

## CRIMINAL CODE

(amended text)

1. Criminal Code: The Official Gazette of the Republic of Croatia "*Narodne novine*" (hereinafter: NN) No. 110 of October 21, 1997 (entered into force on January 1, 1998).

2. Corrections to the Criminal Code: NN 27/98 of February 27, 1998.

3. Amendments and Supplements to the Criminal Code: NN 129/2000 of December 22, 2000.

4. Amendments to the Criminal Code: NN 51/2001 of June 6, 2001.

5. Amendments and Supplements to the Criminal Code: NN 111/2003 of July 15, 2003.

### GENERAL PART CHAPTER ONE (i.)

#### BASIC PROVISIONS

##### Basis and Limitation of Criminal Law Enforcement

###### Article 1

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

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

##### Principle of Legality

###### Article 2

(1) Criminal offenses and criminal sanctions may be prescribed only by statute.

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

### *Mandatory Application of More Lenient Law*

#### Article 3

(1) The law in force at the time the criminal offense is committed shall be applied against the perpetrator.

(2) If, after the criminal offense is committed, the law changes one or more times, the law that is more lenient to the perpetrator shall be applied.

#### Principle of Culpability

#### Article 4

No one shall be punished if not found culpable of the committed offense.

### *Types of Criminal Sanctions*

#### Article 5

(1) Criminal sanctions which may be prescribed by statute and applied against the perpetrator are: punishments, non-custodial sanctions (judicial admonition and suspended sentences), security measures and educational measures.

(2) The duration of any type of criminal sanction shall be determined by statute and no criminal sanction shall be prescribed, pronounced or applied for an indefinite time.

#### General Purpose of Criminal Sanctions

#### Article 6

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

#### Limitations in Prescribing the Contents of Criminal Sanctions and their Application

#### Article 7

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

## Institution of Criminal Proceedings

### Article 8

(1) Criminal Proceedings for criminal offenses shall be instituted by the State Attorney's Office on his own motion in the interest of the Republic of Croatia and all its citizens.

(2) Exceptionally, for certain criminal offenses, it may be prescribed by statute that criminal proceedings shall be instituted by a private charge, or that the State Attorney's Office shall institute criminal proceedings following a motion.

## Right to Rehabilitation

### Article 9

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

## CHAPTER TWO (ii)

### APPLICABILITY OF THE CRIMINAL LEGISLATION OF THE REPUBLIC OF CROATIA

#### Exclusion of Applying Criminal Legislation to Children

### Article 10

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

#### Applicability of the Criminal Code to Young Perpetrators

### Article 11

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

#### Application of the General Part of the Criminal Code

### Article 12

The provisions of the General Part of this Code shall apply to all criminal offenses under this Code and any other statutes.

#### Applicability of Criminal Legislation to Criminal Offenses Committed within the Territory of the Republic of Croatia, or Aboard Its Vessel or Aircraft

##### Article 13

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

(2) The criminal legislation of the Republic of Croatia shall also apply to anyone who commits a criminal offense aboard a domestic vessel, regardless of the location of such a vessel at the time the criminal offense is committed.

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

#### Applicability of Criminal Legislation to Criminal Offenses Committed Outside the Territory of the Republic of Croatia

##### Article 14

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

–any criminal offense against the Republic of Croatia provided for in Chapter (xii) of this Code;

–the criminal offense of counterfeiting money and securities of the Republic of Croatia as defined in Articles 274 and 275 of this Code;

–a criminal offense against a Croatian state official or a civil servant relating to his office.

(2) The criminal legislation of the Republic of Croatia shall be applied to a Croatian citizen who, outside the territory of the Republic of Croatia, commits a criminal offense other than those specified in paragraph 1 of this Article.

(3) The criminal legislation of the Republic of Croatia shall be applied to an alien who, outside the territory of the Republic of Croatia, commits a criminal offense against the Republic of Croatia or its citizen which is not specified in paragraph 1 of this Article.

(4) The criminal legislation of the Republic of Croatia shall be applied to an alien who, outside the territory of the Republic of Croatia, commits against a foreign state or another alien a

criminal offense for which, under the law in force in the place of crime, a punishment of five years of imprisonment or a more severe penalty may be applied or who commits a criminal offense from Chapter (xiii) of this Code.

(5) In the cases referred to in paragraphs 2 and 3 of this Article, the criminal legislation of the Republic of Croatia shall be applied only if the perpetrator of the criminal offense is found within the territory of the Republic of Croatia, or has been extradited to it, and in the case referred to in paragraph 4 of this Article, only if the perpetrator is found within the territory of the Republic of Croatia and is not extradited to another state.

#### Particularities Regarding the Institution of Criminal Proceedings for Criminal Offenses Committed within the Territory of the Republic of Croatia

##### Article 15

(1) When, in the case of the applicability of the criminal legislation of the Republic of Croatia pursuant to Article 13 of this Code, criminal proceedings have commenced or are terminated in a foreign state, criminal proceedings in the Republic of Croatia shall be instituted only upon approval of the State Attorney of the Republic of Croatia.

(2) When, in the case of the applicability of the criminal legislation of the Republic of Croatia pursuant to Article 13 of this Code, the perpetrator of a criminal offense is an alien, criminal proceedings may, under conditions of reciprocity, be ceded to the foreign state.

(3) The decision on ceding criminal proceedings in the case referred to in paragraph 2 of this Article shall be passed by the State Attorney of the Republic of Croatia.

#### Particularities Regarding the Institution of Criminal Proceedings for Criminal Offenses Committed outside the Territory of the Republic of Croatia

##### Article 16

(1) In the cases specified in Article 14, paragraphs 2, 3 and 4 of this Code, criminal proceedings for the purposes of applying the criminal legislation of the Republic of Croatia shall not be instituted:

–if the perpetrator has served in full the sentence imposed on him in a foreign state;

–if the perpetrator has been acquitted by a final judgment in a foreign state, or if he has been pardoned, or if the statutory time limitation has expired under the law in force at the place of crime;

–if, under the law in force at the place of the crime, criminal proceedings may be instituted only upon a motion, a consent or a private charge of the person against whom the criminal offense

had been committed, and such a motion was not made or a private charge was not brought, or the consent was not given.

(2) If, in the cases specified in Article 14, paragraphs 2, 3 and 4 of this Code, such an act does not constitute a criminal offense under the law in force in the country of the perpetration, criminal proceedings may be instituted only upon the approval of the State Attorney of the Republic of Croatia.

(3) In the case referred to in Article 14, paragraph 4 of this Code, when the committed act is not punishable under the law in force in the country in which it was committed but is deemed to be a criminal offense according to the general principles of law of the international community, the State Attorney of the Republic of Croatia may authorize the institution of criminal proceedings in the Republic of Croatia and the application of the criminal legislation of the Republic of Croatia.

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

##### Article 17

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

#### Non-applicability of Criminal Legislation Due to Passage of Time

##### Article 18

(1) Due to the statute of limitations, the criminal legislation of the Republic of Croatia may not be applied after the period determined by this Code has elapsed from the time the offense has been committed, the punishment pronounced or other criminal sanction ordered.

(2) The non-applicability of the criminal legislation of the Republic of Croatia does not refer to the criminal offenses of genocide, as referred to in Article 156, a war of aggression, as referred to in Article 157, war crimes, as referred to in Articles 158, 159 and 160 of this Code, or other criminal offenses which, pursuant to international law, are not subject to the statute of limitations.

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

##### Article 19

(1) Except in the cases of the criminal offenses specified in Article 18, paragraph 2 of this Code, criminal prosecution cannot be instituted when the following time periods have elapsed since the perpetration of a criminal offense:

–thirty years in the case of a criminal offense for which a punishment of life imprisonment is prescribed;

–twenty years in the case of a criminal offense for which a punishment of more than ten years of imprisonment is prescribed;

–fifteen years in the case of a criminal offense for which a punishment of more than five years of imprisonment is prescribed;

–ten years in the case of a criminal offense for which a punishment of more than three years of imprisonment is prescribed;

–five years in the case of a criminal offense for which a punishment of more than one year of imprisonment is prescribed;

three years in the case of other criminal offenses.

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

The Running and Interruption of the Period Prescribed by Statutes of Limitation Regarding the Institution of Criminal Prosecution

Article 20

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

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

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

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

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

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

#### Period Prescribed by Statutes of Limitation to Execute Punishment

##### Article 21

Unless otherwise prescribed in this Code, the imposed sentence cannot be executed as a result of the expiration of the statutes of limitation when it exceeds:

- twenty five years from the pronounced sentence of imprisonment exceeding ten years,
- twenty years from the pronounced sentence of imprisonment exceeding five years,
- ten years from the pronounced sentence of imprisonment exceeding one year,
- five years from the pronounced sentence of imprisonment exceeding one year,
- three years from the pronounced sentence of a fine as the principal and supplementary punishment.

#### Period Prescribed by Statutes of Limitation to Execute Security Measures

##### Article 22

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

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

##### Article 23

(1) The period prescribed by statutes of limitation to execute the punishment or security measures commences on the day of the final decision imposing the punishment or security measures. In the case of a revoked suspended sentence, the period of limitation for the execution of the sentence commences on the day of the final decision on revocation.

(2) The period prescribed by statutes of limitation shall not run during the time the execution of the punishment or security measure cannot be commenced or continued pursuant to law.

(3) The running of the period prescribed by statutes of limitation is interrupted by each act undertaken by the body competent for the execution of the punishment or security measure.

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

(5) The period prescribed by statutes of limitation to execute the punishment and security measures shall expire in any case when twice as much time lapses as that prescribed by the statutory period of limitation for the execution.

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

##### Article 24

The statutes of limitation shall not apply to execution of the punishment of life imprisonment and of punishments pronounced for the criminal offenses specified in Article 18, paragraph 2 of this Code.

#### CHAPTER THREE (iii) CRIMINAL OFFENSE

##### Manner of Perpetrating a Criminal Offense

##### Article 25

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

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

(3) The punishment of a perpetrator who commits a criminal offense by omission can be mitigated, except in the case of a criminal offense which can be committed only by failure to act.

##### Time of Perpetration of a Criminal Offense

##### Article 26

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

##### Place of Perpetration of a Criminal Offense

##### Article 27

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

(2) In the cases of complicity, the criminal offense is committed at the place specified in paragraph 1 of this Article and at the place the accomplice acts or ought to have acted, or at the place where the consequence, which is a material element of a criminal offense, ought to have occurred according to the expectation of the accomplice.

#### Insignificant Offense

##### Article 28

There shall be no criminal offense, although its material elements have been

realized, if the offense is obviously insignificant with regard to the manner of the perpetrator's conduct, his culpability, and the incurred consequence to the protected good and the legal system.

#### Self-Defense

##### Article 29

(1) There shall be no criminal offense when the perpetrator acts in self-defense.

(2) Self-defense is a defense which is absolutely necessary for the perpetrator to avert an imminent or immediate unlawful attack on him or on another person.

(3) If the perpetrator exceeds the limits of self-defense, the punishment can be mitigated, and if the excess occurs due to strong irritation or fright caused by the attack, the punishment can be remitted.

#### Necessity

##### Article 30

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

(2) The perpetrator is not culpable if he has committed an illegal act in order to avert from himself or from another an imminent danger which could not have been averted in any other

way, provided that in doing so the harm that is done is not disproportionately greater than that which had been threatened.

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

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

#### Coercion or Threat

##### Article 31

(1) There shall be no criminal offense when the perpetrator acts under the influence of irresistible coercion.

(2) If the perpetrator commits a criminal offense under resistible coercion or threat, the provisions of Article 30 of this Code shall apply, treating such coercion or threat as a danger.

#### Lawful Use of Force

##### Article 32

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

#### Attempt

##### Article 33

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

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

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

## Voluntary Abandonment

### Article 34

(1) If the perpetrator voluntarily abandons the execution of a punishable attempt, the court may remit the punishment.

(2) The perpetrator abandons the execution of a punishable attempt if he voluntarily interrupts further execution of a commenced criminal offense, aware that, according to all circumstances, he could have completed the act, or, if after the completion of such an act, he prevents the occurrence of consequences.

## The Principal and Accomplices

### Article 35

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

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

(3) Accomplices are: the instigator and the aider or abettor.

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

## Punishment of Accomplices

### Article 36

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

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

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

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

#### Instigation

#### Article 37

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

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

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

#### Aiding and Abetting

#### Article 38

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

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

### CHAPTER FOUR (iv)

#### CULPABILITY

#### Mental Incapacity

#### Article 40

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

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

#### Voluntary Intoxication

##### Article 41

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

#### Diminished Mental Capacity

##### Article 42

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

#### Punishability for Intentional and Negligent Conduct

##### Article 43

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

(2) A more severe punishment which the law prescribes for a particular consequence of a criminal offense shall be inflicted only when the perpetrator acted at least negligently with regard to such a consequence.

#### Intent

##### Article 44

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

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

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

## Negligence

### Article 45

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

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

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

## Mistake of Law

### Article 46

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

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

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

## Mistake of Fact

### Article 47

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

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

(3) The perpetrator shall not be punished for intent if at the time of the perpetration of a criminal offense he mistakenly assumed that the circumstances existed, which, had they actually existed, would have rendered his conduct lawful.

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

## CHAPTER FIVE (v)

### PUNISHMENT AND SENTENCING

#### Types of Punishments

##### Article 49

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

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

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

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

#### The Purpose of Punishment

##### Article 50

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

#### Fine

##### Article 51

(1) A fine shall be imposed according to daily income. It amounts to at least ten and not more than three hundred daily incomes, except for criminal offenses committed for personal gain when the maximum fine may amount to five hundred daily incomes.

(2) The court shall determine the number of daily incomes on the basis of mitigating and aggravating circumstances referred to in Article 56 of this Code other than those relating to the financial situation of the perpetrator.

(3) When determining the amount of a daily income, the court shall take into account the perpetrator's total income, his property and his family obligations. If the perpetrator of a criminal offense does not have any income but is the owner of property or property rights, the court shall determine the daily income by a free estimate in accordance with the value of such property or property rights.

(4) In the proceedings for the issuance of a criminal order (Article 446 of the Criminal Procedure Act), the court shall take the average daily income in the Republic of Croatia as the daily income of the perpetrator. The average daily income is determined and published every six months by the Supreme Court of the Republic of Croatia on the basis of the official data of the State Bureau of Statistics.

(5) The court ruling shall specify the number and the amount of daily incomes. The final amount of the fine is the product of multiplying the number of daily incomes by the amount of the daily income.

(6) The court shall determine the period for the payment of the fine which shall not be less than thirty days nor more than six months.

#### Substitution of Fine

#### Article 52

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

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

(3) The fine shall be substituted by imprisonment in such a way that one daily income is substituted by one day of imprisonment, with the proviso that the maximum duration of imprisonment, substituting the fine, shall not exceed twelve months.

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

## Imprisonment

### Article 53

- (1) Imprisonment may not be shorter than thirty days or longer than twenty years.
- (2) For the most serious forms of criminal offenses, life imprisonment may be prescribed (hereinafter: life sentence).
- (3) Long-term imprisonment shall never be prescribed as the sole principal punishment for a specific criminal offense.
- (4) Long-term imprisonment shall not be imposed on a perpetrator who, at the time of the perpetration of the criminal offense, has not reached the age of twenty-one years.
- (5) The imprisonment of juveniles shall be imposed under the conditions prescribed by a special statute on young perpetrators of criminal offenses. The imprisonment of juveniles is in its purpose, nature, duration and manner of execution a special penalty of deprivation of liberty.
- (6) When imprisonment without a minimum duration and with a maximum duration of three years is prescribed for a criminal offense, together with such a penalty, a fine shall be prescribed as an alternative punishment.
- (7) Imprisonment shall be assessed and imposed in full years and months, and in full days if its duration is up to three months.

## Substitution of Imprisonment

### Article 54

- (1) When the court assesses and imposes imprisonment for the duration of up to six months, it may at the same time decide that such punishment, with the consent of the convict, be replaced with community service.
- (2) The decision to replace imprisonment with community service shall be based upon the assessment that, considering all the circumstances determining the type and range of the sentence, the execution of imprisonment would not be necessary to realize the purpose of punishment, and (at the same time) a non-custodial measure would not be sufficient to accomplish the general purpose of criminal sanctions.
- (3) Community service shall be determined for a duration proportional to the imposed imprisonment, from a minimum of ten to a maximum of sixty working days. The period for performing community service shall neither be shorter than one month nor longer than one year.

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

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

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

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

#### Conditional Release (Parole)

#### Article 55

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

(2) A convict serving life sentence may be conditionally released if he has served twenty years of imprisonment. Any deprivation of liberty resulting from the perpetration of a criminal offense is considered to be a served sentence.

(3) A conditional release shall last until the day the pronounced sentence has expired and in the case of a convict serving life imprisonment, fifteen years from the day the conditional release has begun.

(4) If the convict, while on conditional release, commits one or more criminal offenses for which he is sentenced to imprisonment of six months or to a more severe sentence, the court which has pronounced the sentence shall revoke the conditional release and, by applying the provisions of Article 60 of this Code, pronounce an aggregate sentence which will include the part of the sentence the convict has already served.

(5) The court may also proceed in the way described in the previous paragraph when pronouncing a sentence of imprisonment shorter than six months. If the court does not revoke the conditional release, it shall be extended for the time the convict has spent serving the sentence of imprisonment.

(6) The conditional release may not be revoked if two years have passed from the expiry of the periods specified in paragraph 3 of this Article.

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

### Article 56

In determining the type and range of punishment within the limits established by law for the committed criminal offense, the court, bearing in mind the purpose of punishment, shall take into consideration all the circumstances which result in a less or more serious punishment for the perpetrator of a criminal offense (the mitigating or aggravating circumstances) and in particular the following: the degree of culpability, motives for committing the criminal offense, the degree of peril or injury to the protected good, the circumstances under which the criminal offense was committed, the conditions in which the perpetrator had lived prior to committing the criminal offense and his abidance by the laws, the circumstances he lives in and his conduct after the perpetration of the criminal offense, particularly his relation towards the injured person and his efforts to compensate for the damage caused by the criminal offense, as well as the totality of social and personal grounds which contributed to the perpetration of the criminal offense.

## Mitigation of Punishment

### Article 57

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

(2) The limits of mitigation are the following:

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

e) if, for a criminal offense, imprisonment for at least eight or more years is prescribed, the sentence may be reduced to three years of imprisonment.

#### Remission of Punishment

#### Article 58

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

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

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

#### Special Cases of the Remission of Punishment for Criminal Offenses Committed by Negligence

#### Article 59

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

a) if the consequences of the criminal offense affect the perpetrator so severely that the punishment is unnecessary to achieve its purpose, or

b) if, immediately after the perpetration, the perpetrator makes efforts to eliminate or reduce the consequences of the offense and if he completely or substantially compensates for the damage caused by the offense.

#### Concurrently Adjudicated Criminal Offenses

#### Article 60

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

(2) The court shall pronounce an aggregate sentence according to the following rules:

a) if, for a concurrently adjudicated criminal offense, the court assesses a life sentence, it shall be the only sentence pronounced,

b) if, for concurrently adjudicated criminal offenses, the court assesses imprisonment, the aggregate sentence of imprisonment must be longer than any individual sentence assessed, but shall neither reach the sum total of individual nor exceed twenty years of imprisonment,

c) if, for two or more concurrently adjudicated criminal offenses, the court assesses imprisonment of more than ten years, it shall pronounce an aggregate sentence of imprisonment of twenty years or a life sentence.

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

e) if, for concurrently adjudicated criminal offenses, the court assesses fines, the aggregate fine must be higher than any individual fine but shall neither reach the sum total of all individual fines nor exceed three hundred daily incomes or five hundred daily incomes when at least one criminal offense is committed for personal gain,

(f) if, for some concurrently adjudicated criminal offenses, the court assesses imprisonment and fines for others, it shall impose an aggregate sentence of imprisonment and an aggregate fine pursuant to the rules provided in this Article,

g) if, for concurrently adjudicated criminal offenses, the court assesses imprisonment and imprisonment for juveniles, it shall impose an aggregate sentence of imprisonment, pursuant to the rules laid down in this Article.

