SFRJ Assembly, Federal Executive Council, federal administration bodies and other federal bodies, as well as federal organizations which perform certain administrative, expert and other functions within the rights and obligations of the federation; persons who continuously or occasionally executes an official duty in federal bodies or in the foregoing federal organizations; military persons, if a criminal act is not defined in the Chapter Twenty of this code.
- (5) The term "military person" understands a soldier in the military service; cadet at a military academy; junior officer on active duty, officer on active duty or military employee; a reservist on military duty as serviceman, and a civilian person executing a certain military duty.
- (6) When an official or a military person has been accused of committing certain criminal acts, persons referred to in paragraphs 4 and 5 of this article may be the perpetrators of these acts provided it does not follow from characteristics of a particular act or particular prescript that their perpetrator may only be certain of the specified persons.
- (7) A "document" denotes any object that is suitable or designed to serve as evidence of some fact relevant to legal relations.
- (8) "Currency" denotes coins and bank-notes which are legal tender in the SFRJ or in a foreign country.
- (9) "Representatives of value" include also foreign representatives of value.
- (10) "Violence" shall be so construed as to include the use of hypnotic suggestion or intoxicating substances for the purpose of bringing a person against his will into a state of unconsciousness, or incapacitating him for resistance.
- (11) A "motor vehicle" shall be so construed as to include every engine-run means for the land, water and air traffic.

SPECIAL PART

Chapter Fifteen

CRIMINAL ACTS AGAINST THE BASES OF THE SOCIALIST SELF-MANAGING SOCIAL SYSTEM AND SECURITY OF SFRJ

Counter-revolutionary endangering of the social system

Article 114.

Whoever commits an act aimed at: restricting or overthrowing the authority of the working class and working people; undermining the constitutionally-established socio-economic system, socio-political system or the self-management system; overthrowing organs of social self-management and authorities, their executive organs or representatives of the highest state authorities in contravention of the Constitution; undermining the economic basis of the country; destroying the brotherhood and unity or violating the equality of nations and nationalities; or changing the federal organization of the country in an unconstitutional way, shall be punished by imprisonment for not less than one year.

Acknowledging capitulation and occupation

Article 115.

(1) A citizen of the SFRJ who commits an act aimed at the acknowledgement of the capitulation or occupation of the SFRJ or its part, shall be punished by imprisonment for not less than five years.

(2) A citizen of the SFRJ who signs or acknowledges the capitulation, or who accepts or acknowledges the occupation of the SFRJ or its part, shall be punished by imprisonment for not less than 10 years or by the death penalty.

Endangering the territorial integrity

Article 116.

(1) Whoever commits an act aimed at detaching a part of the territory of the SFRJ by force or in any other unconstitutional way, or at joining of a part of the territory with another country, shall be punished by imprisonment for not less than five years.

(2) Whoever commits an act aimed at changing borders between the republics and autonomous provinces by force or in any other unconstitutional way, shall be punished by imprisonment for not less than one year.

Endangering the independence

Article 117.

A citizen of the SFRJ who commits an act aimed at bringing the SFRJ in a position of subjugation or dependence toward a foreign state shall be punished by imprisonment for not less than one year.

Preventing the fight against the enemy

Article 118.

(1) A citizen of the SFRJ who in time of war or armed conflict prevents the citizens of SFRJ or citizens of its allies from fighting against the enemy shall be punished by imprisonment for not less than five years.

(2) A citizen of the SFRJ who in time of war or armed conflict by propaganda or in some other manner dissuades the citizens of the SFRJ or citizens of its allies from fighting against the enemy shall be punished by imprisonment for not less than one year.

Service in the enemy's army

Article 119.

(1) A citizen of the SFRJ who serves in the enemy's army or other enemy's armed formations in time of war or armed conflict, or participates in war or armed conflict as a combatant against the SFRJ or its allies, shall be punished by imprisonment for not less than three years.

(2) Whoever levies citizens of the SFRJ for service in the enemy's army or other enemy's armed formations, or for participation in war or armed conflict against the SFRJ or its allies, shall be punished by imprisonment for not less than five years.

Assisting the enemy

Article 120.

(1) A citizen of the SFRJ who assists the enemy in making a requisition, in seizing food and other goods, or in performing other coercive measures against the people in time of war, shall be punished by imprisonment for not less than one year.

(2) A citizen of the SFRJ who politically or economically collaborate with the enemy in time of war shall also be punished by the sentence referred to in paragraph 1 of this article.

Undermining the military and defensive power

Article 121.

(1) Whoever destroys, renders useless or enables to pass into the hands of the enemy the defense installations, defense objects, positions, arms or other military or defensive means, or surrenders troops to the enemy, or in some other way hinders or jeopardizes the military or defense measures, shall be punished by imprisonment for not less than three years.

(2) A citizen of the SFRJ who commits the act referred to in paragraph 1 of this article with an intent to assist the enemy, shall be punished by imprisonment for not less than five years.

Homicide committed out of hostile motives against the SFRJ

Article 122.

Whoever deprives another man of his life out of hostile motives against the SFRJ, shall be punished by imprisonment for not less than 10 years or by the death penalty.

Violence committed out of hostile motives against the SFRJ

Article 123.

(1) Whoever abducts a person, or commits other violence against another person, or destroys property of a large value out of hostile motives against the SFRJ, shall be punished by imprisonment for not less than five years.

(2) The perpetrator of the act referred to in paragraph 1 of this article who voluntarily releases a person whose freedom of movement has been restricted, may be punished less severe or the court may refrain from imposing a punishment on him.

Armed rebellion

Article 124.

(1) Whoever takes part in preparations for an armed rebellion or in an armed rebellion, shall be punished by imprisonment for not less than one year.

(2) Whoever organizes the preparation of an armed rebellion or takes part in an armed rebellion as organizer or ringleader, shall be punished by imprisonment for not less than five years.

Terrorism

Article 125.

Whoever causes an explosion, fire or take some other generally dangerous action out of hostile motives against the SFRJ, or commits an act of violence which may create a feeling of personal insecurity in citizens or a in a group of citizens, shall be punished by imprisonment for not less than five years.

Destruction of important establishments of the national economy

Article 126.

Whoever, out of hostile motives against the SFRJ, by means of demolition, arson, or in any other way destroys or damages a bridge, factory, waterworks, long-distance power line, dam, means of transportation, communication means, silo, store, warehouse, building, larger quantities of assembled foodstuffs and forage, stocks of material or goods, industrial, public transportation or other installation or object which is of substantial significance for the economy, shall be punished by imprisonment for not less than five years.

Sabotage

Article 127.

Whoever, out of hostile motives against the SFRJ, in a disguised, perfidious or any similar manner fails to perform, or performs his official duty or work pledge without commitment, or in performing his duty or work pledge damages means of production, and through such action causes demolition of or damage to installations, considerable quantities of products, goods or materials, or dismantlement or repair of improperly erected construction works, or disorganization or delay in work, or non-fulfilment of the plan in state organs and organizations of associated labour or other self-managing organizations and groupings, shall be punished by imprisonment for not less than three years.

Espionage

Article 128.

(1) Whoever discloses, delivers or renders available confidential military, economic or official information or documents to a foreign country, foreign organization or a person in the service thereof, or whoever complies such information or documents with the intention of disclosing or delivering them to a foreign country, foreign organization or a person in their service, shall be punished by imprisonment for not less than three years.

(2) Whoever creates an intelligence service in the SFRJ on account of a foreign country or organization, shall be punished by imprisonment for not less than five years.

(3) Whoever becomes a member of a foreign intelligence service, collects information for it or in any other way assists its activity, shall be punished by imprisonment for not less than three years.

Imparting a state secret

Article 129.

(1) Anybody who without authority imparts, passes on or renders accessible information or documents constituting a state secret to an unauthorized person not entitled to receive such documents, shall be punished by imprisonment for not less than one year.

(2) If an act referred to in paragraph 1 of this article has been committed during a state of war or imminent war danger, or if it has led to the endangerment of the security, economic or military power of the SFRJ, the offender shall be punished by imprisonment for not less than three years or by imprisonment for a term of 20 years.

(3) If an act referred to in paragraph 1 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(4) The term state secret shall be understood to be information or documents whose disclosure has produced or might have produced detrimental consequences for political, economic or military interests of the country.

Conclusion of treaties prejudicial to the SFRJ

Article 130.

Whoever in the capacity of representative of the SFRJ, republic or autonomous province or some other socio-political grouping concludes a treaty or carries out an important task with a foreign government, international or foreign organization to the detriment of the SFRJ by misusing his position or authority, shall be punished by imprisonment for not less than one year.

Participating in hostile activities

Article 131.

A citizen of the SFRJ who with the intention of carrying out a hostile activity against his country establishes contacts with a foreign country, foreign or exile organization or group of persons, or assists them in the performance of hostile activities, shall be punished by imprisonment for not less than one year.

**Dispatching and transferring armed groups, arms and ammunition
into the territory of the SFRJ**

Article 132.

