

**CRIMINAL CODE OF THE REPUBLIC OF SERBIA**  
*(Official Gazette of RS, Nos. 85/2005, 88/2005, 107/2005)*  
*With added amendments from 31 August and 29 December 2009 and 24 December 2012*

(excerpts)

**Protection of Sources of Information**

**Article 41**

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

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**Disclosing a State Secret**

**Article 316**

(1) Whoever without authorisation discloses, hands over or makes available to another, information or documents that are entrusted to him or that he acquired otherwise and that represent a state secret,

shall be punished by imprisonment of one to ten years.

(2) Whoever discloses to another information or documents that he knows are a state secret, and which he unlawfully acquired,

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

(3) If the offence specified in paragraph 1 of this Article is committed during state of war or state of emergency, or has resulted in compromising security, economic or military power of Serbia,

the offender shall be punished by imprisonment of three to fifteen years.

(4) If the offence specified in paragraph 1 is committed from negligence,

the offender shall be punished by imprisonment of six months to five years.

(5) Such information or documents shall be considered a state secret that are by law, other regulations or decision of competent authority passed pursuant to law declared a state secret, and whose disclosure would or could cause harm to the security, defence or political, military or economic interests of Serbia.

(6) A state secret in terms of paragraph 5 of this Article shall not be deemed information or documents directed at serious violation of fundamental rights of man, or at compromising the constitutional order and security of Serbia, as well as information and documents that are aimed at concealing a committed criminal offence punishable by law with imprisonment up to five or more years.

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**Revealing of Official Secret**

**Article 369**

- (1) An official who without authorisation communicates, conveys or otherwise makes available information representing an official secret or whoever obtains such information with intent to convey it to an unauthorised person,  
shall be punished by imprisonment of six months to five years.
  - (2) If the offence specified in paragraph 1 of this Article is committed for gain or in respect of particularly confidential information or for publishing or use abroad,  
the offender shall be punished by imprisonment of one to eight years.
  - (3) If the offence specified in paragraph 1 of this Article is committed from negligence,  
the offender shall be punished by imprisonment up to three years.
  - (4) An official secret is information and documents declared by law, other regulation or decision of the competent authority issued pursuant to law as an official secret and whose disclosure would cause or could cause damage to the service.
  - (5) Data and documents directed at serious violation of fundamental rights of man, or at endangering the constitutional order and security of Serbia, as well as data and documents that have as objective concealing of a committed criminal offence punishable under law by imprisonment of five or more years shall not be deemed an official secret in terms of paragraph 4 of this Article.
- Provisions specified in paragraphs 1 through 4 of this Article shall also be applied to a person who has disclosed an official secret after his position of an official has ceased

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### **Disclosing a Military Secret**

#### **Article 415**

- (1) Whoever without authorisation communicates, hands over or otherwise makes available information representing a military secret or whoever obtains such information with intent to hand it over to an unauthorised person,  
shall be punished by imprisonment of six months to five years.
- (2) If the offence specified in paragraph 1 of this Article is committed for gain or in respect of particularly confidential information or for publishing or use of such information abroad,  
the offender shall be punished by imprisonment of one to eight years.
- (3) If the offence specified in paragraph 1 of this Article is committed from negligence,  
the offender shall be punished by imprisonment up to three years.
- (4) A military secret is information declared by law, other regulations or decision of a competent authority passed pursuant to law as a military secret and whose disclosure would or could cause damage to the Army of Serbia or to the defence and security of the country.
- (5) Information or documents directed at serious violation of fundamental rights of man or at compromising the constitutional order and security of Serbia, as well as information and documents aimed at concealing a committed criminal offence punishable under law by imprisonment of five years or more severe punishment shall not be deemed a military secret in terms of paragraph 4 of this Article.