#### Criminal Offense Arising Out of the Same Transaction

##### Article 61

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

(2) A criminal offense arises out of the same transaction when the perpetrator intentionally commits a number of identical unlawful acts or unlawful acts of the same type against the same injured person in which the manner of perpetration, the temporal connection and other material circumstances connecting them constitute a whole.

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

#### Selection of the Type and Range of Sentence for a Convicted Person

##### Article 62

(1) When a convict is tried for a criminal offense committed before beginning to serve a sentence as a result of a previous conviction, or for a criminal offense committed while serving imprisonment, long-term imprisonment or juvenile imprisonment, the court shall pronounce an aggregate sentence for all criminal offenses, applying the provisions of Article 60 of this Code, taking the previously assessed sentence as already fixed. The sentence, or the part of the sentence which the convict has already served, shall be included in the pronounced aggregate sentence unless the aggregate sentence is life imprisonment (Article 60, paragraph 2), point a).

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

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

#### Inclusion of Pre-Trial Detention and a Previously Served Sentence

#### Article 63

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

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

(3) The inclusion pursuant to the provisions of this Article means equating one day of pre-trial detention, a day of the second occasion of deprivation of liberty, a day of imprisonment or juvenile imprisonment and a fine equivalent to one daily income, or one day of imprisonment for a contravention. Every initial 300.00 Kuna of fine or a fine for a contravention shall be equated with one day of imprisonment.

#### CHAPTER SIX (vi)

#### NON-CUSTODIAL MEASURES

#### Types of Non-Custodial Measures

#### Article 64

Non-custodial measures are: admonition and suspended sentence.

## The Purpose of Non-Custodial Measures

### Article 65

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

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

## Admonition

### Article 66

(1) An admonition is a criminal sanction which can be applied as a non-custodial measure to the perpetrator of a criminal offense for which a punishment of imprisonment of up to one year or a fine is prescribed if, according to the perpetrator's manner of acting, his culpability and the caused consequence, the offense is of an especially light character, and when, considering all the circumstances regarding the perpetrator and particularly his relationship towards the injured person and the compensation for damage, the conditions for the attainment of the purpose of non-custodial measures without punishment are fulfilled.

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

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

## Suspended Sentence

### Article 67

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

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

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

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

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

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

#### Obligations of the Person Under Suspended Sentence

##### Article 68

(1) Together with imposing a suspended sentence, the court may order the following obligations: that the perpetrator of a criminal offense shall compensate for the damage he caused, that he restitutes the gain acquired by the offense, or that he fulfills other statutory obligations regarding the perpetration of the offense.

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

#### Revocation of Suspended Sentence

##### Article 69

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

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

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

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

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

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

(7) Regardless of the reasons for revocation, a suspended sentence may not be revoked after a period of two years has elapsed.

#### A Suspended Sentence With Supervision

##### Article 70

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

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

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

### Special Obligations Accompanying Supervision

#### Article 71

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

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

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

## Revocation of a Suspended Sentence With Supervision

### Article 72

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

## CHAPTER SEVEN (vii)

### SECURITY MEASURES

#### Types of Security Measures

### Article 73

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

#### The Purpose of Security Measures

### Article 74

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

#### Compulsory Psychiatric Treatment

### Article 75

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

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

(3) The compulsory psychiatric treatment shall last until the termination of the reasons for which it has been ordered, but in any event no longer than the punishment of imprisonment, the expiry of the probation period accompanying a suspended sentence, and the completion of community service. In any of the above cases, the compulsory psychiatric treatment may not exceed three years.

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

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

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

## Compulsory Treatment of Addiction

### Article 76

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

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

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

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

## Prohibition to Engage in a Profession, Activity or Duty

## Article 77

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

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

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

## Prohibition to Operate a Motor Vehicle

### Article 78

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

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

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

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

## Expulsion of an Alien

### Article 79

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

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

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

## Forfeiture

### Article 80

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

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

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

## Inclusion of Protective Measures Imposed for Contraventions

### Article 81

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

## CHAPTER EIGHT (viii)

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

#### Confiscation of Pecuniary Gain Acquired by a Criminal Offense

### Article 82

(1) The court shall confiscate a pecuniary gain acquired by means of a criminal offense.

(2) The confiscation of a pecuniary gain shall be ordered by a court decision establishing that a criminal offense has been committed. If it is impossible to seize in full or in part the pecuniary

gain consisting of money, securities or objects, the court shall obligate the perpetrator of the criminal offense to pay the equivalent sum of money.

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

(4) If an injured party has been granted his claim of ownership, the court shall confiscate only the part of the pecuniary gain which exceeds the granted claim.

(5) The court shall confiscate the pecuniary gain even if the injured party is instructed to claim his right in a civil action. If this is the case, the injured party may be reimbursed from the forfeited pecuniary gain if he has instituted a civil action within a period of six months from the date the decision establishing his right to reimbursement from the forfeited pecuniary gain became final.

(6) An injured party who, in the course of criminal proceedings, has not submitted a motion to realize his claim of ownership, he may request reimbursement from the forfeited pecuniary gain if he initiates a civil action within three months following the final decision on the forfeiture of the pecuniary gain, and not later than two years after the decision on the forfeiture of the pecuniary gain became final, or if, within three months from the day of finality of the decision establishing his right, he requests reimbursement.

#### Public Announcement of the Judgment

##### Article 83

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

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

#### Legal Consequences of Conviction

##### Article 84

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

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

–termination of employment,

–termination of the performance of certain jobs in governmental bodies or prohibition of being engaged in such jobs,

–deprivation of military rank,

–deprivation of state decorations and awards.

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

(4) The legal consequences shall become effective on the day the judgment establishing the perpetration of a criminal offense and the pronouncement of the sentence pursuant to paragraphs 1 and 2 of this Article becomes final.

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

Rehabilitation

Article 85

(1) After the punishment of imprisonment, long-term imprisonment or imprisonment of juveniles has been served, remitted, or purged by the statute of limitations, the convicted persons shall exercise all citizens' rights determined by the Constitution, statute or other legal provisions and shall acquire all the rights other than those that are limited as a result of a security measure or a legal consequence of the conviction.

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

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

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

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

–fifteen years from the expiry of the conditional release of a convict serving a life sentence (Article 55, paragraph 3) or from a life sentence pardon,

–ten years from the day of a served, expired, or remitted sentence in the case of a sentence to ten years of imprisonment, or a more serious sentence;

–five years from the day of a served, expired, or remitted sentence, in the case of a sentence to five years of imprisonment or a more serious sentence.

–three years from the day of a served, expired or a remitted sentence, in the case of a sentence to five years of imprisonment, imprisonment of juveniles or a fine, from the expiry of probation in the case of a suspended sentence and from the finality of the decision on admonition or remission of sentence.

#### Criminal Record Data

#### Article 86

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

(2) Criminal record data may, in exceptional circumstances, be given to governmental bodies, at their reasoned request, and in connection with certain jobs and tasks in public service to be entrusted to the person for whom such data are requested.

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

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

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

#### CHAPTER NINE (ix)

#### THE MEANING OF THE TERMS USED IN THIS CODE

## Article 89

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

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

(3) An *official person*, when referred to as the perpetrator of a criminal offense, is an official elected or nominated to a representative body, a public official or a person performing official duties in bodies of the state administration, local self-government and administration, a unit of local self-government, the judiciary, the Constitutional Court of the Republic of Croatia, the State Attorney's Office, the Ombudsman's Office, the Ombudsman's Office for Children, Office of the President of the Republic, or a body, an office or an expert agency of the Government of the Republic of Croatia and the Croatian *Sabor*, a judicial official, a judge of the Constitutional Court of the Republic of Croatia, the State Attorney of the Republic of Croatia and his deputies, the Ombudsman of the Republic of Croatia and his deputies and the Ombudsman for Children and his deputies or a notary public. An official person is also a foreign lay judge, a domestic or a foreign arbitrator, a foreign civil servant, a representative or an official of a foreign representative body, an official of an international organization of which the Republic of Croatia is a member, a representative or an official of an international assembly of which the Republic of Croatia is a member, and a judge or an official of an international court whose judicial competence the Republic of Croatia has recognized.

(4) A *military person* is a soldier serving a military term, a cadet at military school, an active military person, a person from the reserve forces while on military service, an army clerk or an army employee, as well as a civilian performing a military duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(23) *A criminal organization* is a hierarchically structured association of at least three persons - who act within a specific period and have gathered to commit criminal offenses in order to realize pecuniary gain or to realize and supervise certain economic or other activities.

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

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

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

(27) *A movable object* also involves any generated or accumulated power for the purpose of providing light, heat or locomotion, including telecommunication services calculated on the basis of units of time.

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

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

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

## SPECIAL PART CHAPTER TEN (x)

### CRIMINAL OFFENCES AGAINST LIFE AND LIMB

#### Murder

##### Article 90

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

#### Aggravated Murder

##### Article 91

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

1. murders a child or a minor;
2. murders a pregnant woman;
3. murders another and by doing so intentionally endangers the life of one or more persons;
4. murders another in a very cruel or treacherous way;
5. murders from greed;
6. murders another in order to commit or to cover up another criminal offense;
7. murders a judge, a lay judge, the State Attorney, a deputy of the State Attorney or an attorney in the execution of their duties;
8. murders an official person at the time when such a person acts in the execution of his duty of protecting the constitutional order, safeguarding persons or property, discovering criminal offenses, bringing in, arresting or preventing the escape of a perpetrator of a criminal offense, applying criminal sanctions and measures and keeping public order and peace.

#### Manslaughter

##### Article 92

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

#### Infanticide

##### Article 93

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

#### Killing on Request

##### Article 94

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

#### Negligent Homicide

##### Article 95

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

#### Participating in Suicide

##### Article 96

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

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

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

(4) Whoever treats a person who is in a state of subordination or dependence in a cruel or inhuman way and thereby negligently causes the suicide of that person shall be punished by imprisonment for three months to three years.

#### Unlawful Termination of Pregnancy

##### Article 97

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

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

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

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

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

(6) If, by the criminal offense referred to in paragraphs 2 and 4 of this Article, the woman's death is caused, or her health is severely impaired, the perpetrator shall be punished by imprisonment for five to fifteen years.

#### Bodily Injury

##### Article 98

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

#### Aggravated Bodily Injury

##### Article 99

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

(2) If bodily injury is inflicted on a person, or if a person's health is impaired so severely that the life of the injured person is endangered, or if an important part of the person's body or an important organ of the person is permanently weakened to a significant degree or destroyed, or if permanent work disability is caused to the injured person, or if permanent and severe damage to his health or permanent disfigurement is caused, the perpetrator shall be punished by imprisonment for one to ten years.

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

#### Impulsive Bodily Injury

##### Article 100

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

(2) Whoever inflicts particularly serious bodily injury on another, or very seriously impairs a person's health (Article 99, paragraph 2) on the spur of the moment, after being brought without his fault into a state of strong irritation or fright by a person's attack, maltreatment or serious insult, shall be punished by imprisonment for six months to five years.

(3) If the criminal offense of bodily injury resulting in death (Article 99, paragraph 3) is committed on the spur of the moment, the perpetrator shall be punished by imprisonment for one to eight years.

#### Negligent Bodily Injury

##### Article 101

Whoever inflicts serious bodily injury referred to in Article 99, paragraphs 1 and 2 of this Code by negligence shall be punished by a fine or by imprisonment not exceeding three years.

#### Institution of Criminal Proceedings for Criminal Offenses of Bodily Injury

##### Article 102

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

#### Participation in an Affray

#### Article 103

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

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

#### Failure to Render Aid

#### Article 104

(1) Whoever fails to render aid to a person in immanent mortal danger, although he could have done so without subjecting himself or another to serious danger, shall be punished by a fine or by imprisonment not exceeding one year.

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

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

#### Deserting a Helpless Person

#### Article 105

(1) Whoever deserts a helpless person entrusted to him or whoever leaves a person he is responsible for unassisted and in circumstances dangerous for life or health shall be punished by imprisonment for three months to three years.

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

#### CHAPTER ELEVEN (xi)

#### CRIMINAL OFFENCES AGAINST THE FREEDOMS AND RIGHTS OF MAN AND CITIZEN

#### Violation of the Equality of Citizens

## Article 106

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

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

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

## Violation of the Freedom of Expression

### Article 107

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

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

## Violating the Right to Peaceful Assembly and Public Protest

### Article 108

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

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

## Violation of the Freedom of Association

#### Article 109

Whoever denies or limits citizens' freedom of association in political parties, trade unions or other legitimate associations for the protection of their interest or the advancement of their social, economic, political, national, cultural and other beliefs or objectives shall be punished by a fine or imprisonment for not more than one year.

#### Violation of the Freedom of Religion

#### Article 110

(1) Whoever denies or limits the right to the freedom of religion, the rights to manifest publicly one's religion or other belief shall be punished by a fine or by imprisonment not exceeding one year.

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

#### Violation of the Right to Strike

#### Article 111

Whoever denies or limits the right to strike which is organized and carried out in conformity with the law shall be punished by a fine or by imprisonment not exceeding one year.

#### Violation of the Right to Submit Complaints and Petitions

#### Article 112

An official or a responsible person who abuses his position or authority and prevents another person from exercising his right to submit an appeal, objection, request, petition or complaint shall be punished by a fine or by imprisonment not exceeding one year.

#### Restriction of Printing and Distributing Printed Materials and of Broadcasting

#### Article 113

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

well as news agencies' programs, shall be punished by a fine or by imprisonment not exceeding one year.

#### Violation of the Right to Work and Other Labor - Related Rights

##### Article 114

(1) Whoever denies or limits the right of a citizen to work, the freedom of work, the free choice of vocation or occupation, access to a work place and to duties offered to everyone under the same terms, the right to earnings, or who without a justified reason denies earnings to a worker within the prescribed period of time, social security, retirement or disability rights or who does not register a worker with the bodies of health, retirement and disability insurance, or who does not observe working hours and time off regulated by law, the rights of specific groups of workers to special protection, the rights resulting from unemployment, the rights related to labor, maternity and child care or other labor-related rights stipulated by law, a court decision or collective agreement shall be punished by imprisonment for three months to three years.

(2) The punishment referred to in paragraph 1 of this Article shall be inflicted on those who do not enforce a final court decision to make it possible for a worker to return to his job.

#### Violation of the Right to Health Care and Disability Protection

##### Article 115

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

#### Violation of the Freedom to Vote

##### Article 116

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

#### Denial of the Right to Vote

##### Article 117

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

## Abuse of the Right to Vote

### Article 118

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

## Violation of the Secrecy of the Ballot

### Article 119

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

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

## Destruction of Ballot Documentation

### Article 120

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

## Electoral Fraud

### Article 121

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

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

## Infringing the Inviolability of a Person's Home

### Article 122

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

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

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

#### Unlawful Search

##### Article 123

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

#### Unlawful Deprivation of Freedom

##### Article 124

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

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

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

(4) If, by the criminal offense referred to in paragraph 1 of this Article, the death is caused of a person who was unlawfully deprived of liberty, the perpetrator shall be punished by imprisonment from three to fifteen years.

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

## Kidnapping

### Article 125

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

(2) If the criminal offense referred to in paragraph 1 of this Article is committed against a child or a juvenile, or if, in order to realize the aim of kidnapping referred to in paragraph 1 of this Article, the hostage is threatened with death or serious bodily injury, or the hostage's health is seriously impaired, or some other consequences have been caused, or if the offense is committed on the basis of membership in a group or criminal organization, the perpetrator shall be punished by imprisonment for three to twelve years.

(3) If the criminal offense referred to in paragraphs 1 and 2 of this Article has caused the death of a hostage, the perpetrator shall be punished by imprisonment for at least five years.

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

## Extortion of Statements by Coercion

### Article 126

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

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

## Maltreatment in the Execution of Duty or Public Authority

### Article 127

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

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

## Coercion

### Article 128

(1) Whoever coerces another by force or serious threat to an action, omission or acquiescence, shall be punished by a fine or by imprisonment not exceeding six months.

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

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

## Threat

### Article 129

(1) Whoever seriously threatens another with some evil so as to frighten or disturb him shall be punished by a fine or by imprisonment not exceeding one year.

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

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

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

## Violating the Privacy of Correspondence and other Pieces of Mail

### Article 130

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

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

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

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

## Unauthorized Recording and Eavesdropping

### Article 131

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

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

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

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

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

#### Disclosure of Professional Secrets Without Authorization

##### Article 132

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

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

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

#### Unauthorized Use of Personal Data

##### Article 133

(1) Whoever, without the consent of citizens and contrary to the conditions stipulated by the law, collects, processes or uses personal data, or uses such data contrary to the statutory purpose of their collection shall be punished by a fine or by imprisonment not exceeding three years.

#### Disturbing the Peace of the Deceased

##### Article 134

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

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

## CHAPTER TWELVE (xii)

### CRIMINAL OFFENSES AGAINST THE REPUBLIC OF CROATIA

#### Treason

##### Article 135

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

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

#### Acceding to Occupation or Capitulation

##### Article 136

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

#### Endangering State Independence

##### Article 137

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

#### Assassination of Highest State Officials

##### Article 138

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

#### Kidnapping of Highest State Officials

#### Article 139

Whoever, with an aim to endanger the constitutional order or the security of the Republic of Croatia, kidnaps the President of the Republic, the President of the Croatian *Sabor*, the Prime Minister, the President of the Constitutional Court or the President of the Supreme Court of the Republic of Croatia shall be punished by imprisonment for three to fifteen years.

#### Violence Against Highest State Officials

#### Article 140

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

#### Anti-State Terrorism

#### Article 141

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

#### Armed Rebellion

#### Article 142

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

#### Act of Sabotage

#### Article 143

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

#### Disclosure of State Secrets

##### Article 144

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

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

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

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

(5) Whoever commits the criminal offense referred to in paragraph 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

(6) Whoever commits the criminal offense referred to in paragraph 3 of this Article by negligence shall be punished by imprisonment for one to five years.

#### Publishing the Contents of a State or Military Secret

##### Article 145

(1) Whoever publishes the contents or part of the contents of data or a document which he knows to be a state or military secret shall be punished by a fine or by imprisonment not exceeding three years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed at a time of war or imminent peril for the independence and unity of the Republic of Croatia, or brings about a peril against the security, economic or military power of the Republic of Croatia, the perpetrator shall be punished by imprisonment not exceeding five years.

## Espionage

### Article 146

(1) Whoever makes a state secret which has been entrusted to him or which he learned in an unlawful way accessible to a foreign state, a foreign organization or to a person working for them shall be punished by imprisonment for three to ten years.

(2) Whoever collects data, objects, documents or information which are a state secret with an aim of making them accessible to a foreign state, an organization or a person working for them shall be punished by imprisonment for one to three years.

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

(4) Whoever commits the criminal offense referred to in paragraph 1 of this Article at the time of war or armed conflict in which the Republic of Croatia takes part, or if the disclosed secret is related to the defense or security of the Republic of Croatia, shall be punished by imprisonment for not less than five years.

(5) Whoever commits the criminal offense referred to in paragraph 2 of this Article at the time of war or armed conflict, or if the disclosed state secret is related to the defense or security of the Republic of Croatia, shall be punished by imprisonment for three to ten years.

## Preventing Resistance to the Enemy

### Article 147

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

## Serving in the Enemy's Army

### Article 148

(1) A citizen of the Republic of Croatia who, at the time of war or armed conflict in which the Republic of Croatia takes part, serves in the enemy's army or takes part in other formations

which are in armed conflict against the Republic of Croatia or its allies shall be punished by imprisonment for not less than three years.