Whoever dispatches or transfers armed groups, terrorists, spies, raiders, weapons, explosive, poisons, equipment, ammunition or other material for the purpose of performing hostile activities, shall be punished by imprisonment for not less than five years.

Hostile propaganda

Article 133.

(1) Whoever in an article, leaflet, drawing, speech or in some other way calls on or incites the overthrow of the government of working class and working people, the unconstitutional change of the socialist self-management social system, breaking-up of the brotherhood and unity and equality of nations and nationalities, overthrow of the organs of social self-management and authorities and their executive organs, resistance to decisions of competent organs of authorities and of self-management which are significant for the protection and development of socialist self-management relations, the security or defense of the country; or whoever maliciously and untruthfully represents the social and political situation in the country, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(2) Whoever commits an act referred to in paragraph 1 of this article with a help or under influence from abroad, shall be punished by imprisonment for not less than three years.

(3) Whoever dispatches or transfers agitators or propaganda material into the territory of the SFRJ for the purpose of carrying out activities referred to in paragraph 1 of this article, shall be punished by imprisonment for not less than one year.

(4) Whoever, with the intention of distributing, manufactures or copies enemy propaganda material, or who holds this material despite knowing that it is intended for the distribution, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Inciting national, racial or religious hatred, discord or hostility

Article 134.

(1) Whoever by means of propaganda or in some other way incites or fans national, racial or religious hatred or discord between peoples and nationalities living in the SFRJ, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(2) Whoever, by insulting citizens or in some other way, incites national, racial or religious hostility, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

(3) If an act referred to in paragraphs 1 and 2 of this article has been committed systematically or by taking advantage of one's position or office, as part of a group, or if disorder, violence or other grave consequences resulted from these acts, the offender shall for an act referred to in paragraph 1 be punished by imprisonment for not less than one year and for an act referred to in paragraph 2 by imprisonment for a term exceeding six months but not exceeding five years.

Violation of territorial sovereignty

Article 135.

Whoever penetrates the territory of the SFRJ in breach of rules of international law, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Associating for the purpose of hostile activities (against the people and the state)

Article 136.

(1) Whoever sets up a cabal, band, group or any other association of persons for the purpose of committing criminal acts under articles 114 to 119, paragraph 2, articles 120 to 123, articles 125 to 127 and articles 131 to 132 of this law, or whoever forms a group for the purpose of transferring or dispatching citizens of the SFRJ abroad for the sake of carrying out hostile activities against the SFRJ, shall be punished by imprisonment for not less than five years.

(2) Whoever becomes a member of an association referred to in paragraph 1 of this article, shall be punished by imprisonment for not less than one year.

(3) The member of an association referred to in paragraph 1 of this article who exposes the association before he has committed a criminal act defined in the provisions of this chapter in the association's ranks or on its account, shall be punished by imprisonment for a term not exceeding three years, but the court may also refrain from imposing a punishment on him.

Accessoryship after the fact to criminal acts

Article 137.

(1) Whoever conceals, shelters or gives food, material, money and other means to the perpetrator of a criminal act referred to in articles 114 to 136 and articles 138 and 139 of this law, whoever serves him in maintaining liaison, undertakes actions aimed at obstructing the discovery or apprehension of the offender, or renders him assistance in any other way, shall be punished by imprisonment for not less than one year.

(2) The sentence for the acts referred to in paragraph 1 of this article may not be more severe by neither its type nor its gravity than the sentence prescribed for the criminal act which was the subject of the assistance.

Punishment for the preparation

Article 138.

Whoever makes preparations for the commission of a criminal act referred to in articles 121 to 123, and articles 125 to 128 of this law, shall be punished by imprisonment for not less than one year.

Punishment for the gravest criminal acts

Article 139.

(1) The offender shall be punished by imprisonment for not less than 10 years or by the death penalty for a criminal act referred to in article 114, article 115, paragraph 1, article 116 to 121, article 123 to 128, article 132 and article 136, paragraph 1 of this law, which brought about the death of a person or caused danger to human lives, or was coupled by heavy violence or a large-scale destruction, or which led to the endangerment of the security, economic or military power of the country, or in other particularly heavy cases.

(2) The sentence defined in paragraph 1 of this article shall be imposed also on those who commit a criminal act referred to in articles 114, article 115, paragraph 1, articles 116, 117, 123 to 128, article 132, and article 136, paragraphs 1 and 2 of this law in a state of war or in the case of an imminent war danger.

The punishment of confiscation of property

Article 140.

The punishment of confiscation of property may be imposed on an offender for criminal acts described in this chapter.

Chapter Sixteen

CRIMINAL ACTS AGAINST HUMANITY AND INTERNATIONAL LAW

Genocide

Article 141.

Whoever, with the intention of destroying a national, ethnic, racial or religious group in whole or in part, orders the commission of killings or the inflicting of serious bodily injuries or serious disturbance of physical or mental health of the group members, or a forcible dislocation of the population, or that the group be inflicted conditions of life calculated to bring about its physical destruction in whole or in part, or that measures be imposed intended to prevent births within the group, or that children of the group be forcibly transferred to another group, or whoever with the same intent commits one of the foregoing acts, shall be punished by imprisonment for not less than five years or by the death penalty.

War crime against the civilian population

Article 142.

Whoever in violation of rules of international law effective at the time of war, armed conflict or occupation, orders that civilian population be subject to killings, torture, inhuman treatment, biological experiments, immense suffering or violation of bodily integrity or health; dislocation or displacement or forcible conversion to another nationality or religion; forcible prostitution or rape; application of measures of intimidation and terror, taking hostages, imposing collective punishment, unlawful bringing in concentration camps and other illegal arrests and detention, deprivation of rights to fair and impartial trial; forcible service in the armed forces of enemy's army or in its intelligence service or administration; forcible labour, starvation of the population, property confiscation, pillaging, illegal and self-willed destruction and stealing on large scale of a property that is not justified by military needs, taking an illegal and disproportionate contribution or requisition, devaluation of domestic currency or the unlawful issuance of currency, or who commits one of the foregoing acts, shall be punished by imprisonment for not less than five years or by the death penalty.

War crime against the wounded and sick

Article 143.

Whoever, in violation of the rules of international law at the time of war or armed conflict, orders murders, tortures, inhuman treatment of the wounded, sick, the shipwrecked persons or medical personnel, including therein biological experiments, causing of great sufferings or serious injury to the bodily integrity or health; or whoever orders unlawful and arbitrary destruction or large-scale appropriation of material and stocks of medical facilities or units which is not justified by military needs, or whoever commits some of the foregoing acts, shall be punished by imprisonment for not less than five years or by the death penalty.

War crime against prisoners of war

Article 144.

Whoever, in violation of the rules of international law, orders murders, tortures or inhuman treatment of prisoners of war, including therein biological experiments, causing of great sufferings or serious injury to the bodily integrity or health, compulsive enlistment into the armed forces of an enemy power, or deprivation of the right to a fair and impartial trial, or who commits some of the foregoing acts, shall be punished by imprisonment for not less than five years or by the death penalty.

Organizing a group and instigating the commission of genocide and war crimes

Article 145.

(1) Whoever organizes a group for the purpose of committing criminal acts referred to in articles 141 to 144 of this law, shall be punished by imprisonment for not less than five years.

(2) Whoever becomes a member of a group referred to in paragraph 1 of this article, shall be punished by imprisonment for not less than one year.

(3) A member of a group referred to in paragraph 1 of this article who exposes the group before he has committed a criminal act in its ranks or on its account, shall be punished by imprisonment for a term not exceeding three years, but the court may also refrain from imposing a punishment on him.

(4) Whoever calls on or instigates the commission of criminal acts referred to in articles 141 to 144 of this law, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Unlawful killing or wounding of the enemy

Article 146.

(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 unconditionally surrendered or has no means for the defense, shall be punished by imprisonment for not less than one year.

(2) If the killing referred to in paragraph 1 of this article has been committed in a cruel or insidious way, out of greed or from other base motives, or if more persons have been killed, the offender shall be punished by imprisonment for not less than 10 years or by the death penalty.

Marauding

Article 147.

(1) Whoever orders the unlawful appropriation of belonging from the killed or wounded on battlefield, or who carries out such appropriation, shall be punished by imprisonment for a term exceeding one year but not exceeding five years.

(2) If the act referred to in paragraph 1 of this article has been committed in a cruel manner, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Making use of forbidden means of warfare

Article 148.

(1) Whoever in time of war or armed conflict orders the use of means or practices of warfare prohibited by the rules of international law, or whoever makes use of such means and practices, shall be punished by imprisonment for not less than one year.

(2) If several persons have been killed as a result of an act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for not less than five years or by the death penalty.

Violating the protection granted to bearers of flags of truce

Article 149.

Whoever in violation of the rules of international law in time of war or armed conflict insults, maltreats or detains the bearer of the flag of truce or his escort, or prevents them from returning, or in any other way violates their privilege of inviolability, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Cruel treatment of the wounded, sick and prisoners of war

Article 150.