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

#### Assisting the Enemy

##### Article 149

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

#### Undermining the Military and Defensive Power of the State

##### Article 150

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

#### Damaging the Reputation of the Republic of Croatia

##### Article 151

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

#### Extolling of Fascist, Nazi and Other Totalitarian States and Ideologies or Promoting of Racism and Xenophobia

##### Article 151a

(1) Whoever produces, sells, imports or exports through a computer network or in any other way makes available to the public promotional materials glorifying fascist, Nazi and other

totalitarian states, organizations and ideologies which advocate, promote or incite to hatred, discrimination or violence against any individual or group on the basis of race, color, gender, sexual preference, national or ethnic origin, religion, political or other beliefs, or for such purposes possesses large quantities of these promotional materials, shall be punished by a fine or by imprisonment not exceeding one year.

(2) A criminal offense does not exist if the material referred to in paragraph 1 of this Article is prepared or made available to the public for research, artistic or scientific purposes or with the aim of reporting about present or past events.

(3) The objects and means referred to in paragraph 1 of this Article shall be confiscated.

Association for the Purpose of Committing Criminal Offenses Against the Republic of Croatia

#### Article 152

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

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

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

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

Preparation of Criminal Offenses Against the Republic of Croatia

#### Article 153

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

Assistance to the Perpetrator Following the Perpetration of Criminal Offenses Against the Republic of Croatia

#### Article 154

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

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

#### Punishment for the Most Serious Forms of Criminal Offenses Against the Republic of Croatia

#### Article 155

(1) If, in the course of the perpetration of the criminal offense referred to in Article 135, paragraph 1 and 2, Articles 141 to 143, Articles 149 and 150 of this Code, the perpetrator murders one or more persons with intent, he shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

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

#### CHAPTER THIRTEEN (xiii)

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

#### Genocide

#### Article 156

Whoever, with intent to destroy in whole or in part a national, ethnic, racial or religious group, orders the killing of members of such a group, or orders serious bodily injury to be inflicted on them, or orders the physical or mental health of the members of such a group to be impaired, or orders the forcible displacement of the population, or conditions of life to be inflicted on the group which are calculated to bring about its physical destruction in whole or in part, or orders measures to be imposed which are intended to prevent births within the group, or orders the forcible transfer of children of the group to another group, or whoever with the same intent commits any of the foregoing acts, shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

## War of Aggression

### Article 157

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

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

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

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

## Crimes Against Humanity

### Article 157a

Whoever violates the rules of international law within an extensive or systematic attack against the civilian population and, with knowledge of such an attack, orders the killing of another person, orders the infliction of conditions of life so as to bring about the physical destruction in whole or in part of some civilian population which could lead to its complete extermination, orders trafficking in human beings, in particular of women and children, or the enslavement of a person in any other way so that some or all of the powers originating in property rights are exercised over such person, orders the forceful displacement of persons from areas where they lawfully reside and through expulsion or other measures of coercion, orders that a person deprived of liberty or under supervision be tortured by intentionally inflicting severe bodily or mental harm or suffering, orders that a person be raped or subjected to some other violent sexual act or that a woman who has been impregnated as a result of such violent act be intentionally kept in detention so as to change the ethnic composition of some population, orders the persecution of a person by depriving him or her of the fundamental rights because this person belongs to a particular group or community, orders the arrest, detention or kidnapping of some persons in the name of and with the permission, support or approval of a state or political organization and subsequently does not admit that these

persons have been deprived of their liberty or withholds information about the fate of such persons or the place where they are kept, or orders within an institutionalized regime of systematic oppression and domination of one racial group over another racial group or groups that an inhumane act described in this Article be committed or an act similar to any of these offenses so as to maintain such a regime (the crime of apartheid), or whoever commits any of the foregoing offenses shall be punished by imprisonment for not less than five years or by a life sentence.

## War Crimes Against the Civilian Population

### Article 158

(1) Whoever violates the rules of international law in time of war, armed conflict or occupation and orders an attack against the civilian population, settlements, individual civilians or those *hors de combat* resulting in death, severe bodily harm or serious damage to people's health, orders an indiscriminate attack harming the civilian population, orders the killing, torturing or inhuman treatment of civilians, orders civilians to be subjected to biological, medical or other scientific experiments, their tissues or organs taken for transplantation, orders civilians to be subjected to great suffering impairing the integrity of their bodies or health, or orders their resettlement, displacement or forceful loss of ethnic identity or conversion to another religion, orders rape, sexual oppression, forced prostitution, pregnancy or sterilization or other sexual abuse, orders measures of intimidation or terror, hostage taking, collective punishment, unlawful deportations to concentration camps or illegal detention, deprives people of the rights to a just and unbiased trial, forces them to serve in hostile armed forces or in the information services or administration of a hostile power, subjects them to forced labor, starvation, confiscates property or orders that the population's property be plundered or illegally and wantonly destroyed or its large-scale appropriation where there is no justification by military needs, or imposes illegal and disproportionately large contributions and requisitions, or decreases the value of the domestic currency or unlawfully issues it, or orders an attack against persons, equipment, materials, units or vehicles involved in humanitarian aid or a peace mission pursuant to the Charter of the United Nations, or orders that the rights and actions of the citizens of a hostile country be prohibited, suspended or pronounced unlawful in court proceedings, or injures personal dignity or orders civilians and other protected persons to be used to shield certain places, areas or military forces from military operations, or orders the recruitment of children under fifteen years of age for the national armed forces or their active participation in hostilities, or whoever commits any of the foregoing acts shall be punished by imprisonment for not less than five years or by long-term imprisonment.

(2) The same punishment as referred to in paragraph 1 of this Article shall be imposed on whoever violates the rules of international law in time of war, armed conflict or occupation by ordering an attack against objects protected by international law, against works or powerful installations such as dams, dykes and nuclear power plants, indiscriminate attacks against civilian objects protected by international law, against undefended places and demilitarized zones or orders an attack which results in an extensive and long-lasting damage to the

environment and may impair the population's health or survival, or whoever commits any of the foregoing acts.

(3) Whoever, as an occupying power, violates the rules of international law, in time of war, armed conflict or occupation, orders or carries out the resettlement of parts of the civilian population of the occupying power to an occupied territory shall be punished by imprisonment for not less than five years.

#### War Crimes Against the Wounded and Sick

##### Article 159

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

#### War Crime Against Prisoners of War

##### Article 160

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

#### Unlawful Killing and Wounding the Enemy

##### Article 161

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

(2) If the killing referred to in paragraph 1 of this Article is committed in a particularly cruel or treacherous way, from greed or other base motives, or if several persons are killed, the

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

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

#### Unlawful Taking of the Belongings of those Killed or Wounded on the Battlefield

##### Article 162

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

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

#### Forbidden Means of Combat

##### Article 163

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

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

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

#### Injury of an Intermediary

##### Article 164

(1) Whoever, in violation of the rules of international law, in time of war or armed conflict, insults, maltreats or restrains an intermediary or his escort or prevents their return or in some

other way infringes their inviolability shall be punished by imprisonment for six months to five years.

#### Brutal Treatment of the Wounded, Sick and Prisoners of War

##### Article 165

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

#### Unjustified Delay of the Repatriation of Prisoners of War

##### Article 166

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

#### Destruction of Cultural Objects or of Facilities Containing Cultural Objects

##### Article 167

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

(2) If, by the criminal offense referred to in paragraph 1 of this Article, a clearly recognizable facility is destroyed which belongs to the cultural and spiritual heritage of the people and which is under the special protection of international law, the perpetrator shall be punished by imprisonment for five to fifteen years.

#### Command Responsibility

##### Article 167a

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

(2) The persons referred to in paragraph 1 of this Article who had to know that their subordinates were about to commit one or more criminal offenses referred to in Articles 156 through 167 of this Code and failed to exercise the necessary supervision and to take all reasonable measures to prevent the perpetration of these criminal offenses shall be punished by imprisonment for one to eight years.

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

#### Misuse of International Symbols

##### Article 168

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

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

#### International Terrorism

##### Article 169

(1) Whoever aims to cause major fear among the population, to force foreign states or international organizations to do or not do something or suffer, or who aims to seriously jeopardize the fundamental constitutional, political or economic values of a foreign state or an international organization, who commits a criminal offense referred to in Articles 170 through 172, and Articles 179 and 181 of this Code, who causes an explosion or fire, or by a generally perilous act or means creates a dangerous situation for people or property, who kidnaps a person or commits another violent act which can seriously harm a foreign state or an international organization shall be punished by imprisonment for not less than three years.

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

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

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

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

#### Endangering the Safety of Internationally Protected Persons

##### Article 170

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

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

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

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

#### Taking of Hostages

##### Article 171

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

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

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

#### Misuse of Nuclear Materials

## Article 172

(1) Whoever, by force, threat, the perpetration of a criminal offense or by any other way without authorization, procures, possesses, uses, transports, stores, gives to another or enables another to procure nuclear materials shall be punished by imprisonment for three months to three years.

(2) Whoever, by the act referred to in paragraph 1 of this Article, endangers human lives and property to a greater extent shall be punished by imprisonment for six months to five years.

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

(4) Whoever, in order to compel some state or international organization or a natural or legal person to do or refrain from doing an act, threatens to endanger the lives of people and property to a greater extent through the use of nuclear material shall be punished by imprisonment for one to ten years.

(5) Whoever commits the criminal offense referred to in paragraph 2 of this Article by negligence shall be punished by imprisonment for three months to three years.

(6) If, by the criminal offense referred to in paragraphs 1, 2 and 4 of this Article, the death of one or more persons or extensive damage to property is caused, the perpetrator shall be punished by imprisonment for not less than three years.

(7) If, by the criminal offense referred to in paragraph 1 of this Article, the death of one or more persons or extensive damage to property is caused, the perpetrator shall be punished by imprisonment for one to ten years.

## Abuse of Narcotic Drugs

### Article 173

(1) Whoever, without authorization, possesses substances or preparations which are by regulation proclaimed to be narcotic drugs in order to sell or circulate them in some other way shall be punished by imprisonment for one to twelve years.

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

(3) If the criminal offense referred to in paragraphs 1 and 2 of this Article is committed while the perpetrator is part of a group or a criminal organization, he shall be punished by imprisonment for not less than three years or by a life sentence.

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

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

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

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

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

## Racial and Other Discrimination

### Article 174

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

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

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

## Trafficking in Human Beings and Slavery

## Article 175

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

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

(3) If the criminal offense referred to in paragraphs 1 and 2 of this Article is committed while the perpetrator is a member of a group or a criminal organization, if it is committed against a larger number of persons or has caused the death of one or more persons, the perpetrator shall be punished by imprisonment for not less than five years or by a life sentence.

(4) Whoever procures or makes functional the means, removes obstacles, creates a plan or makes arrangements with others, or undertakes some other action in order to create the conditions enabling the direct perpetration of the criminal offense referred to in paragraph 1 of this Article shall be punished by imprisonment for one to five years.

(5) Whoever seizes or destroys an identification card, a passport or some other document of identification in the perpetration of a criminal offense referred to in paragraphs 1 and 2 of this Article shall be punished by imprisonment for three months to five years.

(6) Whoever takes advantage of or enables another person to take advantage of the sexual services of a person that he knows to be a victim of trafficking in human beings or who for some other unlawful purpose takes advantage of this person shall be punished by imprisonment for one to five years.

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

## Torture and Other Cruel, Inhuman or Degrading Treatment

### Article 176

An official or another person who, acting upon the instigation or with the explicit or implicit consent of a public official, inflicts on a person physical or mental pain or severe physical or mental suffering for such purposes as to obtain from him or a third person information or a

confession, or punishes him for a criminal offense he or a third person has committed or is suspected of having committed or who intimidates or coerces him for any other reason based on discrimination of any kind shall be punished by imprisonment for one to eight years.

#### Illegal Transfer of Persons Across the State Border

##### Article 177

(1) Whoever, for lucrative purposes, illicitly transfers across the state border a person or a number of persons shall be punished by a fine or by imprisonment not exceeding three years.

(2) If during the perpetration of the criminal offense referred to in paragraph 1 of this Article, the lives and the security of persons transferred across the state border are endangered or they are treated in an inhumane or humiliating way, the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offense referred to in paragraph 1 of this Article is committed while the perpetrator is a member of a group or a criminal organization, the perpetrator shall be punished for one to ten years.

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

#### International Prostitution

##### Article 178

(1) Whoever procures, entices or leads away another person to offer sexual services for profit within a state excluding the one in which such a person has residence or of which he is a citizen shall be punished by imprisonment for six months to five years.

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

(3) If the criminal offense referred to in paragraphs 1 and 2 of this Article is committed against a child or a minor, the perpetrator shall be punished by imprisonment for one to ten years.

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

#### Hijacking an Aircraft or a Ship

#### Article 179

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

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

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

#### Piracy on the Sea and in the Air

#### Article 180

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

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

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

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

#### Article 181

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

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

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

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

#### Failure to Render Aid at Sea and Inner Waters

##### Article 182

The captain of a ship or his deputy who, contrary to the obligation to render aid stipulated by law, does not set out to render aid and does not undertake to rescue persons being in mortal danger at sea or in inner waters shall be punished by imprisonment for six months to five years.

#### Broadcasting Without Authorization

##### Article 183

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

#### Abuse of International Telecommunication Signals

##### Article 184

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

## Breaking or Damaging Underwater Cables and Pipelines

### Article 185

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

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

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

## Damaging the Reputation of a Foreign State and International Organization

### Article 186

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

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

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

## Association for the Purpose of Committing Criminal Offenses Against the Values Protected by International Law

### Article 187

(1) Whoever organizes a group of people or in some other way joins three or more persons in common action for the purpose of committing the criminal offenses referred to in Articles 156, through 160, Articles 169 through 172 and Articles 179 and 181 of this Code shall be punished by imprisonment for three to fifteen years.

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

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

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

*Planning Criminal Offenses Against Values Protected by International law*

Article 187a

Whoever procures or makes functional the means, removes obstacles, provides and ensures pecuniary and other financial means, makes a plan or arrangements with others or undertakes any other action to create the conditions enabling the direct perpetration of criminal offences referred to in Articles 156 through 160, Articles 169 through 172, and Articles 179 and 181 of this Code shall be punished by imprisonment for one to eight years.

*Subsequent Assistance to the Perpetrator of a Criminal Offense Against Values Protected by International Law*

Article 187b

(1) Whoever conceals, gives food, clothing, money or in some other way takes care of the perpetrator of a criminal offense referred to in Articles 156 through 160, Articles 169 through 172, and Articles 179 and 181 of this Code in order to make it more difficult to discover and arrest him shall be punished by imprisonment for six months to three years.

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

CHAPTER FOURTEEN (xiv)

CRIMINAL OFFENSES AGAINST SEXUAL FREEDOM AND SEXUAL MORALITY

Rape

Article 188

(1) Whoever coerces another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent sexual act shall be punished by imprisonment for one to ten years.

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

(3) If, by the criminal offense referred to in paragraph 1 of this Article, the death of the raped person is caused, or serious bodily injury is inflicted on the raped person or his health is severely impaired, or the (raped) female becomes impregnated, the perpetrator shall be punished by imprisonment for three to fifteen years.

(4) If the criminal offense referred to in paragraph 1 of this Article is committed against a juvenile, the perpetrator shall be punished by imprisonment for three to fifteen years.

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

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

#### Sexual Intercourse With a Helpless Person

##### Article 189

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

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

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

(4) If, by the criminal offense referred to in paragraph 2 of this Article, the consequences referred to in paragraph 3 of this Article are caused, the perpetrator shall be punished by imprisonment for three to fifteen years.

#### Sexual Intercourse by Duress

##### Article 190

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

#### Sexual Intercourse by Abuse of Position

##### Article 191

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

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

#### Sexual Intercourse with a Child

##### Article 192

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

(2) Whoever performs forcible sexual intercourse or an equivalent sexual act on a child (Article 188, paragraph 1) or on a helpless child (Article 189, paragraph 1) shall be punished by imprisonment for three to fifteen years.

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

(4) Whoever commits the criminal offense referred to in paragraphs 1, 2, and 3 of this Article in a particularly cruel or humiliating way or if on the same occasion a number of

perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim shall be punished by imprisonment for not less than five years.

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

#### Lewd Acts

#### Article 193

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

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

#### Satisfying Lust in the Presence of a Child or a Juvenile

#### Article 194

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

#### Pandering

#### Article 195

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

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

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

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

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

(6) If the criminal offense referred to in paragraphs 2 and 3 of this Article is committed against a child, the perpetrator shall be punished by imprisonment for one to ten years.

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

#### Abuse of Children or Juveniles in Pornography

##### Article 196

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

(2) If the distribution of pornographic material referred to in paragraph 1 of this Article is carried out through computer network in order for it to become accessible to a larger number of persons, the perpetrator shall be punished by imprisonment for one to eight years.

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

#### Introducing Pornography to Children

##### Article 197

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

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

Incest

#### Article 198

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

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

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

#### CHAPTER FIFTEEN (xv)

#### CRIMINAL OFFENSES AGAINST HONOR AND REPUTATION

Insult

#### Article 199

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

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

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

Defamation

#### Article 200

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

(2) Whoever, in relation to another, asserts or disseminates a falsehood which can damage his honor or reputation through the press, radio, television, in front of a number of persons, at a

public assembly, or in another way in which the defamation becomes accessible to a large number of persons shall be punished by a fine or by imprisonment not exceeding one year.

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

#### Exposure of Personal or Family Conditions

##### Article 201

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

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

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#### Reasons for the Exclusion of Unlawfulness of Criminal Offenses Against Honor and Reputation

##### Article 203

There shall be no criminal offense in the case of the insulting content referred to in Article 199 and Article 200, paragraph 3, the defamatory content concerning personal or family conditions referred to in Article 201 which is realized and made accessible to other persons in scientific or literary works, works of art or public information, in the discharge of official duty, political or other public or social activity, or journalistic work, or in the defense of a right or in the protection of justifiable interests, if, from the manner of expression and other circumstances, it clearly follows that such conduct was not aimed at damaging the honor or reputation of another.

#### Institution of Criminal Proceedings for Criminal Offenses Against Honor and Reputation

##### Article 204

(1) Criminal proceedings for the criminal offenses against honor and reputation referred to in Articles 199 through 201 of this Code shall be instituted by a private charge.

(2) If the criminal offenses referred to in Articles 199 and 201 of this Code are committed against the president of the Republic of Croatia, the president of the Croatian *Sabor*, the prime minister of the Republic of Croatia, the president of the Constitutional Court of the Republic of Croatia, the president of the Supreme Court of the Republic of Croatia in connection with their work or position, criminal proceedings shall be instituted by the State Attorney by virtue of his office, having previously obtained written consent from these persons.

(3) The persons referred to in paragraph 2 of this Article may, until the judgment becomes final, withdraw their consent for criminal prosecution.

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

#### Publication of Judgment for Criminal Offenses Against Honor and Reputation

#### Article 205

The court judgment pronouncing a perpetrator culpable of the criminal offense of insult, defamation, exposure of personal or family conditions may be announced by the same means, in whole or in part, following a request by the aggrieved person at the cost of the perpetrator.

### CHAPTER SIXTEEN (xvi)

#### CRIMINAL OFFENSES AGAINST MARRIAGE, FAMILY AND YOUTH

#### Bigamy

#### Article 206

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

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

#### Allowing a Contract of an Illicit Marriage

#### Article 207

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

#### Breach of Family Obligations

##### Article 208

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

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

#### Failure to Provide Maintenance

##### Article 209

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

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

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

#### Abduction of a Child or a Juvenile

##### Article 210

(1) Whoever takes a child or a juvenile away from the parents, guardian, person or institution to which such a child or juvenile is entrusted or unlawfully keeps or persuades the child or juvenile to go over to him shall be punished by imprisonment for six months to three years.

(2) If, by the criminal offense referred to in paragraph 1 of this Article, a child or a juvenile leaves the territory of the Republic of Croatia, the perpetrator shall be punished by imprisonment for one to five years.

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

#### Change in Family Status

##### Article 211

(1) Whoever by foisting a child onto another, substituting it or in some other way changes the family status of a child shall be punished by imprisonment for one to three years.

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

#### Child Desertion

##### Article 212

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

#### Neglect and Maltreatment of a Child or a Juvenile

##### Article 213

(1) A parent, adopter, guardian or another person who severely neglects his duties in maintaining or educating a child or a juvenile shall be punished by imprisonment for three months to three years.

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

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

#### Nonmarital Cohabitation with a Juvenile

##### Article 214

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

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

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

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

##### Article 215

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

(2) A responsible employee working in an institution or governmental body who, on purpose or by negligence, fails to implement decisions of the court, a social welfare center or a governmental body and who does not in timely fashion fulfill his or her legal obligations aimed at protecting a child or a juvenile whose health or development therefore becomes endangered shall be punished by a fine or by imprisonment not exceeding three years.

#### *Violent Conduct Within a Family*

##### Article 215a

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

#### CHAPTER SEVENTEEN (xvii)

#### CRIMINAL OFFENSES AGAINST PROPERTY

##### Larceny

##### Article 216

(1) Whoever takes away the movable property of another with an aim to unlawfully appropriate it shall be punished by a fine or by imprisonment for six months to five years.

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

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

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

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

### Aggravated Larceny

#### Article 217

(1) A punishment of imprisonment for six months to ten years shall be inflicted on a perpetrator who commits a larceny (Article 216, paragraph 1):

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

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

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

(3) Imprisonment for six months to five years shall be inflicted on a perpetrator who commits a larceny (Article 216, paragraph 2) in the manner and under the circumstances referred to in paragraph 1 or paragraph 2, points 2 or 3 of this Article.

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

## Robbery

### Article 218

(1) Whoever, by use of force against a person or by threatening a direct attack on a person's life or limb, takes away movable property from another with intent to unlawfully appropriate it shall be punished by imprisonment for one to ten years.

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

## Larceny by Coercion

### Article 219

(1) Whoever, being caught in the act of larceny and with an aim to retain possession of stolen goods, uses force against a person or threatens instant attack on a person's life or limb shall be punished by imprisonment for one to ten years.

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

## Embezzlement

### Article 220

(1) Whoever unlawfully appropriates the movable property of another which has been entrusted to him shall be punished by a fine or by imprisonment for three years.

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

(3) If the criminal offense referred to in paragraph 1 of this Article is committed by a guardian, he shall be punished by imprisonment for six months to five years.

(4) If the embezzled property is of particular cultural, historical, scientific or technical significance, or if the embezzled property is of great value, and if the perpetrator acts with an aim to appropriate the property of such value, he shall be punished by imprisonment for one to eight years.

(5) Whoever unlawfully appropriates movable property of another which he has found or accidentally come across shall be punished by a fine or by imprisonment not exceeding one year.

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

#### Unauthorized Use of a Motor Vehicle

##### Article 221

(1) Whoever uses a motor vehicle in an unauthorized way shall be punished by a fine or by imprisonment not exceeding three years..

(2) Whoever attempts to commit the criminal offense referred to in this Article shall be punished.

#### Malicious Mischief

##### Article 222

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

(2) Whoever damages, deforms, destroys or renders unusable another person's property which serves for religious purposes, a piece of cultural heritage, a specially protected natural resort, a piece of art or an object of scientific or technical significance which is located in a public collection, a protected private collection or is exhibited to the public, or an object which serves public needs or which embellishes squares, streets or parks shall be punished by a fine or imprisonment not exceeding one year.

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

and 2 of this Article is committed against a piece of protected cultural or natural heritage, or the damage caused is not of small value.

#### Damage to Data and the Use of Data of Another

#### Article 223

(1) Whoever, without authorization despite the protective measures, accesses the computer data or programs of another shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever renders unusable or hinders the work or the use of computer systems, computer programs or electronic data and communication shall be punished by a fine or by imprisonment not exceeding three years.

(3) Whoever damages, alters, deletes, destroys or in some other way renders unusable or inaccessible the electronic data or computer programs of another shall be punished by a fine or by imprisonment not exceeding three years.

(4) Whoever intercepts or records the nonpublic transmission of electronic data to, within or from a computer system, not intended for his use, including the electromagnetic transmissions of data in the computer system, or whoever enables an unauthorized person to access these data shall be punished by a fine or by imprisonment not exceeding three years.

(5) If the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article is committed in connection with the computer system, electronic data or computer program of a governmental body, a public institution or a company of special public interest, or if significant damage is caused, the perpetrator shall be punished by imprisonment for three months to five years.

(6) Whoever, without authorization, produces, procures, sells, possesses or makes available to another person special devices, equipment, computer programs and electronic data created or adapted for the perpetration of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article shall be punished by a fine or by imprisonment not exceeding three years.

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

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

#### Computer Forgery

#### Article 223a

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

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

(3) Whoever, without authorization, produces, procures, sells, possesses or makes available to another person special devices, equipment, computer programs or electronic data created or adopted for the perpetration of the criminal offense referred to in paragraphs 1 and 2 of this Article shall be punished by a fine or by imprisonment not exceeding three years.

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

(5) Whoever attempts to commit the criminal offenses referred to in paragraphs 1 and 2 of this Article shall be punished.

#### Fraud

#### Article 224

(1) Whoever, with an aim to procure unlawful pecuniary gain for himself or a third party, by false representation or concealment of facts, deceives another or keeps such a person in deception, inducing him thereby to do or to omit to do something to the detriment of his property or the property of another, shall be punished by imprisonment for three months to five years.

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

(3) If, by the perpetration of the criminal offense referred to in paragraph 1 of this Article a small pecuniary gain is acquired and the perpetrator acted with the aim of acquiring such gain, the perpetrator shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(4) Whoever commits the criminal offense referred to in paragraph 1 of this Article only with the aim of causing damage to another shall be punished by a fine or by imprisonment not exceeding three years.

(5) Criminal proceedings for the criminal offense referred to in paragraphs 3 and 4 of this Article shall be instituted by a private charge.

## Computer Fraud

### Article 224a

(1) Whoever, with an aim to procure unlawful pecuniary gain for himself or a third party, alters another person's electronic data or computer programs or in some other way alters their use and in such a way causes damage to another person shall be punished by imprisonment for six months to five years.

(2) Whoever, without authorization, produces, procures, sells, possesses or makes accessible to another special devices, equipment, computer programs or electronic data created and adapted for the perpetration of the criminal offenses referred to in paragraphs 1 or 2 of this Article shall be punished by a fine or by imprisonment not exceeding three years.

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

(4) Whoever attempts to perpetrate the criminal offense referred to in paragraph 1 of this Article shall be punished.

## Chain Letters

### Article 224b

Whoever organizes or promotes a chain letter in which a participant, having invested money, can expect to gain only if he or she attracts further participants shall be punished by a fine or by imprisonment not exceeding three years.

## Misuse of Insurance

### Article 225

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

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

#### Misuse of a Check and a Credit Card

##### Article 226

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

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

#### Violation of Another Person's Rights

##### Article 228

(1) Whoever, with an aim to frustrate the satisfaction of a claim on objects, conveys, destroys, damages or abstracts an object of his property on which another person has a lien or the right of usufruct, causing thereby injury to such a person, shall be punished by a fine or by imprisonment not exceeding one year.

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

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

#### Violation of Copyright or of the Rights of Performing Artists

##### Article 229

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

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

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

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

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

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

(7) If, by the perpetration of the criminal offense referred to in paragraphs 1, 2, 3, 4 and 5 of this Article, considerable pecuniary gain is acquired, or considerable damage is caused, while the perpetrator acts with an aim to acquire such pecuniary gain or to cause such damage, the perpetrator shall be punished by imprisonment for six months to five years.

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

##### Article 230

(1) Whoever, without the approval of the author or another carrier of the copyright, or the person who is authorized to grant approval when such approval is required pursuant to the provisions of the law, or contrary to their prohibition, makes a master copy, reproduces, multiplies, puts into circulation, rents, imports, transfers across the border, shows, performs, broadcasts, transmits, makes accessible to the public, translates, adapts, refashions or in any other way uses a work of authorship, shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without approval of the performing artist or the person who is authorized to grant

approval, when such approval is required pursuant to the provisions of the law, or contrary to their prohibition, records, reproduces, multiplies, puts into circulation, rents, imports, transfers across the border, shows, performs, broadcasts, transmits, makes accessible to the public or in any other way uses a performance of a performing artist.

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

(4) The person on whom the objects intended for, or used in, the perpetration of a criminal offense are found, or come into being through the perpetration of the criminal offense referred to in paragraphs 1, 2 and 3 of this Article, while such a person knows it, could know or should have known it, shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding six months.

(5) If, by the perpetration of a criminal offense referred to in paragraphs 1, 2, and 3 of this Article, considerable pecuniary gain is acquired or considerable damage is caused while the perpetrator acts with intent to acquire such pecuniary gain or to cause such damage, the perpetrator shall be punished by imprisonment for six months to five years.

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

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

#### Article 231

(1) Whoever, without the approval of the producer of an audio or video recording, when such approval is required pursuant to the provisions of the law, or contrary to his prohibition, broadcasts, multiplies directly or indirectly an audio or video recording, puts it without authorization into circulation, rents, imports, transfers across the border or makes it accessible to the public shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without the approval of the carrier of the right relating to radio broadcasts, when

such approval is required pursuant to the law, or contrary to his prohibition, rebroadcasts such a broadcasting or recording, multiplies or puts into circulation the recording of the broadcast.

(3) If, by the perpetration of the criminal offense referred to in paragraphs 1 and 2 of this Article, considerable financial gain is acquired or considerable damage is caused while the perpetrator acts with an aim to acquire such pecuniary gain or to cause such damage, he shall be punished by imprisonment for six months to five years.

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

#### Violation of Patent Rights

##### Article 232

(1) Whoever, without authorization, files a patent application or does not state or falsely states in the patent application the inventor or makes the essence of the invention accessible to the public prior to the invention being published in the way stipulated by the law shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever, without authorization, makes, imports, transfers across the border, offers, puts into circulation, stores or uses a product or procedure which is the subject of patent protection shall be punished by a fine or by imprisonment not exceeding three years.

(3) If, by the perpetration of the criminal offense referred to in paragraphs 1 and 2 of this Article, considerable pecuniary gain is acquired or considerable damage is caused while the perpetrator acts with an aim to acquire such pecuniary gain or to cause such damage, the perpetrator shall be punished by imprisonment for six months to five years.

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

#### Usurious Contract

##### Article 233

(1) Whoever, taking advantage of the emergency/distress, difficult financial conditions, insufficient experience, light-mindedness or the diminished capability of judgment of another person, receives from such a person, or contracts with such a person, pecuniary gain for himself or for a third person which is obviously disproportionate to the consideration he has given,

done or bound himself to give or to do shall be punished by a fine or by imprisonment not exceeding three years.

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

Extortion

Article 234

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

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

Blackmail

Article 235

(1) Whoever, with an aim to procure unlawful pecuniary gain for himself or for another person, threatens this person with a disclosure about him or about persons close to him concerning something which could harm their honor or reputation and thus coerces him to do or to omit to do something to the detriment of his own property or the property of another shall be punished by imprisonment for six months to five years.

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

Concealing

Article 236

(1) Whoever purchases, receives in pledge or otherwise acquires, conceals or resells an object which he knows was acquired by a criminal offense or what has been received for such an

object as the result of a sale or exchange shall be punished by imprisonment for three months to three years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed while the perpetrator is a member of a group or a criminal organization, the perpetrator shall be punished by imprisonment for six months to five years.

#### Institution of Criminal Proceedings for Criminal Offenses Against Property

##### Article 237

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

#### CHAPTER EIGHTEEN (xviii)

#### CRIMINAL OFFENSES AGAINST PEOPLE'S HEALTH

##### Transmission of Contagious Diseases

##### Article 238

(1) Whoever fails to comply with regulations or directions by which the competent state authority orders examinations, disinfection, quarantine or other measures for the suppression or prevention of a contagious disease and where consequently the danger of the spreading of a contagious disease occurs shall be punished by a fine or by imprisonment not exceeding one year.

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

(3) If the criminal offense referred to in paragraphs 1 and 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

##### Transmission of Venereal Diseases

## Article 239

(1) Whoever, knowing that he is infected with a venereal disease, communicates the same to another through sexual intercourse or an equivalent sexual act, if at the same time the criminal offense of aggravated bodily injury is not committed, shall be punished by a fine or imprisonment not exceeding one year.

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

## Medical Malpractice

### Article 240

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

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on the health provider who, in rendering medical services, does not apply measures for the protection of patients or does not act in accordance with professional standards, or renders medical services in premises not having the statutory approval for work, or in general acts carelessly, thus causing the deterioration of an illness or the impairment of a person's health.

(3) A physician or dentist who commits the criminal offenses referred to in paragraphs 1 or 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

## Unauthorized Medical Treatment

### Article 241

(1) Whoever treats another without that person's consent shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) A physician or dentist who performs a surgical or other medical intervention on another person's body without such a person's express and valid written consent shall be punished by a fine or by imprisonment not exceeding one year.

(3) There shall be no criminal offense referred to in paragraphs 1 and 2 of this Article when the law prescribes the compulsory medical treatment, or treatment, surgical or other medical

intervention be performed on a person who is not conscious or is not capable of reasoning, when a close member of the family or legal representative is not accessible and when the postponement of treatment or intervention would endanger such a person's life or would cause a considerable deterioration in his health.

#### Illicit Transplantation of Parts of the Human Body

##### Article 242

(1) Whoever, without medical justification, removes for transplantation purposes a part of the human body with the consent of a living donor, or whoever, without medical justification, transplants a part of the human body with the consent of a recipient shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, with medical justification, removes for transplantation purposes a part of the human body without the consent of a living donor, or who, with medical justification, transplants a part of the human body without the consent of a recipient.

(3) Whoever, without medical justification, removes for transplantation purposes a part of the human body without the consent of a living donor, or whoever, without medical justification, transplants a part of the human body without the consent of a recipient shall be punished by imprisonment for six months to five years.

(4) Whoever, for transplantation purposes, removes a part of a deceased person's body before death is established in the prescribed manner shall be punished by imprisonment for three months to three years.

(5) Whoever, for transplantation purposes, removes a part of a deceased person's body, knowing that this person expressly and in writing opposed the removal, or whoever, for transplantation purposes, removes a part of the body of a deceased juvenile or a mentally ill person without the express written consent of his legal representative shall be punished by a fine or by imprisonment not exceeding one year.

(6) Whoever, for remuneration or pecuniary gain, gives a part of his own body or a part of the body of another living or deceased person for transplantation purposes or intermediates in so doing shall be punished by a fine or by imprisonment not exceeding two years.

(7) If a physician commits the criminal offense referred to in paragraphs 1, 2 and 4 of this Article, he shall be punished by imprisonment for six months to five years, while, if he commits the criminal offense referred to in paragraph 3 of this Article, he shall be punished by imprisonment for not less than three years.

#### Failure to Render Medical Aid

#### Article 243

A physician or dentist or other health service provider who fails to render urgent medical aid to a patient or a person who needs such aid because of direct peril for his life shall be punished by a fine or by imprisonment not exceeding two years.

#### Quackery

#### Article 244

(1) Whoever, lacking prescribed professional qualifications, medically treats another or renders medical aid to such a person shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article for remuneration or pecuniary gain shall be punished by a fine or by imprisonment not exceeding one year.

#### Preparation and Production of Hazardous Drugs

#### Article 245

(1) Whoever prepares or produces drug preparations or products which are hazardous to human health in order to sell them or otherwise put them into circulation shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offense referred to in paragraph 1 by negligence shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(3) The products and means for production shall be forfeited.

#### Carelessness in Preparation and Dispensing of Drugs

#### Article 246

(1) A pharmacist or another person authorized for the preparation and dispensing of drugs to be used in medicine who prepares a drug contrary to professional standards or dispenses a wrong drug, and thereby endangers the health of a person, shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

## Production and Circulating of Harmful Foodstuffs

### Article 247

(1) Whoever produces, sells or otherwise puts into circulation victuals, dishes, drinks or other products which are harmful to human health, not declaring or keeping secret their harmfulness, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article by negligence shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

## Careless Inspection of Meat

### Article 248

(1) A veterinarian or another person authorized to inspect livestock for slaughter or meat intended for human nutrition who inspects livestock and meat contrary to professional standards or who does not perform the inspection which he is bound to perform, thus allowing the distribution of meat which is harmful to human health, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article by negligence shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

## Serious Criminal Offenses Against People's Health

### Article 249

(1) If, by the criminal offense referred to in Article 238, paragraphs 1 and 2, Article 240, paragraphs 1 and 2, Article 241, paragraphs 1 and 2, Article 242, paragraphs 1 and 3, Article 243, Article 244, paragraphs 1 and 2, Article 245, paragraph 1, Article 246, paragraph 1, Article 247, paragraph 1 and Article 248, paragraph 1 of this Code, serious bodily injury to a person is caused, or his health is severely impaired, or the existing illness considerably deteriorates, the perpetrator shall be punished by imprisonment for one to eight years.

(2) If, by the criminal offenses referred to in paragraph 1 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for three to ten years.

(3) If, by the criminal offense referred to in Article 238, paragraph 3, Article 240, paragraph 3, Article 245, paragraph 2, Article 246, paragraph 2, Article 247, paragraph 2 and Article 248, paragraph 2 of this Article, serious bodily injury to a person is caused, or his health is severely impaired, or the existing illness considerably deteriorates, the perpetrator shall be punished by imprisonment for six months to five years.

(4) If, by the criminal offenses referred to in paragraph 3 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for one to eight years.

## CHAPTER NINETEEN (xix)

### CRIMINAL OFFENSES AGAINST THE ENVIRONMENT

#### Environmental Pollution

##### Article 250

(1) Whoever, contrary to regulations, pollutes the air, soil, running, still or ground water, watercourses or the sea, sea bed or subsoil or in some other way imperils the quality of air, soil, water, watercourses or the sea, sea bed or subsoil or the natural genetic harmony of biological diversity within a wide area and to an extent which can worsen the conditions of life of humans or animals, or endanger the existence of forests, plants and other vegetation, shall be punished by imprisonment for three months to five years.

(2) The same punishment referred to in paragraph 1 of this Article shall be inflicted on whoever pollutes the air, soil, running, still or ground water, watercourses or the sea, sea bed or subsoil or in some other way imperils the quality of the air, soil, watercourses or the sea, sea bed or subsoil or the natural genetic harmony of biological diversity, thus causing danger to the life or health of humans or animals, or causes destruction or substantial damage to forests, plants and other vegetation within a wider area.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding three years.

#### Endangering the Environment by Noise

##### Article 251

(1) Whoever, contrary to regulations, makes noise which is apt to cause substantial damage to the health of a number of persons shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

#### Endangering the Environment by Waste Disposal

##### Article 252

(1) Whoever, contrary to regulations, disposes, deposits, collects, stores, treats or transports waste or in general handles it in a way which endangers the quality of the air, soil, water, watercourses or the sea within a wider area and to an extent which can worsen the conditions of life of humans or animals or endanger the existence of forests, plants and other vegetation shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever disposes, deposits, collects, stores, treats or transports waste or in general handles it in a way which endangers the quality of the air, soil, watercourses or the sea, thus causing danger to the life or health of humans or animals, or causes destruction or substantial damage to forests, plants and other vegetation within a wide area.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

#### Importing of Radioactive or Other Hazardous Waste Into the Republic of Croatia

##### Article 253

(1) Whoever, contrary to regulations, imports into the Republic of Croatia radioactive or other hazardous waste harmful to the life or health of humans shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever, by abusing his official position or authority, contrary to regulations, enables radioactive or other hazardous waste harmful to the life or health of humans to be imported into the Republic of Croatia shall be punished by imprisonment for six months to five years.