Whoever in violation of the rules of international law, treats cruelly the wounded, sick or war prisoners, or impedes or prevents them from exercising the rights accorded to them under international law, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Destruction of cultural and historical monuments

Article 151.

Whoever in time of war or armed conflict destroys cultural or historical monuments, buildings or establishments devoted to for science, art, education or humanitarian purposes in violation of the rules of international law, shall be punished by imprisonment for not less than one year.

Instigating an aggressive war

Article 152.

Whoever calls on or instigates an aggressive war, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Misuse of international emblems

Article 153.

(1) Whoever misuses or carries without authorization the flag or emblem of the Organization of the United Nations, or the emblem or flag of the Red Cross, or symbols corresponding to them, or any other international symbols recognized for the protection of certain objects from military operations, shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever commits an act referred to in paragraph 1 of this article within a zone of war operations, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Racial and other discrimination

Article 154.

(1) Whoever on the basis of distinction of race, colour, nationality or ethnic background violates basic human rights and freedoms recognized by the international community, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) The sentence set forth in paragraph 1 of this article shall be imposed on those who persecute organizations or individuals for their advocating equality among the people.

(3) Whoever spreads ideas on the superiority of one race over another, or advocates racial hatred, or instigates racial discrimination, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Establishing slavery relations and transporting people in slavery relation

Article 155.

(1) Whoever brings another person in slavery relation, or engages in the trade with persons who are in slavery relation, or who incites another person to sell his freedom or freedom of persons he supports, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(2) Whoever transports persons in slavery relation from one country to another, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Imposing the punishment of confiscation of property

Article 156.

The punishment of confiscation of property may be imposed on the offender for criminal acts referred to in articles 141 to 145, and article 148 of this law.

Chapter Seventeen

CRIMINAL ACTS AGAINST THE REPUTATION OF THE SFRJ, A FOREIGN COUNTRY OR AN INTERNATIONAL ORGANIZATION

Damaging the reputation of the SFRJ

Article 157.

Whoever brings into derision the Socialist Federal Republic of Yugoslavia, its flag, coat of arms or national anthem, its highest authorities or representatives thereof, its armed forces or the supreme commander, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Damaging the reputation of a foreign state

Article 158.

Whoever brings into derision a foreign state, its flag, coat of arms or national anthem, or the foreign head of state or a diplomatic representative of a foreign state in the SFRJ, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Damaging the reputation of an international organization

Article 159.

Whoever brings into derision the Organization of the United Nations, International Red Cross or other international organization recognized by the SFRJ, or its representatives, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Prosecution for criminal acts against the reputation of a foreign country and international organization

Article 160.

Prosecution for criminal acts referred to in articles 158 and 159 of this law shall be instituted upon the approval on the part of the Federal Public Prosecutor.

Chapter Eighteen

CRIMINAL ACTS AGAINST THE ECONOMY AND UNITY

OF THE YUGOSLAV MARKET

Violation of equality in carrying out an economic activity

Article 161.

(1) Whoever, by misusing his official position or powers, restricts free movement and association of labour and means for reproduction in a certain area, denies or restricts the right of an organization of associated labour to engage in the circulation and sale of goods and services in a certain area; whoever puts an organization of associated labour in an unequal position in relation to other organizations regarding the conditions for work or for carrying out the flow of goods and services, or restricts free exchange of goods and services, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) The punishment defined in paragraph 1 of this article shall be imposed on any person who uses his social position or influence to commit an act referred to in that paragraph.

(3) In a particularly serious case of an act referred to in paragraphs 1 and 2 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Violation of equality in employing

Article 162.

Whoever denies or restricts a citizen's right to free employment in the whole territory of the SFRJ under equal conditions effective in the place of employment, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Creating monopolistic position and causing upset in the market

Article 163.

(1) Whoever in an organization of associated labour, another self-managing organization or grouping enters into an agreement restricting another self-managing organization or grouping as to the free flow of goods and services in a particular area or with particular organizations, or enters into an agreement which in some other way creates monopolistic position of the organization in the market, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) A punishment set forth in paragraph 1 of this article shall be imposed on a person who in an organization of associated labour, another self-managing organization or grouping by unwarranted hoarding of goods or their withdrawal from the circulation causes upset on the market.

(3) In a particularly grave case of an act referred to in paragraphs 1 and 2 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Disloyal competition in the affairs of foreign trade transaction

Article 164.

(1) If a representative of an organization of associated labour, knowing that another domestic organization and a foreign firm have reached agreement with respect to a foreign trade deal, or that formation of a contract is forthcoming, makes an offer to purchase or sell the same type of goods, or render the same type of services to this firm, and if as a result of such offer such firm withdraws from entering into a contract, or if the contract is entered under less favourable terms for the domestic organization of associated labour, he shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) If the perpetrator of the act referred to in paragraph 1 of this article has acquired a personal gain, and in other particularly grave cases, he shall be punished by imprisonment for a term exceeding one but not exceeding 10 years.

Unauthorized use of another man's firm

Article 165.

Whoever, with the intention of defrauding purchasers or those who use his services, makes use of another's trade-name, seal, trade-mark or mark of distinction, or inserts certain features of these marks into his own trade-name, seal or trademark or in his own mark of distinction, shall be punished by imprisonment for a term not exceeding three years.

Unauthorized mediation or representation in foreign trade affairs

Article 166.

(1) Whoever without authorization engages in mediation or representation in foreign trade affairs, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) If a person who has committed an act referred to in paragraph 1 of this article has set up a network of mediators or if he has made a considerable material gain, he shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Traffic in gold coins and foreign currency

Article 167.

(1) Whoever, in violation of federal regulations, buys, sells or exchanges gold coins, foreign currency or gold of a value exceeding 10,000 dinars, shall be punished by imprisonment for a term not exceeding three years.

(2) If a person who has committed an act referred to in paragraph 1 of this article has organized a network of middlemen or re-sellers, or if he engages in trading with items described in that paragraph, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) Gold coins, foreign currency or gold subject to an act referred to in paragraphs 1 and 2 of this article, shall be forfeited.

Counterfeiting money

Article 168.

(1) Whoever manufactures counterfeit money with the intention of putting it into circulation as genuine, or whoever forges genuine money with the intention of putting it into circulation, or whoever puts such false money into circulation, shall be punished by imprisonment for not less than one year.

(2) A sentence referred to in paragraph 1 of this article shall be imposed on those who procure counterfeit money with the intent of putting it into circulation as genuine.

(3) If there has been or might have been an upset in the national economy as a result of an act referred to in paragraphs 1 and 2 of this article, the offender shall be punished by imprisonment for not less than five years or for a term of 20 years.

(4) Whoever puts into circulation forged money received by him as genuine, or who has knowledge of a forged money being made or put into circulation, and fails to report it, shall be punished by a fine or imprisonment for a term not exceeding one year.

(5) The forged money shall be forfeited.

Falsifying representatives of value

Article 169.

(1) Whoever manufactures false franking or postage stamps or other representatives of value or loan bonds or other papers of value issued on the basis of federal regulation, or whoever alters any of those genuine papers of value with the intent of using them as genuine or of conveying them to someone else for use, or whoever uses such false representatives or papers of value as genuine or procures them for that purpose, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(2) If there has been or might have been an upset in the country's economy as a result of an act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for not less than five years or a term of 20 years.

(3) Whoever removes the cancelling stamp from representatives of value referred to in paragraph 1 of this article, or in some other way attempts to make these representatives appear as if they have not been used, or who makes use of or sells the already used representatives of value as if they were valid, shall be punished by imprisonment for a term not exceeding three years.

(4) False representatives of value and papers of value shall be forfeited.

Manufacturing, procuring or disposing of instruments of forgery

Article 170.

(1) Whoever manufactures, procures, sells or lends the instruments to be used in the forgery of money or representatives of value or papers of value issued on the basis of a federal regulation, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) The instruments of forgery referred to in paragraph 1 of this article shall be forfeited.

Falsifying marks of labelling, measures and weights

Article 171.

(1) Whoever, with intent to use them as genuine, manufactures any false marks of labelling domestic or foreign goods, seals or stamps for earmarking gold, silver, cattle, wood or some other goods, or whoever alters such genuine marks, or uses the false marks as genuine, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) The punishment referred to in paragraph 1 of this article shall be imposed also on a person who falsifies measures or weights.

(3) Whoever without authorization manufactures, procures, sells or lands means of manufacturing false marks of labelling, as well as false measures and weights, shall be punished by imprisonment for a term not exceeding three years.

(4) The false marks of labelling, measures and weights, as well as means of their manufacturing, shall be forfeited.

Issuing and passing a bad cheque

Article 172.

(1) Whoever issues or who puts into circulation a cheque which he knows is overdrawn, shall be punished by imprisonment for a term not exceeding three years.