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

#### Endangering the Environment with Installations

##### Article 254

(1) Whoever, contrary to regulations, puts into operation or runs installations, or deviates from the manufacturing processes in which hazardous substances are released which may endanger the quality of the air, soil, water, watercourses or the sea within a wide area and of the

ecosystems of the sea to an extent which can worsen the conditions of life of humans or animals or endanger the existence of forests, plants and other vegetation shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article by negligence shall be punished by a fine of not more than one hundred and fifty daily incomes or by imprisonment not exceeding six months.

#### Transmission of Contagious Diseases among Animals and Plants

##### Article 255

(1) Whoever fails to comply with regulations or directions by which a competent state authority imposes measures for the suppression or prevention of contagious diseases among animals or plants, thus raising the danger of the spreading of such a disease or its agents or plant pests shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article by negligence shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

#### Production of Harmful Drugs for Animals

##### Article 256

Whoever produces for the purpose of sale or circulates drugs for the treatment or prevention of infection among animals and which are dangerous for their life or health, so that consequently a large number of animals perishes or the spreading of the contagious disease occurs, shall be punished by a fine or by imprisonment not exceeding one year.

#### Veterinary Malpractice

##### Article 257

(1) A veterinarian or veterinary assistant who, in rendering veterinary aid or carrying out an examination, inoculation or treatment of an animal, does not adhere to the rules of the veterinary profession, so that consequently sickness, the deterioration of the sickness or the death of the animal occurs, shall be punished by a fine or by imprisonment not exceeding one year.

(2) The veterinarian or veterinary assistant who commits the criminal offense referred to in paragraph 1 of this Article by negligence shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

## Poaching Game

### Article 258

(1) Whoever hunts game during the closed season or within an area where hunting is forbidden, or whoever hunts protected fauna species, or whoever hunts wild game of a particular species without the special license required for such hunting, or whoever hunts in a manner or with devices which are prohibited by regulation or which destroy game on a large scale, or whoever moves game from its habitat to another place without the approval of a competent state authority shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever hunts on the hunting ground of another, if his act does not constitute a criminal offense against property, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

## Poaching Fish

### Article 259

(1) Whoever catches fish or other freshwater or sea animals or organisms during the closed season or within an area where fishing is forbidden, or whoever catches protected fish or other water or sea animals or organisms which are forbidden to be caught, or whoever catches fish or other freshwater or sea animals or organisms of particular species without the license required for such catching, or whoever catches fish or other freshwater or sea animals or organisms using explosives, electric power, poison, dazing preparations or in some other manner or with devices which are harmful to their procreation or which are prohibited by regulations, or whoever moves fish or other freshwater or sea animals or organisms from their habitat to another place without the approval of a competent state authority shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever catches fish or other freshwater or sea animals or organisms in the fishing preserve of another, if his act does not constitute a criminal offense against property, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

## Torturing Animals

### Article 260

(1) Whoever severely maltreats an animal or exposes it to unnecessary sufferance or causes it unnecessary pain or exposes it to suffering by giving vent to base instincts shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article so as to win a bet or otherwise procure a pecuniary gain shall be punished by a fine or by imprisonment not exceeding one year.

(3) Whoever by negligence or by withholding food or water or otherwise exposing an animal during its transport to a difficult condition through a long period of time shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

#### Devastation of Forests

##### Article 261

(1) Whoever, contrary to regulations or to the directions of competent state authorities, lumbers or clears a forest or whoever barks trees or in some other way devastates a forest, while not committing thereby some other criminal offense for which a more severe punishment is prescribed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article in a specially protected forest or in a forest which is a constituent part of a specially protected nature area shall be punished by a fine or by imprisonment not exceeding two years.

#### Unlawful Exploitation of Mineral Resources

##### Article 261a

(1) Whoever, contrary to regulations or decisions of the competent governmental bodies exploits mineral resources shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article in a specially protected area shall be punished by imprisonment for six months to five years.

(3) If, by the perpetration referred to in paragraphs 1 and 2 of this Article, considerable pecuniary gain is acquired or considerable damage is caused, and while the perpetrator acted with an aim to acquire such pecuniary gain or to cause such damage, he shall be punished by imprisonment for one to eight years.

(4) The objects which were intended for or used in the perpetration of the criminal offense, or came into being by the perpetration of the criminal offense shall be forfeited.

(5) Whoever attempts to perpetrate the criminal offense referred to in paragraph 1 of this Article shall be punished.

#### Serious Criminal Offenses Against the Environment

## Article 262

(1) If, by the criminal offense referred to in Article 250, paragraphs 1 and 2, Article 251, paragraph 1, Article 252, paragraphs 1 and 2, Article 253, paragraphs 1 and 2 and Article 254, paragraph 1 of this Code, serious bodily injury or severe impairment to the health of a number of persons is caused, or the death of one or more persons is caused, or if the changes caused by the pollution cannot be eliminated for a considerable period of time, or if an ecological catastrophe is caused, the perpetrator shall be punished by imprisonment for one to ten years.

(2) If, by the criminal offense referred to in Article 250, paragraph 3, Article 251, paragraph 2, Article 252, paragraph 3 and Article 254, paragraph 2 of this Code, the death of one or more persons is caused, or serious bodily injury or severe impairment to the health of a number of persons is caused, or if the changes caused by the pollution cannot be eliminated for a considerable period of time, or if the quality of the environment is substantially diminished, the perpetrator shall be punished by imprisonment for one to five years.

(3) If, by the criminal offense referred to in Article 255, paragraph 1, Article 256, paragraph 1 and Article 257, paragraph 1, Article 258, paragraph 1 and Article 259, paragraph 1 of this Code, extensive material damage is caused, the perpetrator shall be punished by imprisonment for one to five years.

(4) If, by the criminal offense referred to in Article 255, paragraph 2 and Article 257, Section 2 of this Code, extensive material damage is caused, the perpetrator shall be punished by imprisonment for one to three years.

## CHAPTER TWENTY (xx)

### CRIMINAL OFFENSES AGAINST THE PUBLIC SAFETY OF PERSONS AND PROPERTY AND SAFETY IN TRAFFIC

#### Endangering Life and Property by Dangerous Public Acts or Means

## Article 263

(1) Whoever endangers the life or limb of people or property of considerable value by fire, flood, an explosive, poison or poisonous gas, ionizing radiation, mechanical force, electric or other power, or by some publicly dangerous act or publicly dangerous objects shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on an official or responsible person who does not install devices for protection against fire, explosion, flood, poison, poisonous gases or ionizing radiation proscribed by statute, or does not maintain such devices in working condition, or fails to activate them in case of need, or fails to act in

accordance with the regulations or technical rules on safety measures, endangering thereby the life and limb of people or property of considerable value.

(3) If the criminal offenses referred to in paragraphs 1 and 2 of this Article are committed at a place where a number of persons is gathered, the perpetrator shall be punished by imprisonment for one to eight years.

(4) Whoever commits the criminal offenses referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding three years.

(5) Whoever provides or makes functional the means, removes obstacles, makes a plan or arranges with another or undertakes any other act to create the conditions for the direct perpetration of the criminal offense referred to in paragraph 1 of this Article shall be punished by imprisonment for three months to three years.

#### Destruction or Damage of Public Utility Installations

##### Article 264

(1) Whoever destroys, damages, changes, renders unusable, removes or disconnects a public utility installation for water, heat, gas, electric or other power, or does likewise to a communications system installation, thus causing disorder to the ordinary life of citizens, shall be punished by imprisonment for six months to five years.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

#### Damage of Safety Equipment at Work

##### Article 265

(1) Whoever destroys, damages, removes, disconnects or otherwise renders unusable or inefficient safety equipment in a mine, factory, workshop or another place where work is performed, and thereby endangers the life and limb of people or property of considerable value, shall be punished by imprisonment for one to five years.

(2) A responsible person in a mine, factory, workshop, or another place where work is performed who does not install safety equipment, or does not maintain it in working condition, or fails to put it into operation in case of need, or fails to act in accordance with the regulations on measures of safety at work, endangering thereby the life and limb of people or property of considerable value, shall be punished by a fine or by imprisonment not exceeding three years.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

## Dangerous Execution of Construction Works

### Article 266

(1) Whoever in the design, supervision or construction of a building or in the execution of any construction work, or the demolition of a building, by acting contrary to regulations or generally recognized professional standards, endangers the life of people or property of considerable value shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

## Handling Publicly Dangerous Substances

### Article 267

(1) Whoever without authority makes, manufactures, collects, hides or transports contrary to regulations ionizing or other substances which can cause public danger to the life of people or to property of considerable value, or whoever enables another to acquire such substances without authority, or prevents another from acquiring them with authority, shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, contrary to regulations on the transportation of explosives or easily inflammable materials, hands over the explosive or easily inflammable material to be transported by a public transport conveyance, or transports such material himself using a public transport conveyance.

(3) Ionizing or other substances referred to in paragraph 1 of this Article shall be forfeited.

## Destroying or Damaging Danger Signs

### Article 268

(1) Whoever destroys, damages, removes or in any way renders unusable or unnoticeable a sign or device warning of a certain danger or serving for the safety of land, sea, water or air traffic shall be punished by a fine or by imprisonment not exceeding one year.

## Failure to Avert a Danger

### Article 269

(1) Whoever fails to undertake measures to avert the immanent danger of fire, flood, explosion, traffic accident or some other immanent danger to the life of people or to property of considerable value, by timely notifying a competent service or in some other way, although he

could have done so without considerable danger to himself or another, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever, by dissuasion or in some other way, thwarts another in undertaking measures toward averting a public danger to the life of people or to property of considerable value, shall be punished by a fine or by imprisonment not exceeding two years.

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

#### Failure to Participate in Averting a Public Danger

##### Article 270

Whoever, contrary to the order of a competent state authority, without justified reason, refuses to participate in averting a public danger to the life of people and to property of considerable value, shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

#### Serious Criminal Offenses Against Public Safety

##### Article 271

(1) If by the criminal offense referred to in Article 263, paragraphs 1, 2 and 3, Article 264, paragraph 1, Article 265, paragraphs 1 and 2 and Article 266, paragraph 1 of this Code the serious bodily injury of another or extensive material damage is caused, the perpetrator shall be punished by imprisonment for one to ten years.

(2) If by the criminal offense referred to in Article 263, paragraphs 1, 2 and 3, Article 264, paragraph 1, Article 265, paragraphs 1 and 2 and Article 266, paragraph 1 of this Code the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for three to twelve years.

(3) If by the criminal offense referred to in Article 263, paragraph 4, Article 264, paragraph 2, Article 265, paragraph 3, Article 266, paragraph 2 of this Code the serious bodily injury of another or extensive material damage is caused, the perpetrator shall be punished by imprisonment for six months to five years.

(4) If by the criminal offense referred to in Article 263, paragraph 4, Article 264, paragraph 2, Article 265, paragraph 3 and Article 266, paragraph 2 of this Code the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for one to eight years.

#### Endangering Road Traffic

##### Article 272

(1) A participant in road traffic who by violating regulations on traffic safety, endangers the traffic in such a manner that he causes an accident in which another is seriously bodily injured, or extensive material damage is caused to another, shall be punished by imprisonment for six months to five years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding three years.

(3) If by the criminal offense referred to in paragraph 1 of this Article the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If by the criminal offense referred in paragraph 2 of this Article the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for six months to five years.

Endangering Traffic by a Dangerous Act or means

Article 272a

(1) Whoever, by destroying or damaging vehicles, destroying, removing or damaging traffic devices, setting up obstacles or by any other way causes extensive peril for the lives and limbs of people or property shall be punished by imprisonment for six months to five years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding three years.

(3) If, the criminal offense referred to in paragraph 1 of this Article results in serious bodily injury or extensive damage to property, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offense referred to in paragraph 1 of this Article causes the death of one or more persons, the perpetrator shall be punished by imprisonment for three to twelve years.

(5) If the criminal offense referred to in paragraph 2 of this Article results in serious bodily injury or extensive damage to property, the perpetrator shall be punished by imprisonment for six months to five years.

(6) If the criminal offense referred to in paragraph 2 of this Article causes the death of one or more persons, the perpetrator shall be punished by imprisonment for one to eight years.

Failure to Render Aid to a Person Who Suffers Serious Bodily Injury in a Traffic Accident

## Article 273

(1) A driver of a motor vehicle or some other means of transport who leaves without aid a person who suffers serious bodily injury caused by the motor vehicle or transportation conveyance shall be punished by a fine or by imprisonment not exceeding one year.

(2) If by the criminal offense referred to in paragraph 1 of this Article the death of one or more persons is caused, the perpetrator shall be punished by a fine or by imprisonment not exceeding three years.

## CHAPTER TWENTY-ONE (xxi)

### CRIMINAL OFFENSES AGAINST THE SAFETY OF PAYMENT AND BUSINESS OPERATIONS

#### Counterfeiting of Money

## Article 274

(1) Whoever counterfeits money with an aim that it be brought into circulation as genuine, or whoever alters genuine money with an aim that it be brought into circulation, or whoever brings such counterfeit money into circulation, shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever procures counterfeit money with an aim that it be brought into circulation as genuine.

(3) If the criminal offense referred to in paragraphs 1 and 2 of this Article is committed while the perpetrator is a member of a group or criminal organization, the perpetrator shall be punished by imprisonment for not less than three years.

(4) Whoever brings into circulation counterfeit money received by him as genuine, being aware that it has been counterfeited or altered shall be punished by a fine or by imprisonment not exceeding three years.

(5) Whoever attempts to commit the criminal offense referred to in paragraph 4 of this Article shall be punished.

(6) Counterfeit money shall be forfeited.

#### Counterfeiting of Securities

## Article 275

(1) Whoever counterfeits securities issued pursuant to regulations with the intent that they be brought into circulation as genuine, or whoever alters genuine securities to give them the appearance of a higher value with an aim that they be brought into circulation as genuine, or whoever brings such securities into circulation, shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever procures counterfeit securities with an aim that they be brought into circulation as genuine.

(3) If the criminal offense referred to in paragraphs 1 and 2 of this Article is committed while the perpetrator is a member of a group or criminal organization, the perpetrator shall be punished by imprisonment for not less than three years.

(4) Whoever brings into circulation securities received by him as genuine, knowing or finding out that these have been counterfeited or altered, shall be punished by a fine or by imprisonment not exceeding three years.

(5) Whoever attempts to perpetrate the criminal offense referred to in paragraph 4 of this Article shall be punished.

(6) Counterfeit securities shall be forfeited.

#### Counterfeiting of Value Tokens

#### Article 276

(1) Whoever counterfeits tax stamps or postage stamps or other value tokens issued pursuant to regulations, or whoever alters some of these genuine value tokens with an aim that they be used as genuine or conveyed to another for use, or whoever uses such counterfeit tokens as genuine or procures them with such an aim, shall be punished by imprisonment for six months to five years.

(2) Whoever removes the seal from a value token or in some other way treats the already used value token so as to give it the appearance of an unused token, or whoever uses or sells an already used value token as valid, shall be punished by a fine or by imprisonment not exceeding three years.

(3) Counterfeit value tokens shall be forfeited.

#### Manufacturing, Supplying, Possessing, Selling or Providing of Instruments of Forgery

#### Article 277

(1) Whoever manufactures, supplies, possesses, sells or provides instruments for counterfeiting value tokens issued pursuant to regulations shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever manufactures, supplies, possesses, sells or provides instruments for counterfeiting money or securities issued pursuant to regulations shall be punished by imprisonment for six months to five years.

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

#### Forgery of Trademarks, Measures and Weights

##### Article 278

(1) Whoever, with an aim to use as genuine, makes false trademarks used for the identification of domestic or foreign commodities, such as seals, stamps or hallmarks for branding gold, silver, livestock, wood or some other commodities, or alters such genuine trademarks, or whoever uses false trademarks as genuine, shall be punished by imprisonment for three months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever forges measures or weights.

(3) Whoever, without authority, manufactures, supplies, sells or provides instruments to make trademarks or false measures and weights shall be punished by a fine or by imprisonment not exceeding three years.

(4) False trademarks, measures and weights shall be forfeited.

#### Money Laundering

##### Article 279

(1) Whoever, in banking, financial or other economic operations, invests, takes over, exchanges or otherwise conceals the true source of money, objects or rights procured by money which he knows to be acquired by a criminal offense shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever acquires, possesses or brings into circulation for himself or for another the money, objects or rights referred to in paragraph 1 of this Article, although at the moment of acquisition he knew the origin of such.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 of this Article as a member of a group or a criminal organization shall be punished by imprisonment for one to ten years.

(4) Whoever, committing the criminal offense referred to in paragraphs 1 and 2 of this Article, acts negligently regarding the fact that the money, objects or rights are acquired by the criminal offense referred to in paragraph 1 of this Article shall be punished by imprisonment for three months to three years.

(5) If the money, objects or rights referred to in paragraphs 1, 2 and 4 of this Article are acquired by a criminal offense committed in a foreign state, such an offense shall be evaluated pursuant to the provisions of the Croatian criminal legislation taking into consideration the provisions of Article 16, paragraphs 2 and 3 of this Code.

(6) The money and objects referred to in paragraphs 1, 2 and 4 of this Article shall be forfeited while the rights referred to in paragraphs 1, 2 and 4 shall be pronounced void.

(7) The court may remit the punishment of the perpetrator of the criminal offense referred to in paragraphs 1, 2, 3 and 4 of this Article who voluntarily contributes to the discovery of such a criminal offense.

#### Violating Equality in Performing Economic Activities

##### Article 280

(1) Whoever, by abusing his official position or authority, limits the free movement of capital and labor within a certain area, withholds or limits the right of a legal or natural person to be engaged within a certain area in trading with goods and services, places a company in a disadvantageous position in relation to other legal and natural persons regarding the conditions of work or trading with goods and services, or limits the free exchange of goods and services shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever exploits his social position or influence so that the offense referred to in paragraph 1 is committed.

#### Preference of Creditors

##### Article 281

(1) Whoever, with knowledge of his insolvency, gives in payment of a debt or otherwise a preference to a creditor in collecting claims, thus causing damage to at least one of his other creditors shall be punished by a fine or by imprisonment not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be inflicted on whoever, as a responsible person in a legal entity, commits the criminal offense referred to in paragraph 1 of this Article.

(3) The perpetrator shall be punished for the criminal offense referred to in this Article only if bankruptcy proceedings have been initiated.

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

### Causing Bankruptcy

#### Article 282

(1) Whoever, with knowledge of his own indebtedness or insolvency, with an aim to diminish the future bankruptcy estate, spends excessively, gives away property considerably below its value, assumes unreasonable liability, recklessly takes or gives loans, does business with an insolvent person, omits to collect his claims on time, or in some other way which is in obvious contrariety to the requirements of the proper conduct of business decreases his assets, shall be punished by imprisonment for six months to ten years.

(2) The same punishment shall be inflicted on whoever, by actions described in paragraph 1 of this Article, causes his indebtedness or insolvency.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a responsible person in a legal entity who commits the criminal offense referred to in paragraphs 1 and 2 of this Article.

(4) Whoever commits a criminal offense referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding three years.

(5) The perpetrator shall be punished for the criminal offense referred to in this Article only if bankruptcy proceedings have been initiated.

### Malpractice in Bankruptcy Proceedings

#### Article 283

(1) Whoever, in bankruptcy proceedings, files a false claim or claims in a false order of settlement so as to realize a right not due to him shall be punished by a fine or by imprisonment not exceeding one year.

(2) The punishment referred to in paragraph 1 of this Article shall be inflicted on a creditor, a member of a creditors' committee or a bankruptcy trustee who, for himself or for another,

accepts pecuniary gain or a promise of pecuniary gain to vote in a certain way, or to omit to vote, or to act in some other manner in order to damage at least one creditor in bankruptcy proceedings.

(3) The punishment referred to in paragraph 1 of this Article shall be inflicted on whoever gives or promises pecuniary gain to a creditor, a member of a creditors' committee or a bankruptcy trustee committing the criminal offense referred to in paragraph 2 of this Article.

#### Deceiving Buyers

#### Article 284

(1) Whoever, with an aim to deceive buyers, brings into circulation products bearing a mark containing data not corresponding to the contents, kind, origin or quality of the product, or puts a mark of protection on products which are not protected, or brings into circulation products which by their weight or quality do not correspond to the standards assumed for such products, or brings into circulation products bearing no indication as to their contents, kind, origin or quality when such an indication is prescribed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever, with an aim to deceive buyers, falsely announces reductions in the prices of products, the sale of goods at reduced prices or otherwise by false advertising deceives buyers regarding the prices of the products he sells shall be punished by a fine not exceeding one hundred and fifty daily incomes or by imprisonment not exceeding six months.

#### Infringement of Industrial Property Rights and Unauthorized Use of Another's Company Name

#### Article 285

(1) Whoever, contrary to regulations on industrial property, infringes another's seal, model or pattern, the mark of origin of a product, or some other industrial property right, except that of invention (Article 232), shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without authorization, makes, imports, carries across the border, offers, brings into circulation, stores or uses a product protected pursuant to paragraph 1 of this Article.

(3) Whoever, without authorization, uses the trademark of another or inserts into it features of the respective special marks or characteristics of the rights referred to in paragraph 1 of this Article shall be punished by a fine or by imprisonment not exceeding three years.

(4) If, by perpetration of the criminal offense referred to in paragraphs 1 and 2, considerable pecuniary gain is acquired or considerable damage is caused while the perpetrator acts with an

aim to acquire such pecuniary gain or to cause such damage, the perpetrator shall be punished by imprisonment for six months to five years.

(5) Instruments which are intended to be used or are used for the perpetration of the criminal offense referred to in paragraph 1 of this Article shall be forfeited and destroyed.

#### Evasion of Tax and Other Levies

#### Article 286

(1) Whoever, with an aim that he or another legal or natural person evades wholly or in part payment of tax, social security or health insurance contributions, other statutory contributions or levies, furnishes false data on legally acquired income, on items or other facts relevant for the assessment of such an obligation, or whoever, with the same aim, in the case of a mandatory tax return, does not report legally acquired income, or an item or other facts relevant for the assessment of such obligations which he is bound to report by law, whereas the amount of the obligation whose payment is being evaded exceeds ten thousand Kuna, shall be punished by imprisonment for six months to five years.

(2) If the amount of the obligation whose payment is being evaded exceeds three hundred thousand Kuna, the perpetrator shall be punished by imprisonment for one to ten years.

#### Violation of the Obligation to Keep Business Books

#### Article 287

Whoever fails to keep trade or business books which he is required to keep pursuant to law, or keeps them in such a way that the examination of business operations or pecuniary status is rendered difficult, or destroys, conceals, damages to a large extent or otherwise renders unusable trade or business books and records which he is bound to keep, shall be punished by imprisonment for three months to five years.

#### Abuse of a Monopolistic Position in the Market

#### Article 288

Whoever in a legal entity abuses a maintained monopolistic or dominant position in the market of the Republic of Croatia in such a way that he enters into an agreement or performs an action by which a legal person or the consumers are limited or restrained with regard to the free circulation of goods and services or their access to the market, or whoever enters into an agreement or performs an action that creates a concentration in order to achieve a monopolistic position or to strengthen significantly an already maintained dominant position

leading to the abolishment or significant and permanent restriction of market competition in the Republic of Croatia shall be punished by imprisonment for six months to five years.

#### Unfair Competition in Foreign Trade Operations

##### Article 289

(1) A representative of a legal or natural person, knowing that another domestic legal or natural person has reached a preliminary agreement with a foreign company or an individual trader regarding a foreign trade operation, or that a contract is going to be entered into, makes an offer to sell or purchase the same kinds of goods or render the same service to this foreign company or the individual trader to sell or to purchase the same kind of goods or services, so that as a result the foreign company or the individual trader refrains from entering into a previously agreed contract or the contract is concluded under less favorable terms for a domestic legal or natural person, such a person shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the perpetrator of the criminal offense referred to in paragraph 1 of this Article realizes some pecuniary gain, he shall be punished by imprisonment for six months to five years.

#### Illicit Trade in Gold

##### Article 290

(1) Whoever, contrary to regulations, sells or buys gold or gold coins which have considerable value shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever organizes a network of middlemen or resellers for the purpose of committing the criminal offense referred to in paragraph 1 of this Article shall be punished by a fine or by imprisonment not exceeding three years.

(3) The gold and gold coins which are the subject of the criminal offense referred to in paragraphs 1 and 2 of this Article shall be forfeited.

#### *Abuse of Trust*

##### Article 294a

(1) Whoever abuses the duty of looking after another person's property interests based on law, on the decision of an administrative or judicial authority, a legal transaction or a relationship of trust and in such a way causes damage to a person whose property interests he is bound to protect, or who procures pecuniary gain for himself or for another natural or legal person shall be punished by imprisonment for six months to five years.

(2) If the criminal offense referred to in paragraph 1 of this Article causes extensive damage or significant pecuniary gain and the perpetrator acted with the aim of causing such damage or with the aim of procuring such pecuniary gain, he shall be punished by imprisonment for three to fifteen years.

*Receiving a bribe in Economic or Other Transactions*

Article 294b

(1) A responsible person who demands or receives a gift or any other gain, or who accepts the promise of a gift or any other gain and who in return makes a deal or renders services that are advantageous for another but detrimental for the party he or she represents shall be punished by imprisonment for one to eight years.

(2) A responsible person who demands or receives a gift or any other gain or who accepts the promise of a gift or any other gain as a counter favor for making a deal or rendering services shall be punished by imprisonment for six months to five years.

(3) The gift or other pecuniary gain that has been received shall be forfeited.

*Offering a Bribe in Economic or Other Transactions*

Article 294c

(1) Whoever gives or promises a gift or any other gain to a responsible person so that that person makes a deal or renders services to the advantage of another but causing damage to the party he or she represents, or whoever mediates in the bribery or a responsible person shall be punished by imprisonment for six months to five years.

(2) Whoever gives a gift or promises a gift or any other gain to a responsible person as a counter favor for making a deal or rendering services, or who mediates in the bribery of a responsible person shall be punished by imprisonment for three months to three years.

(3) The perpetrator of a criminal offense referred to in paragraphs 1 and 2 of this Article who has given a bribe at the request of a responsible person and reports this act prior to its discovery or prior to his knowledge that it has been discovered shall have the punishment remitted.

(4) The gift or pecuniary gain referred to in paragraph 3 of this Article shall be returned to the owner.

*Disclosure and Unauthorized Procurement of a Business Secret*

Article 295

(1) Whoever, without authorization, communicates, delivers or in some other way makes accessible to another data which are a business secret, or whoever collects such data with an aim to deliver them to an unauthorized person, shall be punished by imprisonment for one to five years.

(2) If data which are a business secret are disclosed or acquired with a view to transmitting them abroad, or if the perpetrator has procured pecuniary gain for himself or another or has caused extensive damage, he shall be punished by imprisonment for one to ten years.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 by negligence shall be punished by imprisonment not exceeding two years.

### Illicit Manufacturing

#### Article 296

(1) Whoever manufactures or processes items or goods whose production is forbidden, and if, by such an act, some other criminal offense for which a more severe punishment is prescribed has not been committed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Items and goods which are illicitly manufactured shall be forfeited.

### Illicit Trade

#### Article 297

(1) Whoever, without authorization, buys, sells or exchanges items or goods whose distribution is forbidden or limited, and if, by such an act, some other criminal offense for which a more severe punishment is prescribed has not been committed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Items and goods which are illicitly traded shall be forfeited.

### Avoiding Customs Control

#### Article 298

(1) Whoever carries a large quantity of goods or an object of great value across the customs line, avoiding measures of customs control, shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever organizes a group or persons for the perpetration of the criminal offense referred to in paragraph 1 of this Article, or a network of resellers or middlemen for the sale of goods not cleared by customs, shall be punished by imprisonment for six months to five years.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever carries across the customs line, avoiding measures of customs control, goods whose manufacture or distribution is limited or forbidden.

(4) Whoever organizes a group or persons for the perpetration of the criminal offense referred to in paragraph 3 of this Article shall be punished by imprisonment for one to eight years.

(5) The attempt of the criminal offense referred to in paragraphs 1 and 3 of this Article is punishable.

(6) Goods which are the subject of the criminal offense referred to in paragraph 1 of this Article shall be forfeited.

## CHAPTER TWENTY-TWO (xxii) CRIMINAL OFFENSES AGAINST THE JUDICIARY

### Failure to Report the Preparation of a Criminal Offense

#### Article 299

(1) Whoever knows that a serious criminal offense, for which a punishment of five years of imprisonment or a more severe punishment is prescribed by law, is being prepared and fails to report this when it is still possible to avert its perpetration, and such an offense is attempted or committed, shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article regarding a criminal offense for which long-term imprisonment is prescribed by law shall be punished by imprisonment for three months to five years.

(3) There shall be no criminal offense referred to in paragraphs 1 and 2 of this Article if it is committed by a person who lives in or out of wedlock with the person who is preparing the criminal offense, or if such a person is his relative by blood in a direct line, or a sibling, or an adopter or adoptee.

(4) The punishment can be mitigated for the perpetrator of the criminal offense referred to in paragraph 2 of this Article who is, with the person who is preparing the perpetration of a criminal offense, in some respective relationship referred to in paragraph 3 of this Article.

### Failure to Report a Criminal Offense

#### Article 300

(1) Whoever knows that a serious criminal offense, for which long-term imprisonment is prescribed by law, was committed and fails to report it, although he knows that by reporting it the discovery of the offense or the perpetrator would be made possible or considerably facilitated, shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on an official or responsible person who fails to report the perpetration of a criminal offense which comes to his knowledge in the discharge of his duty if, for such a criminal offense, criminal proceedings are not instituted by a private charge or following a motion.

(3) There shall be no criminal offense referred to in paragraphs 1 and 2 of this Article if it is committed by a person who lives in or out of wedlock with the person who has perpetrated the unreported criminal offense, or is to such a person a relative by blood in a direct line, a sibling, an adopter or adoptee, attorney-at-law, defense counsel, notary public, physician, dentist, midwife or other health provider, psychologist, guardian, religious confessor or if it is committed by another person in the performance of his profession.

(4) A physician, a dentist, midwife or other health provider, psychologist, notary public, guardian or an employee in an educational institution shall be punished for the criminal offense referred to in paragraphs 1 and 2 of this Article if it is committed against a child or a juvenile.

#### Assistance to the Perpetrator Following the Perpetration of a Criminal Offense

##### Article 301

(1) Whoever harbors or conceals the perpetrator of a serious criminal offense for which a punishment of five years of imprisonment or a more severe punishment is prescribed by law or assists him not to be discovered by concealing instruments with which the criminal offense was committed, the traces or proceeds<sup>4</sup> of the criminal offense or otherwise assists him shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever harbors or conceals a person who is convicted to imprisonment or otherwise obstructs the execution of such a punishment.

(3) A punishment may not be inflicted on the perpetrator referred to in paragraph 2 of this Article which is more severe than the one to which the person to whom the perpetrator rendered assistance was convicted.

(4) There shall be no criminal offense referred to in paragraphs 1 and 2 of this Article if it is committed by a person who lives in or out of wedlock with the person who is offered help, or if such a person is to him a relative by blood in a direct line, a sibling, or an adopter or adoptee.

#### False Report of a Criminal Offense

## Article 302

(1) Whoever reports that a person has committed a criminal offense for which criminal proceedings are instituted by virtue of office, despite knowing this not to be true, or whoever, by supposition of traces or otherwise, causes the institution of criminal proceedings against a person whom he knows not to be the perpetrator of the criminal offense shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever reports that a criminal offense, for which criminal proceedings are instituted by virtue of office, was committed, despite knowing this not to be true, or whoever charges himself with the perpetration of a criminal offense, although he has not committed it, shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

## Making a False Statement

### Article 303

(1) A witness, expert-witness, translator or interpreter who, in proceedings before the court, administrative proceedings, proceedings before a notary public or disciplinary proceedings, makes a false statement, finding or opinion, or if he translates something falsely shall be punished by imprisonment for six months to five years.

(2) The punishment as referred to in paragraph 1 of this Article shall be inflicted on a party in proceedings who makes a false statement if the final decision in these proceedings is based on such a statement.

(3) If the criminal offense referred to in paragraph 1 of this Article results in the criminal conviction of an innocent accused or in some other serious consequences for the accused in criminal proceedings, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If, prior to the final decision, the perpetrator of the criminal offense referred to in paragraph 1 of this Article voluntarily withdraws his false statement, the court may remit the punishment.

## Obstruction of Evidence

### Article 304

(1) Whoever uses force, threat or any other kind of coercion with an aim to make, to prevent or to make it more difficult for a witness or an expert witness to give testimony in court proceedings, administrative proceedings, proceedings before a notary public or disciplinary proceedings, or promises, offers or gives them a gift or any other gain shall be punished by imprisonment for one to eight years.

(2) Whoever, with an aim to prevent or considerably hamper the presentation of evidence in proceedings before the court, administrative proceedings, proceedings before a notary public or disciplinary proceedings, conceals, damages or destroys the object or document of another serving as evidence shall be punished by a fine or by imprisonment not exceeding one year.

(3) The punishment referred to in paragraph 2 of this Article shall be inflicted on whoever, with an aim to prevent or considerably hamper the presentation of evidence in proceedings before the court or in administrative proceedings, removes, destroys, relocates or shifts a boundary stone, geodetic mark, or in general any other mark intended to indicate ownership or some other real property right, or a water right, or whoever, with the same aim, falsely installs such a mark.

#### Breach of Secrecy of Proceedings

##### Article 305

(1) Whoever, without authorization, discloses what has come to his knowledge in proceedings before the court, administrative proceedings, proceedings before a notary public or disciplinary proceedings and what, pursuant to the law or a decision based upon the law, is deemed to be a secret, shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without the court's permission, publishes information about the course of criminal proceedings against a juvenile or the decision in such proceedings.

#### Riot of Persons in Official Detention

##### Article 306

(1) Whoever, in an institution wherein he is placed pursuant to a lawful decision depriving him of liberty, participates in gathering persons who are deprived of liberty, with an aim to set themselves free by force, or to jointly attack official persons in such an institution, or to coerce them by force, or threat of immediate use of force, to do or omit to do an act in breach of their duty shall be punished by imprisonment for three months to three years.

(2) The perpetrator of the criminal offense referred to in paragraph 1 of this Article who uses force or threatens to use it shall be punished by imprisonment for six months to five years.

(3) To a perpetrator of the criminal offense referred to in paragraph 1 of this Article who, on the call of an official person, abstains from gathering, the court may remit the punishment.

#### Escape of a Detained Person

#### Article 307

(1) Whoever, by force or threat of immediate attack upon the life or limb of a person, escapes from the institution wherein he is placed pursuant to a lawful decision depriving him of liberty shall be punished by imprisonment for three months to three years.

(2) Whoever, by force or threat of immediate attack upon the life or limb of a person or by deceit, enables a person deprived of liberty pursuant to a lawful decision to escape shall be punished by a fine or by imprisonment not exceeding one year.

#### Thwarting Prohibitions Contained in Security Measures and Legal Consequences of Conviction

#### Article 308

(1) Whoever enables a person to perform a certain profession, activity, duty, or certain jobs, despite knowing that against such a person a security measure is applied, or against whom the legal consequences of a conviction have become effective, for reasons of which such performance is forbidden or is not allowed, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) The same punishment referred to in paragraph 1 of this Article shall be inflicted on whoever enables a person to drive a motor vehicle, although he knows that the security measure of the prohibition to drive a motor vehicle is ordered against such a person.

#### Obstruction of Justice

#### Article 309

(1) Whoever makes demands on a judge, State Attorney, notary public, Public Defense Attorney by force, threat or another form of coercion to undertake actions or pass a decision, within or outside the framework of his authority, or whoever mediates in such acts or demands, if by so acting some other criminal offense for which a more severe punishment is prescribed is not committed, shall be punished by imprisonment for one to five years.

(2) Whoever obstructs the work of the persons referred to in paragraph 1 of this Article by insulting them grossly or disparaging them shall be punished by a fine or by imprisonment not exceeding three years.

(3) Whoever, during proceedings before a court, but prior to the rendering of the final judgment systematically expounds his opinion in the public media, at a public rally or in front of a body of persons on how the official engaged in the administration of justice should act in a particular case or which decisions he should pronounce shall be punished by a fine or by imprisonment not exceeding one year.

## Unlicensed Legal Services

### Article 310

(1) Whoever is engaged in offering legal aid without authorization shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without authorization, offers legal aid to another for reimbursement settled in advance or settled subsequently.

## CHAPTER TWENTY-THREE (xxiii)

### CRIMINAL OFFENSES AGAINST AUTHENTICITY OF DOCUMENTS

#### Forgery of a Document

### Article 311

(1) Whoever fabricates a false document or falsifies a genuine one for the purpose of using such a document as genuine, or whoever uses a false or falsified document as genuine, or procures one for use, shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article in regard of a public document, certificate of citizenship, will, public or official books which have to be kept pursuant to the law shall be punished by imprisonment for three months to five years.

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

#### Forgery of an Official Document

### Article 312

(1) An official or responsible person who, in an official or business document, book or file enters untrue data, or does not enter an important fact, or with his signature and/or official seal attests such a document, book or file with untrue contents, or who with his signature and/or official seal enables a document, book or file with untrue contents to be prepared, shall be punished by imprisonment for three months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on an official or a responsible person who uses in service or in a business an untrue official or business document, book or file as if they were true, or who destroys, conceals, or damages to a large extent or otherwise renders unusable a true document, book or file.

## Special Cases of Forgery of a Document

### Article 313

The following persons shall also be deemed perpetrators of the criminal offense of forging a document:

- a) whoever, without authorization, inserts a statement of value for legal relationships in any paper, blank or other object duly signed by another person,
- b) whoever deceives another regarding the contents of a document, so that he signs such a document in the belief of signing some other document or contents,
- c) whoever issues a document on behalf of another without his authorization, or on behalf of a non-existing person,
- d) whoever, in issuing a document, adds to his signature a position or rank which he does not hold, provided that this has a material influence upon the evidentiary value of the document,
- e) whoever makes a document by using a genuine seal or mark without authorization.

## Making, Supplying, Possessing, Selling or Providing Means of Forging Documents

### Article 314

(1) Whoever makes, supplies, possesses, sells or provides the means of forging documents shall be punished by a fine or by imprisonment not exceeding three years.

(2) The means of forging referred to in paragraph 1 of this Article shall be forfeited.

## Certification of Untrue Content

### Article 315

(1) Whoever, by deceiving a competent body, causes such a body in a public document, in minutes or a book to certify any untrue content intended to serve as evidence in legal relationships shall be punished by imprisonment for three months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever uses such a document, minutes or a book, despite knowing it to be untrue.

## Issuance and Use of False Medical or Veterinary Health Certificates

### Article 316

(1) A physician, dentist or veterinarian who issues a false medical or veterinary certificate shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever makes use of a medical or veterinary certificate, despite knowing it to be false, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

## CHAPTER TWENTY-FOUR (xxiv)

### CRIMINAL OFFENSES AGAINST PUBLIC ORDER

#### Obstructing an Official in the Performance of Official Duty

##### Article 317

(1) Whoever, by force or threat of immediate use of force, prevents an official from performing an official act falling within the scope of his authority or, by using the same means, coerces him to perform an official act shall be punished by imprisonment for six months to five years.

(2) Whoever, in the course of committing the criminal offense referred to in paragraph 1 of this Article, maltreats an official, inflicts bodily injury upon him or threatens to use a weapon shall be punished by imprisonment for one to eight years.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 of this Article against a person authorized to help an official in the performance of an official act shall be punished as if he had committed the offense against the official.