(2) If a person who has committed an act referred to in paragraph 1 of this article has acquired an unlawful material gain for himself or another, he shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(3) If a material gain in the amount exceeding 30,000 dinars has been acquired as a result of an act referred to in paragraph 2 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(4) If a material gain in the amount exceeding 100,000 dinars has been acquired as a result of an act referred to in paragraph 2 of this article, the offender shall be punished by imprisonment for not less than five years or a term of 20 years.

Imposing the punishment of confiscation of property

Article 173.

The punishment of confiscation of property may be imposed on a perpetrator of any criminal act referred to in Article 164, paragraph 2, Article 166, paragraph 2, Article 167, paragraph 2, Article 168, paragraphs 1 to 3, Article 169, paragraphs 1 and 2, Article 172, paragraphs 3 and 4 of this law.

Chapter Nineteen

CRIMINAL ACTS AGAINST OFFICIAL DUTY OF THE OFFICIALS IN FEDERAL BODIES

Abuse of office or official authority

Article 174.

(1) An official who, with the intention of acquiring a benefit to himself or to another person, or of causing damage to a third person, takes advantage of his office or official authority, exceeds the limits of his official authority or fails to execute his official duty, shall be punished by imprisonment for a term not exceeding three years.

(2) If substantial damage or a serious breach of another man's right has occurred as a result of an act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(3) If material gain has been procured as a result of an act referred to paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(4) If material gain exceeds 30,000 dinars, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Embezzlement in office

Article 175.

(1) An official who, with the intention of acquiring an unlawful material gain for himself or another, appropriates money, papers of value or other movables entrusted to him by virtue of his office, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) If material gain in the amount exceeding 30,000 dinars has been acquired as a result of an act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Fraud in office

Article 176.

(1) An official who, in the course of performing his duty, with the intention of acquiring an unlawful material gain for himself or another, by submitting false accounts or in some other way deceives an authorized person into making an illegal disbursement, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) If a material gain in the amount exceeding 30,000 dinars has been acquired as a result of an act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Robbery in office

Article 177.

(1) If an official has committed one or more criminal acts referred to in articles 174 to 176 of this law, and if the value of the acquired material gain exceeds 100,000 dinars, he shall be punished by imprisonment for not less than three years.

(2) In a particularly grave case of an act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for not less than five years or a term of 20 years.

Unauthorized use in office

Article 178.

An official who makes an unauthorized use of money, papers of value or other movables entrusted to him by virtue of his office, or without authorization confers these things to another person for unauthorized use, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

Accepting of bribe

Article 179.

(1) An official who demands or accepts a gift or any other benefit or who accepts a promise of a gift or a benefit for the doing within the scope of his official powers of an official act which

ought not to be performed by him, or for the omission of an official act which ought to be performed by him, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(2) In a particularly grave case of an act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for not less than three years.

(3) An official who demands or accepts a gift or any other benefit or who accepts a promise of a gift or a benefit for the doing within the scope of his official powers of an official act which ought to be performed by him, or for the omission of an official act which ought not to be performed by him, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(4) An official who demands or accepts a gift or any other benefit following the performance or omission of an official act referred to in paragraphs 1 to 3 of this article, and in relation to it, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

(5) The gifts or any other benefits shall be forfeited.

Illegal influence

Article 180.

(1) An official who accepts a reward or any other benefit toward interceding that an official act be or not be performed, taking advantage of his official position, shall be punished by imprisonment for a term not exceeding three years.

(2) An official who, taking advantage of his official position, intercedes that an official act be performed which ought not to be performed, or that an official act be not performed which ought to be performed, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(3) If a reward or any other benefit has been received in return for the intercession referred to in paragraph 2 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Violation of law by a judge

Article 181.

(1) A judge or a lay-assessor of the federal court or military court who passes an illegal act or violates law in any other way with the intention of acquiring a gain for another person or causing damage to him, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) In a particularly grave case of an act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding three years but not exceeding 10 years.

Lack of commitment in working

Article 182.

(1) An official who by breaching laws or other regulations or general acts, failing to exercise due supervision or in any other way manifestly acts in a clearly unconscientious manner in the discharge of his official duties, although he was aware or was obliged to be and could have been

aware that as a result of it a serious violation of another man's rights or damage to property might occur, and if such violation or damage does occur in an amount exceeding 10,000 dinars, shall be punished by imprisonment for a term not exceeding three years.

(2) If a serious violation of another man's right or damage to property exceeding 100,000 dinars has occurred as a result of an act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Disclosure of official secrets

Article 183.

(1) An official who, without authorization communicates, conveys or in any other way makes accessible to another person information which constitutes an official secret, or who obtains such information with the intention of conveying it to an unauthorized person who is not supposed to have it, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) If an act referred to in paragraph 1 of this article has been committed out of greed or in respect of particularly confidential information or for the purpose of disclosing or using the information abroad, the offender shall be punished by imprisonment for a term exceeding one year.

(3) If an act referred to in paragraph 1 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term not exceeding three years.

(4) An official secret shall be so construed as to understand information or documents which have been designated as official secret by virtue of law, some other regulation or a decision by a competent body made on the basis of law, as well as information which have not been designed an official secret, but whose disclosure might manifestly have caused substantial detrimental consequences for the office.

(5) Provisions referred to in paragraphs 1 to 4 of this article shall also be applied to a person who has disclosed an official secret after his function as an official person has ceased.

Falsifying official documents

Article 184.

(1) An official who enters false data into official document, book or file, or who fails to enter important data, or who by his signature or an official seal certifies an official or business document, book or file containing false data, or who by his signature or an official seal facilitates the drawing up of such documents, books or files containing with false data, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) The punishment referred to in paragraph 1 of this article shall also be imposed on an official who, in the office, uses a false official or business document, book or file as if they were authentic, or who destroys, conceals, substantially damages or in some other way renders useless any official or business document, book or file.

Illegal collection and disbursement

Article 185.

(1) An official who collects from another a sum which the latter is not obligated to pay, or in excess of what he is obligated to pay, or who delivers or pays less than required during a payment or a delivery, shall be punished by imprisonment for a term not exceeding one year.

(2) In a particularly grave case of an act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

Infringement of the equality of citizens

Article 186.

An official who, on the ground of differences in nationality, race, religion, ethnic background, sex, language, education or social status, denies or restricts the rights of citizens laid down by the law, Constitution or other regulation or general act, or who, on the basis of such distinction, grants privileges or advantages, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

Violation of the right to self-management

Article 187.

An official who, in office, by violating the Constitution or other regulation or general act or in any other illegal way, prevents or disables the exercise of the right to self-management, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Illegal influence on self-managing bodies

Article 188.

(1) If an official, taking advantage of his official position, influences a self-managing body to make a decision in breach of the Constitution, law or other regulation or general act, and if such decision is made as a result of his influence, he shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) The punishment referred to in paragraph 1 of this article shall be imposed on an official who, taking advantage of his official position, influence a self-managing body to conceal a criminal act prosecutable under official duty, or an economic offence committed in an organization of associated labour, another self-managing organization, grouping or state body, and when as a result of that the criminal act or economic offence is not reported.

(3) In a particularly grave case of an act referred to in paragraphs 1 and 2 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding eight years.

Unlawful deprivation of liberty

Article 189.

(1) An official who, in the course of his duty, unlawfully imprisons another person, keeps him imprisoned or deprives him in any other way of his freedom of movement, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) If the unlawful deprivation of liberty lasted for more than 30 days, or was carried out in a brutal way, or if such a treatment of the person who was illegally deprived of liberty caused a severe impairment to his health, or if other serious consequences occurred, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding eight years.

(3) If the death of the person who had been unlawfully deprived of liberty was caused by virtue of the imprisonment, the offender shall be punished by imprisonment for not less than three years.

Extraction of statements by duress

Article 190.

(1) An official who in the discharge of his duty uses force, a threat or other unauthorized ways or means to extract testimony or some other statement from a defendant, witness, expert or some other person, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) If the extraction of the testimony or statement has been accompanied by grave violence, or if, in the course of criminal proceedings, the defendant suffered particularly grave consequences as a result of the statement made under duress, the offender shall be punished by imprisonment for not less than one year.

Maltreatment in the course of duty

Article 191.

An official who in the discharge of his duties maltreats another person, insults him or in general treats him in a manner offensive to human dignity, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Infringing the inviolability of apartments

Article 192.

(1) An official who, in the discharge of his duties and without authorization, enters into someone else's apartment or closed premises or fails to leave them upon request by an authorized person, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

(3) A person shall also be punished for an attempt to commit an act referred to in paragraph 1 of this article.

Illegal search

Article 193.

An official who in the discharge of his duties conducts an illegal search of an apartment, premise or person, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Impairing the secrecy of letters and other consignments

Article 194.

(1) An official who, in the discharge of his duty and without authorization, opens someone else's letter or telegram or any other sealed written material or consignment, or in any other way breaches their secrecy or withholds them without authorization, or who conceals, destroys or delivers to someone else a letter, telegram, closed writings or a consignment that does not belong to that person, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

(2) An official who, for the purpose of gaining benefit for himself or another, or for the purpose of inflicting damage on another, communicates to another person the secret he learned by breaching the secrecy of someone else's letter, telegram or some other sealed written material or consignment, or makes use of such secret in any other way, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Unauthorized tapping and sound recording

Article 195.

(1) An official who, in the discharge of his duties and by means of special devices, without authorization taps or records a conversation or a statement which he was not intended to hear, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

(2) The punishment referred to in paragraph 1 of this article shall be imposed on an official who enables an uninvited person to have knowledge of a conversation or a statement that was tapped or recorded without authorization.

Breach of the right to litigate

Article 196.

(1) An official who, by abuse of his official position or powers, prevents another person from exercising his right to lodge a complaint or make any other legal application, objection, plea or request, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Failure to carry out a decision on a worker's re-employment

Article 197.

An official who fails to act upon a legally effective decision about a worker's re-employment in a state body, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Illegally enabling the performance of certain activities

Article 198.

If an official enables another person to perform certain activities in a state body despite knowing that the prohibition to carry out that particular occupation, activity or duty has been imposed on the person, or the protective measure of the ban on performing certain duties, or if the ban from performing certain activities has taken place as the legal consequence of a conviction, he shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Failure to report a criminal offense

Article 199.

(1) If an official fails to report a criminal offense he has discovered while performing his duties, for which the law provides five years of imprisonment or a harsher punishment for the offense, and if the offense is subject to prosecution as an official duty, he shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

(3) No punishment for failure to report the criminal offense referred to in paragraph 1 of this article shall be imposed on an official if the offender is the spouse, first-line blood relative, brother or sister, adoptive parent or adopted child, or the offender's defense lawyer or doctor.

Imposing the punishment of confiscation of property

Article 200.

The punishment of confiscation of property may be imposed on a perpetrator of any criminal act referred to in Article 174, paragraph 4, Article 175, paragraph 2, Article 176, paragraph 2, Article 177, Article 179, paragraphs 1 and 2, Article 181, paragraph 2, and Article 183, paragraph 2 of this law.

Chapter Twenty

CRIMINAL ACTS AGAINST THE ARMED FORCES OF THE SFRJ

Failure and refusal to execute an order

Article 201.

(1) If a military person fails or refuses to execute an order of a superior given in the line of duty, and if as a result of such failure or refusal grave detrimental consequences occur for the service, or if the service was seriously jeopardized, he shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

(2) Whoever suborns a military person to commit an act referred to in paragraph 1 of this article, shall be punished by imprisonment for a term not exceeding one year.

(3) In a particularly grave case of the criminal act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(4) A military person who fails to execute an order of a superior under paragraph 1 of this article by negligence, shall be punished by imprisonment for a term not exceeding one year

Refusal to receive or use arms

Article 202.

(1) A military person who refuses to accept arms or to use the same as ordered or pursuant to the rules of the service, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(2) A military conscript who without justifiable reason refuses to accept arms from the competent body, which have been assigned to him in relation with his service as a reservist in the armed forces, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Resisting a superior

Article 203.

(1) A military person who in concert with other military persons offers resistance to an order of a superior given in the line of duty and disobeys the same, or refuses to discharge his duty, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) If the act referred to in paragraph 1 of this article has been committed in an organized way, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) If the act referred to in paragraphs 1 and 2 of this article has been committed with the use of arms, or if its commission has been accompanied by an intentional killing of a person, the offender shall be punished by imprisonment for not less than five years or the death penalty.

(4) The organizer of the offence under paragraph 2 of this article, or the military superior who has in any way participated in the commission of an offence under paragraphs 1 and 2 of this article, shall be punished by imprisonment for not less than three years.

(5) Whoever performs preparatory acts toward committing an act referred to in paragraph 2 of this article, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(6) A military superior who, faced with the offence referred to in paragraphs 1 to 3 of this article, fails to take steps toward restoring order, shall be punished by imprisonment for a term exceeding one year but not exceeding five years.

Resisting a sentry, guard, patrol or military person on duty or similar assignment

Article 204.

A military person who resists a sentry, guard, patrol, or military person on duty or similar assignment in the discharge of their official duty, as well as a military person who fails to heed their call or does not execute or refuses to execute their order, and as a result of such resistance grave detrimental consequences occur for the service, or the service is seriously jeopardized, shall be punished by imprisonment for not less than three years.

Coercion against a military person in the execution of his duty

Article 205.

(1) Whoever by force or threat of immediate use of force prevents a military person in the execution of official duties, or compels him in the same manner to execute his official duties, shall be punished by imprisonment for a term not exceeding three years.

(2) The attempt shall be punishable.

(3) In a particularly grave case of the criminal act referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Assault against a military person in the execution of his duty

Article 206.

(1) Whoever attacks or seriously threatens to attack a military person in the execution of his duty, shall be punished by imprisonment for a term not exceeding three years.

(2) If the commission of the act referred to in paragraph 1 of this article has resulted in light bodily injury to the military person or if he has been threatened with arms, the offender shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(3) If the commission of the act referred to in paragraph 1 of this article has resulted in grievous bodily injury to the military person or entailed grave consequences for the service, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(4) If the commission of the act referred to in paragraph 1 of this article has resulted in the premeditated killing of the military person, the offender shall be punished by imprisonment for not less than 10 years or the death penalty

Less severe punishment for offenses under articles 201, and art. 203 to 206.

Article 207.

If the perpetrator of any offence under article 201, paragraphs 1, 2 and 4, article 203, paragraph 1, article 204, article 205, paragraphs 1 and 2, and article 206, paragraphs 1 and 2 of this Code has been provoked by illegal or brutal treatment on the part of the military person, the punishment may be less severe or the court may refrain from imposing a punishment on him.

Maltreatment of a subordinate or a military person of lower rank

Article 208.

(1) A military superior who in the line of duty or in connection with duty maltreats his subordinate or a person of lower military rank or treats him in a way offensive to human dignity, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) If the act referred to in paragraph 1 of this article has been committed against several persons, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding eight years.

Violation of sentry, patrol or other similar duty

Article 209.

(1) If a military person acts contrary to the regulations concerning sentry, patrol, interior guard or other similar duty, and if it results in grave detrimental consequences for the service, the offender shall be punished by imprisonment for a term not exceeding one year.

(2) In the event that the offence referred to in paragraph 1 of this article has been committed at arms or ammunition depots, at depots of explosive substances or other installations of great importance, the offender shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

(3) If the offenses referred to in paragraphs 1 and 2 of this article have resulted in a serious bodily injury or the death of a person, or if damage to property on a large scale or other serious consequences occurred, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(4) In the event that the offenses referred to in paragraphs 1 and 2 of this article have been committed by negligence, the offender shall be punished for the offence under paragraph 1 by imprisonment for a term not exceeding six months, and for the offence under paragraph 2 by imprisonment for not more than one year.

(5) In the event that the offence under paragraph 4 of this article resulted in a consequence referred to in paragraph 3 of this article, the offender shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

Violation of frontier guard duty

Article 210.

(1) If a military person, while performing duty at the state frontier, infringes on the regulations concerning frontier guard, and if that results in serious detrimental consequences for the service, or if the service is seriously jeopardized, he shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

(2) If the offence referred to in paragraph 1 of this article has resulted in a serious bodily injury or the death of a person, or if damage to property on a large scale or other serious consequences occurred, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) In the event that the offence referred to in paragraph 1 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term not exceeding one year.

(4) In the event that the offence under paragraph 3 of this article resulted in a consequence referred to in paragraph 2 of this article, the offender shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

Submitting untrue reports and accounts

Article 211.

(1) If a military person, in the execution of his duty, presents a report or gives an account whose contents is untrue, or withholds knowledge of a true fact which he ought to have mentioned in a report or an account, and if such his act results in serious detrimental consequences for the service, or if the service is seriously jeopardized, he shall be punished by imprisonment for a term not exceeding one year.

(2) If the act referred to in paragraph 1 of this article has been committed by presenting a report or account of special importance, or if serious consequences have occurred, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding five years.

(3) In the event that the offence referred to in paragraph 2 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term not exceeding one year.

Failure to take measures for the protection of a military unit

Article 212.

(1) A military commander who fails to take prescribed, ordered or other manifestly necessary measures toward protecting the lives and health of men entrusted to him, toward securing and maintaining installations, objects and means of combat readiness, toward ensuring regular supply of his unit with food, equipment or material, toward protecting lives and health of livestock, toward the timely and proper execution of defensive works or protection of installations entrusted to him, and by doing so jeopardizes lives of people or seriously jeopardizes the health of people or a property of a high value, shall be punished by imprisonment for a term not exceeding three years.