(4) If the perpetrator of the criminal offense referred to in paragraphs 1, 2 and 3 of this Article is provoked by illegal, inconsiderate or rude treatment on the part of the official or the person authorized to help him, the court may remit the punishment.

#### Attacking an Official

##### Article 318

(1) Whoever, apart from the cases referred to in Article 317 of this Code, attacks or seriously threatens an immediate attack on an official or a person authorized to help an official in the performance of his duties falling within the scope of internal affairs to prevent and discover criminal offenses, apprehend perpetrators of criminal offenses, or safeguard public order and peace, shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever commits the criminal offense referred to in paragraph 1 of this Article against a

person entrusted to guard persons who have been deprived of liberty by a legal decision or in a legal manner.

(3) Whoever, in the course of committing the criminal offense referred to in paragraphs 1 and 2 of this Article, maltreats, inflicts slight bodily injury on an official or person authorized to help him or threatens to use a weapon shall be punished by imprisonment for one to ten years.

(4) If the perpetrator of the offense referred to in paragraphs 1, 2 and 3 of this Article is provoked by illegal, inconsiderate or rude treatment on the part of the official or the person authorized to help him, the court may remit the punishment.

#### Participation in a Group Obstructing or Attacking an Official

##### Article 319

(1) Whoever participates in a group which, by joint action, commits the criminal offense referred to in Articles 317 and 318 of this Code, for mere participation in the group shall be punished by imprisonment for three months to three years.

(2) The organizer or leader of the group referred to in paragraph 1 of this Article shall be punished by imprisonment for one to five years.

#### Unlawful Change of Organization of Local Government, Self-Government or State Administration

##### Article 320

Whoever, by force, threat to use force or in some other unlawful way, changes the organization of local government, self-government or state administration within the territory of the Republic of Croatia as established by the law shall be punished by imprisonment for one to five years.

#### Incitement to Resistance

##### Article 321

(1) Whoever incites another to resist the decisions or measures of state bodies issued within the scope of their authority or against an official performing an official act within his authority shall be punished by a fine or by imprisonment not exceeding three years.

(2) If the criminal offense referred to in paragraph 1 of this Article results in frustrating or in causing considerable difficulties in the implementation of a decision or measure issued by state bodies within the scope of their authority or in an official act performed by an official within his authority, the perpetrator shall be punished by imprisonment for six months to five years.

## Spreading False and Alarming Rumors

### Article 322

(1) Whoever asserts, disseminates or spreads rumors which he knows to be false with an aim to cause anxiety among a large number of citizens and where such anxiety really occurs shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding one year.

(2) Whoever informs the police or any other public service responsible for maintaining order, or offers help in connection with an alleged event that requires urgent action on the part of the service knowing that it is not true shall be punished by imprisonment for three months to three years.

## Removal and Damage of an Official Seal and Mark

### Article 323

(1) Whoever removes or damages an official seal or mark which an authorized official places for the purpose of securing objects or premises, or whoever enters upon such premises or opens the secured object without removing or damaging the seal or mark, shall be punished by a fine or by imprisonment not exceeding one year.

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

## Removal or Destruction of an Official Seal or Official Document

### Article 324

(1) Whoever unlawfully removes, hides, destroys, damages or otherwise renders unusable an official seal, book, file or document belonging to or in the possession of a governmental body or organization exercising public service shall be punished by a fine or by imprisonment not exceeding three years.

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

## Damage, Destruction and Illicit Export of a Piece of Cultural or Natural Heritage

### Article 325

(1) Whoever damages or destroys a piece of cultural or natural heritage protected by the provisions of a special statute shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without the permission of a competent body, exports or removes to a foreign country a piece of cultural or natural heritage, or after removing the same, does not return it to the country within the time limit stipulated in the permission.

(3) If, as a result of the criminal offense referred to in paragraphs 1 and 2 of this Article, considerable damage occurs, or if the piece of cultural heritage referred to in paragraphs 1 and 2 of this Article is of national importance, the perpetrator shall be punished by imprisonment for six months to five years.

(4) The attempt of the criminal offense referred to in paragraphs 1 and 2 of this Article is punishable.

#### Illicit Research Activities and Usurpation of Cultural Heritage

##### Article 326

(1) Whoever, without the permission of a competent body, performs the conservation, restoration, exploration, or other works on a piece of cultural heritage, or despite a ban, or without the permission of a competent body, performs archaeological excavations or searches, as a result of which such cultural property is destroyed, severely damaged, or loses the character of a piece of cultural heritage, shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed against a piece of cultural heritage of particular value or importance, or if considerable damage is caused, the perpetrator shall be punished by a fine or by imprisonment not exceeding three years.

(3) Whoever usurps or takes away property constituting a piece of cultural heritage which was excavated or found in the course of archaeological or other discoveries, or otherwise, shall be punished by a fine or by imprisonment not exceeding three years.

(4) The attempt of the criminal offense referred to in paragraphs 2 and 3 of this Article is punishable.

#### False Impersonation

##### Article 328

(1) Whoever falsely represents himself as an official or military person, or wears without authority any insignia of an official or a military person with an aim to acquire benefit for himself or another, or to cause damage to another, shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever performs any action which only an official or military person is authorized to perform.

#### Illegal Debt Collection

#### Article 330

(1) Whoever, for the purpose of collecting a debt, appropriates the movable property of another by force or threat of immediate attack upon life or limb or on the life or limb of persons close to him shall be punished by imprisonment for three months to five years.

(2) Whoever, for the purpose of collecting a debt, coerces another by force or a serious threat to do or omit to do something to the detriment of his property or the property of another shall be punished by imprisonment for three months to three years.

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

(4) Imprisonment for one to eight years shall be inflicted on a perpetrator who commits the criminal offense referred to in paragraph 1 of this Article as a member of a group or a criminal organization.

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

#### Violent Behavior

#### Article 331

(1) Whoever, to give vent to his base instincts through violence, maltreatment or particularly impertinent conduct in a public place, humiliates another shall be punished by imprisonment for three months to three years.

(2) If an individual commits a criminal offense as a member of a group or against a larger number of persons, the perpetrator shall be punished by imprisonment for six months to five years.

#### Conspiracy to Commit a Criminal Offense

#### Article 332

Whoever agrees with another to commit a serious criminal offense for which imprisonment for five years or a more severe penalty may be imposed shall be punished by a fine or by imprisonment not exceeding one year.

## Associating for the Purpose of Committing Criminal Offenses

### Article 333

(1) Whoever organizes a group of people or in some other way associates three or more persons in joint action with an aim to commit criminal offenses for which, according to the law, imprisonment of three years or a more severe punishment may be imposed shall be punished by imprisonment for three months to three years.

(2) Whoever organizes a criminal organization or manages it shall be punished by imprisonment for six months to five years.

(3) A member of the group referred to in paragraph 1 of this Article shall be punished by a fine or by imprisonment not exceeding one year.

(4) A member of the group referred to in paragraph 2 of this Article shall be punished by imprisonment for three months to three years.

(5) If a member of a group or a criminal organization uncovers such a group or criminal organization prior to committing a criminal offense as a member of it or for it, the court may remit his punishment.

## Making and Supplying Weapons and Instruments Intended for the Perpetration of a Criminal Offense

### Article 334

(1) Whoever makes, supplies, possesses or enables another to obtain weapons, explosive substances or the means needed for their production, or poisons which he knows to be intended for the perpetration of a criminal offense, shall be punished by imprisonment for three months to three years.

(2) Whoever makes or cedes to another a false key, skeleton key or other instrument or device for burglary, despite knowing it is intended for the perpetration of a criminal offense, shall be punished by a fine or by imprisonment not exceeding one year.

## Illicit Possession of Weapons and Explosive Substances

### Article 335

(1) Whoever, without authorization, makes, supplies, possesses or otherwise acquires for himself or a third person firearms, ammunition or explosive substances whose supply, sale or possession is not permitted to citizens shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever, without authorization, supplies, possesses, sells, makes or exchanges large quantities of firearms, ammunition or explosive substances shall be punished by imprisonment for one to five years.

(3) Firearms, ammunition and explosive substances shall be forfeited.

#### Participating in a Group Committing a Criminal Offense

##### Article 336

(1) Whoever participates in a group of people which, by joint action, kills a person or inflicts serious bodily injury upon a person, commits arson, damages property to a large extent, or commits other acts of grave violence, or which attempts to commit such offenses, shall for mere participation, be punished by imprisonment for three months to three years.

(2) The organizer or leader of the group committing the criminal offense referred to in paragraph 1 of this Article shall be punished by imprisonment for one to eight years.

#### CHAPTER TWENTY-FIVE (xxv)

#### CRIMINAL OFFENSES AGAINST OFFICIAL DUTY

##### Abuse of Office and Official Authority

##### Article 337

(1) An official person who abuses his office or official authority, oversteps the limits of his official authority, or fails to perform his duty and thus procures for himself or for another natural or legal person non-pecuniary gain or causes manage to another person shall be punished by a fine or by imprisonment not exceeding three years.

(2) An official person who abuses his office or official authority, oversteps the limits of his official authority, or fails to perform his duty and thus procures for himself or for another natural or legal person pecuniary gain shall be punished by imprisonment for six months to five years.

(3) If the criminal offense referred to in paragraph 1 of this Article results in considerable pecuniary gain, the perpetrator shall be punished by imprisonment for three to fifteen years.

##### Violation of the Law in Court Proceedings

##### Article 337a

(1) A judge, a lay judge, the State Attorney or his deputy who, in the course of conducting court proceedings or rendering a decision, violates the law with the aim of procuring gain for or causing damage to a party shall be punished by imprisonment for six months to five years.

(2) If by the criminal offense referred to in paragraph 1 of this Article serious consequences are caused for a convict in criminal proceedings, the perpetrator shall be punished by imprisonment for one to ten years.

#### Abuse in Performing Governmental Duties

##### Article 338

An official person in a governmental body or unit of regional or local self-government who, for the purpose of acquiring pecuniary gain in his private business or the private business of members of his family, abuses his office or official authority by giving preferential treatment in a competition, or by giving, obtaining or contracting jobs shall be punished by imprisonment for six months to five years.

#### Negligent Performance of Duty

##### Article 339

An official person who, by violating laws or other regulations, by failing to perform mandatory supervision or in any other way acts in a clearly unconscientious manner in the performance of his duty, thus causing a serious violation of the rights of a third person or considerable property damage, shall be punished by a fine or by imprisonment not exceeding three years.

#### Failure to Execute Orders

##### Article 340

An official person who, in discharging duties in internal affairs related to the prevention and discovery of criminal offenses, the apprehension of perpetrators of criminal offenses or securing public order and peace, fails or refuses to execute the order of his superior based on a statutory provision to undertake an official act, thus causing a serious violation of the right of a third person, a serious disturbance of public order or peace, or considerable pecuniary damage, shall be punished by imprisonment for three months to five years.

#### Violation of a Duty to Guard the State Border

##### Article 341

(1) An official person who, in performing duties in internal affairs, while performing a duty on the border, acts contrary to regulations on guarding the state border, thus causing serious

harmful consequences to the service or, by which the service becomes seriously imperiled, shall be punished by imprisonment for three months to three years.

(2) If, by the criminal offense referred to in paragraph 1 of this Article, serious bodily injury is inflicted or extensive pecuniary damage or other serious consequences are caused, the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offense referred to in paragraph 1 of this Article results in the death of one or a number of persons, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offense referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator shall be punished by imprisonment not exceeding three years, and if the consequence referred to in paragraph 3 of this Article is caused, the perpetrator shall be punished by imprisonment not exceeding three years.

#### Illegal Release of a Person Deprived of Liberty

##### Article 342

An official who, charged with the surveillance of a person deprived of liberty, releases such a person in violation of the law, or who helps such a person to escape or enables illicit communication or correspondence to be made, as a result of which the person who is deprived of liberty succeeds in escaping, shall be punished by imprisonment for three months to five years.

#### Illegal Intercession

##### Article 343

(1) Whoever demands or receives a gift or any other gain, or receives an offer or promise of a gift or any other gain for himself or for another natural or legal person so as to intercede by taking advantage of his official or social position or influence, whereby an official or other act be performed which should be performed, or that an official or other act not be performed which should not to be performed shall be punished by imprisonment for six months to three years.

(2) The punishment referred to in paragraph 1 of this Article shall be inflicted on whoever, by abusing his official or social position or influence, intercedes so that an official or other act be performed which should not be performed or so that an official or other act not be performed which should be performed.

(3) If, for the intercession referred to in paragraph 2 of this Article, the perpetrator has received a gift or some other gain, or if he has received an offer or accepted the promise of a gift or some other gain for himself or for another natural or legal person, while some other criminal offense is not committed for which a more severe punishment is prescribed, the perpetrator shall be punished by imprisonment for one to five years.

(4) Whoever offers, promises or gives a gift or some other gain to another, meant for that person or for another natural or legal person so that by abusing his official or social position or influence he intercedes so that an official or other act be performed that should be performed, or so that an official or other act not be performed that should not be performed shall be punished by imprisonment for six months to three years.

(5) Whoever offers, promises or gives a gift or some other gain to another, meant for that person or for another natural or legal person, so that by abusing his official or social position or influence he intercedes so that an official or other act be performed that otherwise should not be performed, or so that an official or other act not be performed which should be performed shall be punished by imprisonment for one to five years.

#### Fraud in the Performance of a Duty

##### Article 344

(1) An official person who, in the performance of his duty, with an aim to procure for himself or a third party unlawful pecuniary gain by submitting a false statement of account, or in some other way, by a false presentation of facts, deceives an authorized person into making an illegal disbursement, shall be punished by imprisonment for six months to five years.

(2) If, as result of the criminal offense referred to in paragraph 1 of this Article, a small pecuniary gain is acquired, while the perpetrator has acted with an aim to realize such gain, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(3) If, as a result of the criminal offense referred to in paragraph 1 of this Article considerable pecuniary gain is acquired, while the perpetrator has acted with an aim to realize such gain, the perpetrator shall be punished by imprisonment for three to fifteen years.

#### Embezzlement

##### Article 345

(1) Whoever unlawfully appropriates money, securities or other movable property which is entrusted to him in service or generally in his work shall be punished by imprisonment for six months to five years.

(2) If the value of the embezzled property is small, or if a small sum of money or securities or property of small value is embezzled, while the perpetrator acts with an aim to appropriate such value, he shall be punished by a fine or by imprisonment not exceeding one year.

(3) If a large sum of money is embezzled or securities or property of large value are embezzled, while the perpetrator acts with an aim to appropriate such value, he shall be punished by imprisonment for three to fifteen years.

#### Unauthorized Use

##### Article 346

Whoever, without authorization, uses money, securities or other movable property entrusted to him in service or generally in his work, or which is accessible to him in connection with his service or work, or confers such property to another for use, shall be punished by a fine or by imprisonment not exceeding three years.

#### Accepting a Bribe

##### Article 347

(1) An official person who solicits or accepts a gift or some other gain for himself or for another natural or legal person, or who accepts a promise to be given a gift or some other gain in order to perform within the scope of his authority an official or other act which he should not perform, or to omit an official or other act which he should perform shall be punished for one to eight years.

(2) An official person who solicits or accepts a gift or some other gain for himself or for another natural or legal person or who accepts a promise to be given a gift or some other gain in order to perform within the scope of his authority an official or other act which he should perform, or to omit an official or other act which he should not perform, shall be punished by imprisonment for six months to five years.

(3) An official person who after the performance or omission of an official or other act referred to in paragraphs 1 and 2 of this Article solicits or accepts a gift or some other gain for himself or for another natural or legal person as a result of such performance or omission shall be punished by imprisonment from three months to three years.

(4) The gift or other pecuniary gain received shall be forfeited.

#### Offering a Bribe

##### Article 348

(1) Whoever gives or promises to give a gift or some other gain to an official person or another natural or legal person in order to perform, within the scope of his official authority, an official or other act which he should not perform, or to omit an official or other act which he should otherwise perform, or whoever mediates in bribing an official or responsible person in such a way shall be punished by imprisonment for six months to five years.

(2) Whoever gives or promises to give a gift or some other gain to an official person in order to perform, within the scope of his official authority, an official or other act which he should perform, or to omit an official or other act which he should not perform, or whoever mediates in bribing an official or responsible person in such a way, shall be punished by imprisonment for three months to three years.

(3) The court shall remit the punishment of the perpetrator of the criminal offense referred to in paragraphs 1 and 2 of this Article, provided that he gives the bribe on the request of an official person and reports the offense before it is discovered or before he learns that the offense has been discovered.

(4) The gift or the pecuniary gain given under the circumstances referred to in paragraph 3 of this Article shall be restored to the person who gave a bribe.

#### Unlawful Appropriation of Objects During Inspection, Search or Enforcement Proceedings

##### Article 349

An official person who, in the course of a search of a home, premises or persons, or in the course of enforcement proceedings or an inspection, appropriates movable property with an aim to procure by its appropriation unlawful pecuniary gain for himself or another shall be punished by imprisonment for six months to five years.

#### Illegal Collection and Payment

##### Article 350

An official or responsible person who collects from another something that he is not bound to pay, or collects more than he is bound to pay, or whoever, in payment for or handing over such things, pays or hands over less, shall be punished by a fine or by imprisonment not exceeding one year.

#### Disclosure of an Official Secret

##### Article 351

(1) Whoever, without authorization, communicates, conveys or otherwise renders accessible to another data which are an official secret or provides such data with an aim to convey them to an unauthorized person shall be punished by imprisonment for three months to three years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed for personal gain, or if the data referred to in paragraph 1 of this Article are highly classified, or if the offense is committed in order to publish or use abroad data which are an official secret, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

## CHAPTER TWENTY-SIX (xxvi)

### CRIMINAL OFFENSES AGAINST THE ARMED FORCES OF THE REPUBLIC OF CROATIA

#### Failure and Refusal to Execute an Order

##### Article 352

(1) A military person who fails or refuses to execute the order of his superior given in the line of duty, thus causing serious harmful consequences for the service or seriously imperiling the service shall be punished by imprisonment for six months to five years.

(2) If the criminal offense referred to in paragraph 1 of this Article causes particularly serious consequences for the service, the perpetrator shall be punished by imprisonment for one to ten years.

(3) A military person who fails to execute the command of the superior referred to in paragraph 1 of this Article by negligence, shall be punished by a fine or by imprisonment not exceeding one year.

#### Refusal to Receive and Use Arms

##### Article 353

(1) A military person who refuses to accept arms or does not use arms as ordered or as demanded by the regulations of the service shall be punished by imprisonment for one to ten years.

(2) A conscript who, without a justified reason, refuses to accept from the competent body arms which are assigned to him for duty in the reserve corps of the armed forces shall be punished by imprisonment for three months to three years.

(3) There shall be no criminal offense referred to in paragraphs 1 and 2 of this Article if, in the proceedings proscribed by law, conscientious objection by a military person or conscript is recognized.

#### Resisting a Superior

#### Article 354

(1) A military person who, in connection with other military persons, offers resistance to an order given by a superior in the line of duty, or disobeys the same, or refuses to discharge his duty, shall be punished by imprisonment for three months to five years.

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

(3) If the criminal offense referred to in paragraphs 1 and 2 of this Article is committed with the use of arms, the perpetrator shall be punished by imprisonment for one to ten years.

(4) A military person who in committing the criminal offense referred to in paragraph 3 of this Article kills another by negligence, shall be punished by imprisonment for three to fifteen years.

(5) A military person who in committing the criminal offense referred to in paragraphs 1 and 2 of this Article intentionally kills another shall be punished by imprisonment for not less than five years or long-term imprisonment.

#### Resisting a Sentry, Guard, Patrol, Military Person on Duty or on Similar Assignments

#### Article 355

A military person who resists a sentry, guard, patrol, a military person on duty or on a similar assignment while discharging official duty, as well as a military person who disobeys their call or does not execute or refuses to execute their order, thus causing serious harmful consequences for the service, or imperiling seriously the service, shall be punished by imprisonment for three months to three years.