(2) If the offence referred to in paragraph 1 of this article has resulted in a serious bodily injury or the death of a person, or if damage to property on a large scale or other serious consequences occurred, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) In the event that the offence referred to in paragraph 1 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term not exceeding one year.

(4) In the event that the offence under paragraph 3 of this article resulted in a consequence referred to in paragraph 2 of this article, the offender shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Deficient protective measures at drills

Article 213.

(1) A military person who fails to take the prescribed, ordered or manifestly necessary safety or precautionary measures during exercises, training courses, or in the course of conducting a test, and thus bring into danger lives of people or seriously jeopardizes the health of people or property of a high value, shall be punished by imprisonment for a term not exceeding three years.

(2) If the offence referred to in paragraph 1 of this article has resulted in a serious bodily injury or the death of a person, or if damage to property on a large scale or other serious consequences occurred, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) In the event that the offence referred to in paragraph 1 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term not exceeding one year.

(4) In the event that the offence under paragraph 3 of this article resulted in a consequence referred to in paragraph 2 of this article, the offender shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Evasion of a summons to military service

Article 214.

(1) Whoever, without justifiable cause, fails to report for military conscription, for the war assignment or reception of arms, or for the compulsory military service, military training or any other military duty at the appointed time, even though he has been summoned by an individual or general call-up, shall be fined or punished by imprisonment for a term not exceeding one year.

(2) Whoever has hidden himself in order to evade military conscription referred to in paragraph 1 of this article, even though he has been summoned by an individual or general call-up, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(3) Whoever escapes abroad or without authority remains abroad with a view to evading the recruitment, statutory obligation as to military service, drill or any other military duty, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(4) Whoever suborns several persons to commit any offence under paragraphs 1 to 3 of this article, shall be punished for the offence under paragraph 1 by imprisonment for a term not exceeding three years, and for offenses under paragraphs 2 and 3 of this article by imprisonment for not less than one year.

(5) A perpetrator of an offence referred to in paragraphs 2 and 3 of this article who voluntarily reports to the military authorities may have his punishment reduced or remitted.

Evasion of military service through self-mutilation or deceit

Article 215.

(1) Whoever, for the purpose of evading military service or being assigned to an easier duty, maims or otherwise temporarily disables himself or permits another to temporarily disable him for

military service, as well as whoever for the same purpose temporarily disables another with or without his approval, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) If lasting disability for military service resulted from the commission of an offence described under paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) Whoever, with the same intention as described in paragraph 1 of this article, uses forged documents for himself or another person, simulates a disease or uses any other fraud, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

Illegal exemption from military service

Article 216.

Whoever, under misuse of his position or authority, causes exemption of a military person or a person subject to conscription from military service, or his assignment to an easier duty, shall be punished by imprisonment for a term exceeding one year but not exceeding eight years.

Arbitrary abandonment and desertion of the army

Article 217.

(1) A military person who arbitrarily leaves his unit or service and fails to return on duty within five days, or fails to return on duty from an authorized furlough from the unit or service within the same period, shall be punished by imprisonment for a term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this article shall be imposed on a military person who, without authorization, has been outside his unit or service more than two times for a period of less than five days, as well as a military person who arbitrarily abandons his unit or service during the execution of an important mission or increased level of combat readiness of his unit.

(3) A military person who has hidden himself in order to evade compulsory military service, or who arbitrarily abandons his unit or service and fails to return on duty within 30 days, or fails to return within the same period from an authorized furlough from the unit or service, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(4) A military person who escapes abroad or remains abroad in order to evade service in the armed forces, shall be punished by imprisonment for not less than one year.

(5) A military person who prepares an escape abroad in order to evade service in the armed forces, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(6) Whoever suborns a military person to commit any offence under paragraphs 1 and 2 of this article, shall be punished by imprisonment for a term not exceeding one year.

(7) If the perpetrator of an offence under paragraphs 3 and 4 of this article reports to any state body of his own free will, his punishment may be reduced.

Evasion of listing and inspections

Article 218.

Whoever, in contravention of a lawfully established obligation and without justifiable cause, fails to answer or opposes a listing or inspection of manpower, or a listing or inspection of means of transport and transfer, livestock, buildings and other objects necessary to the armed forces, or whoever furnishes inaccurate data or makes inaccurate statements during the aforementioned listing or inspection, shall be fined or punished by imprisonment for a term not exceeding one year.

Non-fulfilment of the material obligation

Article 219.

Whoever, in contravention of a lawfully established obligation and without justifiable cause, fails to place at the disposal of military authorities objects and means, or fails to deliver livestock in the prescribed condition and at the appointed time, shall be fined or punished by imprisonment for a term not exceeding one year.

Unconscientious manufacture and acceptance of delivery of military material

Article 220.

(1) A military person or a responsible person in an organization of associated labour, other organization, grouping or institution catering to the needs of national defense, who performs his duty or obligation entrusted to him in an unconscientious way and as a result of whose behaviour arms, ammunition, explosives or other combat means are not manufactured on time or fall short of a specified quality, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) The punishment referred to in paragraph 1 of this article shall be imposed on a military person who, in an unconscientious execution of his duty, accepts the delivery of foodstuffs, weapons or other military implements which fail to meet the prescribed conditions or terms of contract.

(3) If an offence described in paragraphs 1 and 2 of this article has entailed serious consequences, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(4) In the event that offenses referred to in paragraphs 1 and 2 of this article have been committed by negligence, the offender shall be punished by imprisonment for a term not exceeding three years.

(5) In the event that the offence under paragraph 4 of this article resulted in a consequence referred to in paragraph 3 of this article, the offender shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

Irregular or careless attitude towards arms, ammunition and explosive

Article 221.

(1) Whoever irregularly or carelessly keeps, watches or handles arms, ammunition or explosives of a military unit or establishment which have been entrusted to him and thereby causes a substantial damage to the aforementioned items, their destruction or disappearance, shall be punished by imprisonment for a term not exceeding one year.

(2) The manager of a depot of arms, ammunition, explosives or other combat implements who fails to take the appropriate measures towards their protection or maintenance and thereby causes damage, destruction or disappearance of the aforementioned items, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(3) If large-scale property damages occurred as a result of the offence under paragraph 2 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(4) In the event that the offence referred to in paragraph 2 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term not exceeding three years.

(5) In the event that the offence under paragraph 4 of this article resulted in a consequence referred to in paragraph 3 of this article, the offender shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

Illegal disposition of arms entrusted

Article 222.

Whoever appropriates, pawns, confers to another for use, damages or destroys arms, ammunition or explosive which are given to him for use and which serve for the national defense purposes, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

Theft of military equipment

Article 223.

(1) Whoever purloins arms, ammunition, explosive or an object forming part of a combat means serving for the national defense purposes, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) If the value of the objects referred to in paragraph 1 of this article exceeds the amount of 30.000 dinars, or if the theft has been committed by breaking open or breaking into closed buildings, rooms, safes, closets or other closed premises, or if it has been committed by several persons who have joined for the purpose of the commission of theft, or in a particularly dangerous or brazen manner, or by a person in possession of any weapon or dangerous instrument for attack or defense, or during a fire, flood or similar calamity, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) If the value of the objects referred to in paragraph 1 of this article exceeds the amount of 100.000 dinars, the offender shall be punished by imprisonment for not less than five years or a term of 20 years.

Disclosure of military secrets

Article 224.

(1) Whoever without authority communicates, confers or otherwise makes accessible to another information which constitutes a military secret, or whoever compiles such information with a view to convey it to an unauthorized person, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) In the event that the offence referred to in paragraph 1 of this article has been committed out of greed, or if it involves especially confidential information, or for the purpose of disclosing or using the information abroad, the offender shall be punished by imprisonment for not less than one year.

(3) In the event that the offence referred to in paragraph 1 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term not exceeding three years.

(4) Military secret shall be so construed as to include information which has been designated as a military secret by virtue of law, other statutory provision, general act or decision of a competent body, as well as information which has not been designated as a military secret, but whose disclosure, because of their importance, might manifestly cause serious detrimental consequences to the armed forces and their preparations for the defense of the country.

**Trespass on military installations and unauthorized making of sketches
or drawings of military installations and weapons**

Article 225.

(1) Whoever enters a military installation without authority, although he is aware of the prohibition to enter, shall be punished by imprisonment for a term not exceeding one year.

(2) Whoever without authority makes sketches or drawings of military installations or means of combat, or takes photographs of the same, or makes any other kind of record, shall be punished by imprisonment for a term not exceeding three years.

**Punishment for criminal acts committed during a state of war
or imminent war danger**

(1) If any of the criminal acts referred to in Article 201, paragraphs 1, 2 and 4, Article 202, paragraph 2, Article 203, paragraphs 1, 5 and 6, Article 204, Article 205, paragraphs and 2, Article 206, paragraphs 1 and 2, Article 208, paragraph 1, Article 209, paragraphs 1, 2, 4 and 5, Article 210, paragraphs 1, 3 and 4, Article 211, paragraphs 1 and 3, Article 212, paragraphs 1, 3 and 4, Article 213, paragraphs 1, 3 and 4, Article 214, paragraph 1, Article 217, paragraphs 1, 2 and 6, Article 218, Article 219, Article 220, paragraphs 1, 2, 4 and 5, Article 221, paragraphs 1, 2, 4 and 5, Article 222, Article 223, paragraph 1, Article 224, paragraph 3, and Article 225 of this law has been committed during a state of war or imminent war danger, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(2) If any of the criminal acts referred to in Article 205, paragraph 3, Article 208, paragraph 2, Article 211, paragraph 2, Article 212, paragraph 2, Article 213, paragraph 2, Article 214, paragraph 4 in relation to paragraph 1, Article 217, paragraph 5, Article 221, paragraph 3, Article 223, paragraph 2 and Article 224, paragraph 1 of this law has been committed during a state of war or imminent war danger, the offender shall be punished by imprisonment for not less than three years.

(3) If any of the criminal acts referred to in Article 201, paragraph 3, Article 202, paragraph 1, Article 203, paragraphs 2 and 4, Article 206, paragraph 3, Article 209, paragraph 3, Article 210, paragraph 2, Article 214, paragraphs 2, 3 and paragraph 4 in relation to paragraphs 2 and 3, Article 215, Article 216, Article 217, paragraphs 3 and 4, Article 220, paragraph 3, Article 223, paragraph 3 and Article 224, paragraph 2 of this law has been committed during a state of war or imminent war danger, the offender shall be punished by imprisonment for not less than five years or the death penalty.

Surrender to the enemy

Article 227.

A military person who defects to the enemy or surrenders to the enemy in time of war, shall be punished by imprisonment for not less than five years or the death penalty.

Failure to discharge duty in combat

Article 228.

(1) A military person who, in combat or immediately prior to it, fails to discharge his duty and in consequence causes damage to a military unit or military situation, shall be punished by imprisonment for not less than one year.

(2) If serious consequences occur as a result of the offence referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for not less than five years or the death penalty.

Arbitrary abandonment of a duty in combat

Article 229.

(1) A military person who, in combat or immediately prior to it, abandons his duty in an arbitrary or deceitful manner, shall be punished by imprisonment for not less than three years.

(2) If serious consequences occur as a result of the offence referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for not less than five years or the death penalty.

Abandoning position contrary to orders

Article 230.

(1) A military commander who, in breach of an order, abandons a position with the unit entrusted to him, prior to having exhausted all models of defence, shall be punished by imprisonment for not less than three years.

(2) If serious consequences occur as a result of the offence referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for not less than five years or the death penalty.

Premature abandonment of a wrecked vessel or aircraft

Article 231.

(1) A captain of a navy ship who in times of war abandons the sinking vessel prior to having fulfilled his duties until the end in accordance with the navy service regulation, shall be punished by imprisonment for not less than three years.

(2) A member of the crew of a navy ship who in times of war abandons the damaged vessel before the ship's captain has issued an order that the vessel be abandoned, or a member of the crew of a military aircraft who in times of war abandons the damaged aircraft prior to having discharged his duty in accordance with the regulations on the flight and usage of aircraft, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) If serious consequences occur as a result of any of the offenses referred to in paragraphs 1 and 2 of this article, the offender shall be punished by imprisonment for not less than five years or the death penalty.

Abandonment of undamaged combat means to the enemy

Article 232.

(1) A military person who lets a basically undamaged military depot, vessel, aircraft, tank or other instrument or means of conducting war fall into the hands of the enemy, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(2) The punishment referred to in paragraph 1 of this article shall be imposed on a person who contrary to orders lets basically undamaged military installations or other objects of relevance to national defense fall into the hands of the enemy.

(3) In the event that offenses referred to in paragraphs 1 and 2 of this article have been committed by negligence, the offender shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

Weakening combat morale and military situation

Article 233.

(1) A military person who, in action or immediately prior to combat, weakens the fighting morale of a unit or causes prejudice to the military situation by running away, throwing away arms and ammunition, spreading fear, creating disorder or confusion, or in any other way, shall be punished by imprisonment for not less than five years.

(2) A military commander who fails to take necessary steps toward a subordinate or a person of a lower rank who, in action or immediately before it, spreads fear among soldiers, creates disorder or confusion in the ranks of the unit, or otherwise weakens the fighting fitness of the unit or causes prejudice to the military situation, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) If serious consequences occur as a result of any of the offenses referred to in paragraphs 1 and 2 of this article, the offender shall be punished by imprisonment for not less than 10 years or the death penalty.

Failure to protect a military unit

Article 234.

(1) A military commander who negligently fails to secure his unit in times of war, so that harmful consequences to the unit occur as a result, shall be punished by imprisonment for not less than three years.

(2) If serious consequences for the unit occur as a result of the offence referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for not less than five years or the death penalty.

(3) In the event that the offence referred to in paragraph 1 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(4) In the event that the offence under paragraph 3 of this article resulted in a consequence referred to in paragraph 2 of this article, the offender shall be punished by imprisonment for not less than three years.

Failure to inform the military authorities in times of war

Article 235.

(1) Whoever, in times of a state of war or imminent war danger, fails to inform a superior, a person of a higher rank or a military command of an event clearly requiring that military measures be undertaken forthwith, shall be punished by imprisonment for a term not exceeding three years.

(2) If serious consequences occur as a result of the offence referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Failure to fulfil a duty in carrying out mobilization

Article 236.

(1) A military person or an official who, carrying out mobilization in times of war or imminent war danger and in violation of his duty, fails to ensure the reception, location and accommodation of the mobilized manpower, livestock, transport and other means, or who fails to ensure the supply of the mobilized manpower and livestock, or to perform any other duty in connection with mobilization, as a result of which detrimental consequences occurred or might have occurred, shall be punished by imprisonment for a term exceeding one year but not exceeding five years.

(2) If serious consequences occur as a result of the offence referred to in paragraph 1 of this article, the offender shall be punished by imprisonment for not less than five years or the death penalty.

(3) In the event that the offence referred to in paragraph 1 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term not exceeding three years.

(4) In the event that the offence under paragraph 3 of this article resulted in a consequence referred to in paragraph 2 of this article, the offender shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

Imposing the punishment of confiscation of property

Article 237.

The punishment of confiscation of property may be imposed on a perpetrator of any criminal act referred to in Article 202, Article 203, paragraphs 2 to 4, Article 206, paragraphs 3 and 4, Article 214, paragraphs 2 and 3, Article 215, paragraph 2, Article 216, Article 217, paragraphs 3 and 4, Article 223, paragraphs 2 and 3, Article 224, paragraph 2, and articles 226 to 236 of this law.

Conditions for imposing disciplinary penalties, measures

Article 238.

For criminal acts against the armed forces for which a punishment of imprisonment for a term not exceeding three years has been prescribed, military persons may incur disciplinary penalties or measures designated by statutory regulations, provided that the offence be of an especially light character and that considerations of service and military discipline so require.

Responsibility for criminal offenses committed by superior orders

Article 239.

No punishment shall be imposed on a subordinate if he commits a criminal offence pursuant to order of a superior given in the line of official duty, unless the order has been directed toward committing a war crime or any other grave criminal offence, or if it was obvious that the carrying out of the order constitutes a criminal offence.

Chapter Twenty-One

CRIMINAL ACTS AGAINST THE SAFETY OF THE AIR TRAFFIC

Hijack of an aircraft

Article 240.

(1) Whoever, by force or by serious threat of force, takes control over an aircraft while on flight, shall be punished by imprisonment for not less than one year.

(1) In a particularly grave case of the offence described under paragraph 1 of this article, the offender shall be punished by imprisonment for not less than five years or a term of 20 years.

Jeopardizing the safety of an aircraft's flight

Article 241.

(1) Whoever brings into danger the safety of an aircraft's flight by planting or bringing into the aircraft an explosive or other like device or substance, by destroying or damaging instruments of navigation, by inflicting other damage on the aircraft, giving out false information regarding the flight of the aircraft, irregular operating of the aircraft, failing to discharge duties or supervision in relation to safety of the air traffic, or in any other way, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(2) If the death of one or more persons, or the destruction of the aircraft, has been brought about as a result of any offence described in paragraph 1 of this article, the offender shall be punished by imprisonment for not less than five years or a term of 20 years.

(3) If a person was deliberately deprived of his life in the course of the commission of any of the acts referred to in paragraph 1, the offender shall be punished by imprisonment for not less than 10 years or the death penalty.

(4) In the event that the offence referred to in paragraph 1 of this article has been committed by negligence, the offender shall be punished by imprisonment for a term not exceeding three years.

(5) If the death of one or more persons, or the destruction of the aircraft, has been brought about as a result of the offence described in paragraph 4 of this article, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding eight years.

Destroying and removing signals serving for the safety of the air traffic

Article 242.

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

Misuse of telecommunication signals

Article 243.