#### Coercion against a Military Person Discharging his Official Duty

#### Article 356

(1) Whoever, by force or threat of immediate use of force, prevents a military person from executing his official duty, or coerces such a person in the same way to execute his official duty, shall be punished by imprisonment for three months to three years.

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

## Assault Against a Military Person Discharging his Official Duty

### Article 357

(1) Whoever attacks or seriously threatens to attack a military person who is discharging his official duty shall be punished by imprisonment for three months to three years.

(2) If the perpetration of the criminal offense referred to in paragraph 1 of this Article results in bodily injury to the military person, or the perpetrator threatens to use weapons, he shall be punished by imprisonment for three months to five years.

(3) If the perpetration of the criminal offense referred to in paragraph 1 of this Article results in serious bodily injury, or entails serious consequences for the service, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the perpetrator in perpetration of the criminal offense referred to in paragraph 1 of this Article intentionally kills a military person, he shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

### More Lenient Punishment for Criminal Offenses Referred to in Article 352 and Articles 354 to 357

### Article 358

If the perpetrator of the criminal offense referred to in Article 352, paragraphs 1 and 3, Article 354, paragraph 1, Article 356, paragraphs 1 and 2 and Article 357, paragraphs 1 and 2 of this Code is provoked by illegal or inappropriate treatment by the military person, the court may mitigate the punishment or remit the perpetrator of the punishment.

## Maltreatment of a Subordinate or a Military Person of Lower Rank

### Article 359

(1) A military person who, on duty or in connection with duty, maltreats a subordinate or treats him in a way offensive to human dignity shall be punished by imprisonment for three months to three years.

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

## Violation of Sentry, Patrol or Other Similar Duty

### Article 360

(1) A military person who acts contrary to regulations on sentry or patrol duty or on internal or a similar duty, thus causing serious harmful consequences for the service or seriously imperiling the service, shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed near arms or ammunition depots or depots of explosive mining substances, or other installations of great importance, the perpetrator shall be punished by imprisonment for three months to three years.

(3) If the criminal offenses referred to in paragraphs 1 and 2 of this Article result in serious bodily injury or extensive pecuniary damage or other serious consequences the perpetrator shall be punished by imprisonment for six months to five years.

(4) If the criminal offenses referred to in paragraphs 1 and 2 of this Article result in the death of one or more persons, the perpetrator shall be punished by imprisonment for one to ten years.

(5) If the criminal offenses referred to in paragraphs 1 and 2 of this Article are committed by negligence, the perpetrator shall be punished, for the criminal offense referred to in paragraph 1 of this Article, by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months, and for the criminal offense referred to in paragraph 2 of this Article, by a fine or by imprisonment not exceeding one year.

(6) If, by the criminal offense referred to in paragraph 5 of this Article, the consequence referred to in paragraphs 3 and 4 of this Article is caused, the perpetrator shall be punished by imprisonment for three months to five years.

#### Submission of False Reports and Information

##### Article 361

(1) A military person who, in the execution of duty, submits a report or information of untrue content, or in his report or information he suppresses a fact which he should not suppress, thus causing serious consequences to the service, or seriously imperiling the service, he shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed by submitting a report or information of special importance or if particularly serious consequences occur, the perpetrator shall be punished by imprisonment for one to five years.

(3) If the criminal offense referred to in paragraph 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

#### Failure to Undertake Measures for the Protection of a Military Unit

## Article 362

(1) A military person who fails to undertake the prescribed, ordered or other obviously needed measures towards protecting the life and health of persons entrusted to him, securing and maintaining in fit condition installations, objects and means serving to ensure combat readiness, providing the unit entrusted to him with a regular supply of food, equipment and material, tending and caring for livestock, or taking measures towards the timely and proper execution of security work or the protection of installations entrusted to him, thus endangering human lives or seriously endangering the health of people or material goods of great value, shall be punished by imprisonment for three months to three years.

(2) If the criminal offense referred to in paragraph 1 of this Article results in serious bodily injury, or extensive pecuniary damage, or other serious consequences, the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offense referred to in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offense referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator shall be punished by a fine or by imprisonment not exceeding three years, while if the consequence referred to in paragraph 3 of this Article is caused, the perpetrator shall be punished by imprisonment for six months to five years.

## Failure to Ensure Safety in Performing Military Exercises

## Article 363

(1) A military person who fails to undertake the prescribed, ordered or other obviously needed measures during exercise, training courses or in the course of conducting experiments, thus endangering human lives or seriously endangering the health of people or material goods of great value, shall be punished by imprisonment for three months to three years.

(2) If the criminal offense referred to in paragraph 1 of this Article results in serious bodily injury, or extensive pecuniary damage, or other serious consequences, the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offense referred to in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offense referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator shall be punished by a fine or imprisonment not exceeding three years, while if the consequence referred to in paragraph 3 of this Article is caused, the perpetrator shall be punished by imprisonment for six months to five years.

#### Defaulting Order and Evasion of Military Service

##### Article 364

(1) Whoever, without justifiable reason, fails to report at the appointed time for conscription to be told the combat posting, or to receive arms, or to fulfill compulsory military service, military exercises or another military service, although being summoned by an individual or general order to report for military service, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever hides in order to evade the obligation referred to in paragraph 1 of this Article, although being summoned by an individual or general order, shall be punished by imprisonment for three months to five years.

(3) Whoever leaves the country or remains in a foreign state in order to evade conscription or fulfilling compulsory military service, military exercises or other military service shall be punished by imprisonment for one to ten years.

(4) Whoever calls or instigates a number of persons to commit the criminal offense referred to in paragraphs 1 to 3 of this Article shall, for the criminal offense referred to in paragraph 1 of this Article, be punished by imprisonment for three months to three years, and for the criminal offenses referred to in paragraphs 2 and 3 of this Article, by imprisonment for one to fifteen years.

(5) The perpetrator of the criminal offense referred to in paragraphs 1, 2 and 3 of this Article who voluntarily reports to a competent governmental body may have his punishment mitigated or remitted.

#### Evasion of Military Service by Mutilation or Deception

##### Article 365

(1) Whoever, with an aim to evade military service or to be assigned to an easier duty, injures himself, or otherwise temporarily disables himself for military service, or permits another to

temporarily disable him, or whoever for the same purpose disables another, with or without such a person's approval, shall be punished by imprisonment for three months to five years.

(2) If the perpetration of the criminal offense referred to in paragraph 1 of this Article results in permanent disability for military service, the perpetrator shall be punished by imprisonment for one to ten years.

(3) Whoever, with an aim referred to in paragraph 1 of this Article, simulates illness, or uses a false document for himself or for another, or otherwise acts in a fraudulent manner, shall be punished by imprisonment for three months to five years.

#### Illegal Exemption from Military Service

##### Article 366

Whoever, by abusing of his official position or authority, enables a military person or a person subject to conscription to be exempted from duty or to be assigned to an easier duty shall be punished by imprisonment for six months to five years.

#### Arbitrary Abandonment and Desertion of a Military Unit or Service

##### Article 367

(1) A military person who arbitrarily leaves his unit or service and does not return to duty within the time limit of ten days or does not, within this time limit, return from an authorized furlough from the unit or service shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a military person who, more than twice for a period shorter than ten days, stays outside his unit or service without permission or to a military person who arbitrarily leaves his unit or service at the time of executing an important task or when his unit is at an increased level of readiness for combat.

(3) A military person who hides in order to evade military service, or who arbitrarily leaves his unit or service and does not return to his duty within the time limit of thirty days, or does not within this time limit return from an authorized furlough from the unit or service, shall be punished by imprisonment for six months to five years.

(4) A military person who leaves the country or remains in a foreign state in order to evade military service shall be punished by imprisonment for three to fifteen years.

(5) A military person who prepares to escape abroad in order to evade military service shall be punished by imprisonment for six months to five years.

(6) The perpetrator of the criminal offenses referred to in paragraphs 1, 3 and 4 of this Article who voluntarily reports to a competent governmental body may have his punishment mitigated.

#### Evasion of Enlistment and Inspections

##### Article 368

Whoever, in time of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, contrary to the obligation established by law, without justifiable reason, fails to respond or opposes enlistment or inspection of manpower, or fails to respond or opposes the requisitioning or inspection of means of transport, livestock, buildings and other installations necessary to the armed forces, or whoever in the course of such enlistment or inspection makes inaccurate statements or furnishes inaccurate data, shall be punished by imprisonment for one to five years.

#### Failure to Fulfill Material Obligations

##### Article 369

Whoever, in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, contrary to the obligation established by law, without justifiable reason, fails to place at the disposal of military authorities, at the appointed time and in the prescribed condition, objects and other means, or fails to deliver livestock, shall be punished by imprisonment for one to five years.

#### Careless Manufacture and Delivery of Military Material

##### Article 370

(1) A military person or other person to whom, in a public enterprise, company or institution working for the needs of defense, the management of manufacturing or another economic activity or supervision is entrusted, who carelessly performs a service or obligation entrusted to him and for that reason arms, ammunition, explosive mining devices or other combat devices are not manufactured on time or fall short of a specified quality, shall be punished by imprisonment for three months to three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a military person who, in carelessly executing his duty, accepts supplies for the army, or military equipment or weapons which fail to meet the stipulated conditions or contract terms.

(3) If the perpetration of the criminal offenses referred to in paragraphs 1 and 2 of this Article results in serious consequences, the perpetrator shall be punished by imprisonment for one to eight years.

(4) If the criminal offenses referred in paragraphs 1 and 2 of this Article are committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offense referred to in paragraph 4 of this Article, the consequence referred to in paragraph 3 of this Article is caused, the perpetrator shall be punished by imprisonment for three months to three years.

#### Irregular and Careless Treatment of Entrusted Arms

##### Article 371

(1) Whoever irregularly or carelessly keeps, stores or handles arms, ammunition or explosive devices belonging to a military unit or military institution which have been entrusted to him and thereby causes substantial damage to these items or causes their destruction or disappearance shall be punished by a fine or imprisonment not exceeding one year.

(2) The manager of a storehouse for weapons, ammunition, explosive mining devices and means of combat who fails to take measures towards their protection or maintenance, causing thereby damage or destruction or the disappearance of such means of combat, shall be punished by imprisonment for three months to five years.

(3) If the perpetration of the criminal offense referred to in paragraph 2 of this Article results in extensive pecuniary damage, the perpetrator shall be punished by imprisonment for three to ten years.

(4) If the criminal offense referred to in paragraph 2 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment not exceeding three years.

(5) If, by the criminal offense referred to in paragraph 4 of this Article, the consequence referred to in paragraph 3 of this Article is caused, the perpetrator shall be punished by imprisonment for three months to five years.

#### Illegal Disposition of Entrusted Arms

##### Article 372

Whoever appropriates, conveys, pledges, gives to another for use, damages or destroys arms, ammunition or explosive mining devices which are entrusted to him and which serve defense needs shall be punished by imprisonment for six months to three years.

#### Larceny of Arms or Parts of a Means of Combat

##### Article 373

(1) Whoever steals arms, ammunition, explosive mining devices or a part of a means of combat serving defense needs shall be punished by imprisonment for three months to five years.

(2) If the larceny is committed by breaking into or entering by force closed buildings, rooms, safes or other enclosed areas, or if it is committed by a number of persons who have joined together for the purpose of committing the larceny, or if it is committed in a particularly dangerous or brazen manner, or if it is committed by a person carrying a weapon or a dangerous instrument for attack or defense, or if it is committed during a fire, flood or a similar calamity, or if the stolen object is of great value, while the perpetrator acts with an aim of appropriating the object of such value, he shall be punished by imprisonment for one to ten years.

#### Disclosure of a Military Secret

##### Article 374

(1) A military or other person who, contrary to his duties related to keeping a military secret, communicates, delivers to another, or in some other way makes accessible to another data which are a military secret, or whoever collects such data with an aim to deliver them to an unauthorized person, shall be punished by imprisonment for six months to five years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed for personal gain, or if the data referred to in paragraph 1 of this Article are classified or highly classified, or if the offense is committed in order to publish or use abroad data which are a military secret, the perpetrator shall be punished by imprisonment for three to fifteen years.

(3) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment for three months to three years.

#### Trespass on Military Installations and Unauthorized Making of Sketches or Drawings of Military Installations or Means of Combat

##### Article 375

(1) Whoever, for the purpose of reconnaissance, enters a military installation without authorization, despite knowing that access is forbidden, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever, without authorization, makes sketches or drawings of military installations or means of combat or takes photographs of the same or otherwise records them shall be punished by imprisonment for three months to three years.

#### Sentencing for Criminal Offenses Committed in Times of War or in the Case of Immediate Peril to the Independence and Unity of the Republic of Croatia

## Article 376

(1) For the criminal offenses referred to in Article 352, paragraphs 1 and 3, Article 353, paragraph 2, Article 354, paragraph 1, Article 355, Article 356, paragraphs 1 and 2, Article 357, paragraphs 1 and 2, Article 358, Article 360, paragraphs 1, 2 and 5, Article 361, paragraphs 1 and 3, Article 362, paragraphs 1, 4 and 5, Article 363, paragraphs 1, 4 and 5, Article 364, paragraph 1, Article 365, paragraphs 1 and 2, Article 366, paragraphs 1, 2, 4 and 5, Article 367, paragraphs 1, 2, 4 and 5, Article 368, Article 373, paragraph 1, Article 374, paragraph 4 and Article 375 of this Code, if committed in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment for one to ten years.

(2) For the criminal offenses referred to in Article 354, paragraph 4, Article 356, paragraph 3, Article 357, paragraph 3, Article 360, paragraph 3, when serious bodily injury is inflicted, or extensive pecuniary damage is caused, and paragraph 4, Article 361, paragraph 2, Article 362, paragraphs 2 and 3, Article 363, paragraphs 2 and 3, Articles 365 and 366, Article 367, paragraph 5, Article 371, paragraph 3, Article 373, paragraphs 2 and 3 and Article 374, paragraphs 1 and 2 of this Code, if committed in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment for three to fifteen years.

(3) For the criminal offenses referred to in Article 352, paragraph 2, Article 353, paragraph 1, Article 354, paragraphs 2 and 3, Article 361, paragraph 2, if particularly serious consequences are caused, Article 364, paragraphs 2 and 3, Article 367, paragraphs 3 and 4, Article 370, paragraph 3 and Article 374, paragraph 3 of this Code, if committed in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment for not less than five years or by long-term imprisonment.

## Defection and Surrender to the Enemy

### Article 377

(1) A military person who defects in times of war or armed conflict to the enemy's military shall be punished by imprisonment for not less than five years or by long-term imprisonment.

(2) A military person who in times of war surrenders to the enemy prior to having exhausted all modes of defense shall be punished by imprisonment for three to fifteen years.

## Failure to Carry out Duty During Combator Combat Action

### Article 378

(1) A military person who, during combat or immediately prior to it or prior to action in combat, fails to carry out his duty, causing thereby damage to a military unit or combat situation, shall be punished by imprisonment for three to fifteen years.

#### Arbitrary Abandonment of Duty During Combator Combat Action

##### Article 379

A military person who, during combat or immediately prior to it or prior to action in combat, arbitrarily or in a fraudulent way abandons his duty shall be punished by imprisonment for three to fifteen years.

#### Abandoning a Position Contrary to Orders

##### Article 380

A military person who, in breach of orders, abandons a position together with the unit entrusted to him prior to having exhausted all modes of defense shall be punished by imprisonment for three to fifteen years.

#### Premature Abandonment of a Damaged Vessel or Aircraft

##### Article 381

(1) A captain of a warship who in time of war abandons a damaged ship without having fulfilled his duty pursuant to ship service regulations shall be punished by imprisonment for three to fifteen years.

(2) A member of a warship crew who in times of war abandons a damaged ship before the ship's captain gives the order to abandon ship or a military aircraft crew member who in times of war jumps from a damaged aircraft without having discharged his duty pursuant to flying and aircraft use regulations shall be punished by imprisonment for one to ten years.

#### Leaving Undamaged Means of Combat to the Enemy

##### Article 382

(1) A military person who allows a substantially undamaged military storehouse, vessel, aircraft, tank or other means of combat to fall into enemy hands shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred in paragraph 1 of this Article shall be inflicted on whoever, contrary to orders, allows substantially undamaged installations or other premises of relevance for the defense to fall into enemy hands.

## Weakening of Combative Morale and Military Situation

### Article 383

(1) A military person who, during combat or immediately prior to it, weakens the combative morale of a unit or does damage to the military situation by flight, throwing away arms or ammunition, spreading fear, creating disorder or confusion, or in any other way shall be punished by imprisonment for five to fifteen years.

(2) A military person who fails to take the necessary measures towards a subordinate who, during combat or immediately prior to it, spreads fear among soldiers, creates disorder or confusion in the ranks of the unit or otherwise weakens the combative morale or does damage to the military situation shall be punished by imprisonment for one to ten years.

## Failing to Secure a Military Unit

### Article 384

(1) A military person who in time of war or armed conflict fails to secure a unit entrusted to him, causing thereby serious consequences to the unit, shall be punished by imprisonment for three to fifteen years.

(2) If particularly serious consequences to the unit occur as a result of the criminal offense referred to in paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for not less than five years or by long-term imprisonment.

(3) If the criminal offense referred in paragraph 2 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment for one to ten years.

## Failure to Report to Military Authorities

### Article 385

Whoever in times of war or immediate peril to the independence and unity of the Republic of Croatia fails to report to a superior, a person of higher rank or to a military command an event which clearly requires undelayed military measures shall be punished by imprisonment for three months to one year.

## Failure to Perform Duty in Carrying Out Mobilization

### Article 386

(1) A military or official person who, in carrying out mobilization in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, in violation of his

duty, fails to ensure the reception, deployment and accommodation of mobilized manpower, transport and other conveyances and livestock, or fails to ensure the supply of the mobilized manpower and livestock, or to perform any other duty related to mobilization, causing thereby serious consequences, shall be punished by imprisonment for one to five years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment for three months to three years.

#### Conditions for Imposing Disciplinary Measures

##### Article 387

For a criminal offense against the armed forces for which imprisonment not exceeding three years is prescribed, it is possible that, instead of a criminal sanction, a disciplinary measure established by regulations ordering disciplinary responsibility in the armed forces of the Republic of Croatia be imposed against the military person, provided that the offense is of an especially light character and if the interests of the service so require.

#### Responsibility for a Criminal Offense Committed on Superior Orders

##### Article 388

There shall be no criminal offense if an act is committed by a subordinate pursuant to an order from his superior given in the line of official duty, except if such an order relates to the perpetration of a war crime or another criminal offense for which, according to law, imprisonment for ten years or a more severe punishment may be imposed, or if it is obvious that by obeying such an order a criminal offense would be committed.

#### CHAPTER TWENTY-SEVEN (xxvii)

#### TRANSITORY AND CLOSING PROVISIONS

##### Article 389

When this Code comes into force, the following shall cease to be valid:

1. Basic Criminal Code of the Republic of Croatia - ("*Narodne novine*" - Official Gazette of the Republic of Croatia Nos. 31/93, 39/93, 108/95, 16/96 and 28/96),
2. Criminal Code of the Republic of Croatia - ("*Narodne novine*" - Official Gazette of the Republic of Croatia Nos. 32/93, 38/93, 16/96 and 28/96),

3. Act on Criminal Offenses of Subversive and Terrorist Activities Against the State Sovereignty and Territorial Unity of the Republic of Croatia - ("*Narodne novine*" - Official Gazette of the Republic of Croatia No. 74/92).

#### Article 390

The execution of sanctions imposed by a final decision in accordance with the provisions of the criminal statutes referred to in Article 389 of this Code, whose enforcement has not begun or whose execution is in course, shall in their formulation, content and the mode of enforcement be brought into accord with the provisions of this Code as of the day of its coming into force.

#### Article 391

This Code shall come into force on January 1st, 1998.