Whoever maliciously or needlessly transmits an internationally used signal of distress or a danger signal, or whoever, by the use of a telecommunication signal, causes deception that there is no danger, or whoever misuses an internationally accepted telecommunication signal, shall be punished by imprisonment for a term exceeding three months but not exceeding three years.

Chapter Twenty-Two

CRIMINAL ACTS AGAINST OTHER SOCIAL VALUES

Failure to comply with sanitary regulations during an epidemic

Article 244.

Whoever during an epidemic of a dangerous contagious disease fails to comply with the regulations or ordinances establishing measures for the suppression or prevention of the epidemic, shall be punished by imprisonment for a term not exceeding one year.

Unauthorized production and sale of narcotics

Article 245.

(1) Whoever without authority manufactures, processes, sells or offers for sale, or purchases, keeps or transfers for sale, or intercedes in a sale or purchase, or otherwise puts into circulation substances or preparations which are declared intoxicating drugs or psychotropic substances, shall be punished by imprisonment for a term exceeding six months but not exceeding five years.

(2) If any offence described under paragraph 1 of this article has been committed by several persons who joined for the purpose of committing the offence, or if the perpetrator of the act has organized a network of middlemen or re-sellers, or if the offence has been committed using a particularly dangerous narcotic or psychotropic substance, shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) The intoxicating drugs and psychotropic substances, as well as means of their production, shall be forfeited.

Enabling someone to enjoy intoxicating drugs

Article 246.

(1) Whoever induces another to enjoy an intoxicating narcotic or psychotropic substance, or gives another an intoxicating narcotic or psychotropic substance for his or the use of third person, or renders available premises for the enjoyment of an intoxicating narcotic or psychotropic substance, or otherwise enables another to enjoy an intoxicating narcotic or psychotropic substance, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) If the act referred to in paragraph 1 of this article has been committed against a juvenile or against a number of persons, or using a particularly dangerous intoxicating narcotic or psychotropic substance, or if the act caused particularly grave consequences, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

(3) The intoxicating drugs and psychotropic substances shall be forfeited.

Failure to comply with regulations for the suppression of animal and plant diseases

Article 247.

(1) Whoever, during an epidemic of a cattle disease threatening to endanger cattle raising in the whole country, fails to comply with a decision by a competent body made on the basis of a federal regulation, which determines measures for the suppression or prevention of the disease, shall be punished by imprisonment for a term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this article shall be imposed on a person who, during the period of danger of disease and pest which might endanger the flora throughout the country, fails to comply with a decision by a competent body made on the basis of a federal regulation, which determines measures for the suppression or prevention of the disease or pest.

(3) If considerable damage occurred as a result of any offence referred to in paragraphs 1 and 2 of this article, the offender shall be punished by imprisonment for a term not exceeding three years.

(4) In the event that the offence referred to in paragraphs 1 to 3 of this article has been committed by negligence, the offender shall be fined or punished by imprisonment for a term not exceeding one year.

**Improper consignment of explosive substances
or inflammable materials for shipment**

Article 248.

Whoever contrary to federal regulations applicable to the transportation of explosive substances or easily inflammable materials presents explosive substances or easily inflammable material for shipment by any public transportation media, or carries them by himself in any public transportation media, shall be punished by imprisonment for a term not exceeding one year.

Illicit crossing of the state border

Article 249.

(1) Whoever crosses or attempts to cross the SFRJ border without the proper permit, as part of an organized group, armed or by the use of violence, shall be punished by imprisonment for a term not exceeding one year.

(2) Whoever engages in illegal transport of others across the SFRJ border, or whoever for lucrative purposes enables others to illicitly cross the border, shall be punished by imprisonment for a term exceeding six months but not exceeding five years, and may also be punished by confiscation of property.

Violation of a right to the invention

Article 250.

(1) Whoever without authority uses registered or protected invention of another, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) Whoever without authority makes public the substance of another's invention before the invention has been made public in the manner established by law, shall be punished by imprisonment for a term not exceeding one year.

Intermediation in the exercise of prostitution

Article 251.

(1) Whoever recruits, induces, incites or lures female persons into prostitution, or whoever takes part in any way in turning a female over to another for the exercise of prostitution, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) If the offence described in paragraph 1 of this article has been committed against a female under age or by force, threat or ruse, the offender shall be punished by imprisonment for a term exceeding one year but not exceeding 10 years.

Production and dissemination of obscene (pornographic) writings

Article 252.

(1) Whoever produces, sells, disseminates, publicly exhibits or procures, or keeps for sale writings, pictures or other objects grossly offensive to morality, shall be fined or punished by imprisonment for a term not exceeding one year.

(2) Objects referred to in paragraph 1 shall be confiscated.

Chapter Twenty-Three

CONSPIRACY AND JOINING FORCES FOR THE PURPOSE OF THE COMMISSION OF CRIMINAL ACTS DEFINED IN THE FEDERAL LAW

Conspiracy for the purpose of the commission of a criminal act defined in the federal law

Article 253.

Whoever plots with another to commit a criminal act defined in the federal law, for which a punishment of five years or a heavier penalty might be imposed, unless the federal law threatens a heavier penalty for such conspiracy, shall be punished by imprisonment for a term not exceeding one year.

**Joining for the purpose of the commission
of criminal acts defined in the federal law**

Article 254.

(1) Whoever organizes a group of persons for the purpose of the commission of criminal acts defined in the federal law, for which a punishment of five years or a heavier penalty might be imposed, unless the federal law threatens a heavier penalty for such organizing, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) A member of the group referred to in paragraph 1 of this article shall be punished by imprisonment for a term not exceeding one year.

(3) A member of a group referred to in paragraph 1 of this article who exposes the group before he has committed a criminal act in its ranks or on its account, may have his punishment remitted.

Chapter Twenty-Four

TRANSITIONAL AND FINAL PROVISIONS

Article 255.

On the day of effectiveness of this law - a legally effective but yet unserved punishment of strict imprisonment, as well as the punishment of strict imprisonment which has not become legally effective, becomes the punishment of imprisonment of the same duration.

Article 256.

(1) On the day of effectiveness of this law, the pronounced security measure of committal to an institution for custody and cure - becomes the security measure of mandatory psychiatric treatment and custody in a medical institution, while the measure of revocation of driver licence becomes the measure of prohibition against driving a motor vehicle.

(2) The court may order that the compulsory psychiatric treatment and custody in a medical institution be substituted by the measure of compulsory psychiatric treatment outside prison, providing there are legal conditions for such decision.

Article 257.

In the event that an educational measure not provided for in the law of republic or autonomous province has been imposed on a juvenile before the day of effectiveness of this law, the court which tried the juvenile in first instance may substitute the imposed measure by another one which is legally founded, but which may not be heavier than the originally imposed measure, neither by its type nor its duration.

Article 258.

Punishments for criminal acts which are prescribed in special laws become:

(1) the punishment of strict imprisonment becomes the punishment of imprisonment of the same duration, and if its minimum sentence has not been indicated, imprisonment for a term not exceeding one year shall be ordered as the minimum sentence;

(2) the punishment of imprisonment for which the law does not provide minimum and maximum sentences becomes the punishment of imprisonment with the maximum of three years of imprisonment, and the minimum of 15 days of imprisonment.

Article 259.

(1) Legal consequences, which take place on the basis of the federal law after the conviction to strict imprisonment of a fixed duration, become effective on the day of effectiveness of this law after the conviction to imprisonment of the same duration.

(2) Legal consequences of a sentence provided for in the federal law, consisting of the ban on acquiring certain rights, are terminated or cannot take place at all on the day of effectiveness of this law, providing a fine, suspended sentence or judicial admonition has been ordered as the principle punishment, or if the offender had been found guilty but subsequently had his punishment remitted.

Article 260.

The court may impose the protective custody together with a suspended sentence only on a junior adult for criminal acts committed before the day of effectiveness of this law.

Article 261.

(1) Crediting detention and other deprivation of freedom relating to a criminal act towards a fine in accordance with the sentences legally effective prior to the day of effectiveness of this law shall be carried out pursuant to the provisions of this law.

(2) Substituting a fine by imprisonment in accordance with the sentences legally effective prior to the day of effectiveness of this law shall be carried out by the regulations which were in effect at the time of the pronouncement of the sentence.

Article 262.

Provisions of this law relating to the expungion of sentences shall be applied to the sentences which had been legally effective prior to the day of effectiveness of this law, and were not expunged by the previous regulations.

Article 263.

(1) All regulations which are in contravention of this law cease to be effective on the day of effectiveness of this law.

(2) Exceptionally from the provision laid down in paragraph 1 of this article, provisions on the pensioners' insurance (old-age benefits) which provide for the loss of pensioner's accrued time over the participation in the fight on the side of the aggressor in the period between April 6, 1941 and May 15, 1945, or over a conviction to strict imprisonment for a criminal act against the people and state committed in the aforementioned period.

Article 264.

This law takes effect on July 1, 1977.

