

Republic of Macedonia

CRIMINAL CODE

(with implemented amendments from March 2004)

Enacted: 23 July 1996

Came into effect: 1 November 1996

GENERAL PART

1. GENERAL PROVISIONS

Legality in the determining of crimes and the prescribing of criminal sanctions

Article 1

Nobody can be sentenced to a punishment or some other penal sanction for an act, which before it was committed, was not determined by law to be a crime and for which no punishment was prescribed by law.

Fundaments and limits of criminal-legal coercion

Article 2

The protection of human freedoms and rights and of other basic values, and the implementation of criminal legal coercion, when this is within an extent that is necessary to prevent socially damaging activities, represent the fundament and limit for determining the crimes and the prescription of criminal sanctions.

Obligatory implementation of a more lenient criminal law

Article 3

(1) The law that was applicable at the time when a crime was committed shall be applied upon the person who has committed the crime.

(2) If the law has changed once or several times after the crime was committed, that law shall be applied which is more lenient towards the offender.

(3) If this law prescribes a new alternative measure, a safety measure or an educational measure, it can be applied only if it corresponds to a previously prescribed measure and if it is not more harmful to the perpetrator.

Criminal sanction

Article 4

Criminal sanctions are: punishments, alternative measures, security measures and educational measures.

Limitations in the execution of criminal sanctions

Article 5

An offender can be deprived or limited in certain rights in the execution of a criminal sanction only to the extent which corresponds to the nature and contents of this sanction, and only in a manner that provides respect of the offender's personality and his human dignity.

Applicability of the General Part

Article 6

The provisions from the General Part of this Code are applicable to all crimes determined by the laws of the Republic of Macedonia.

2. A CRIME AND CRIMINAL RESPONSIBILITY

2.1. General provisions on crime and criminal responsibility

Crime

Article 7

A crime is an unlawful act which is determined by law to be a crime, and whose characteristics are determined by law.

An act of minor significance

Article 8

(1) An act is not a crime even though it contains characteristics of a crime, when it is an act of minor significance, because of the lack or insignificance of the damaging consequences and the low level of criminal responsibility of the offender.

(2) The provision from paragraph 1 may be applied to a crime for which the law prescribes a fine or an imprisonment sentence of up to three years.

Self-defense

Article 9

(1) An act is not a crime if it was committed in self-defense.

(2) Self-defense is that defense, which is necessary for the offender to avert a simultaneous unlawful attack upon himself or upon another.

(3) The offender who has exceeded the limits of self-defense may be punished more leniently, and if the exceeding was done because of a strong irritation or fear caused by the attack, he may be acquitted from punishment.

Extreme necessity

Article 10

(1) An act is not a crime, which was committed in extreme necessity.

(2) Extreme necessity exists when the crime was committed in order for the offender to avert from himself or from another a simultaneous obvious danger, which could not be averted in some other way, and hereby the perpetrated evil is not larger than the evil that had threatened.

(3) An offender who himself caused danger by negligence, or who has exceeded the limits of extreme necessity, may be punished more leniently, and if the exceeding was committed under especially alleviating circumstances - he can even be acquitted from punishment.

(4) Extreme necessity does not exist if the offender was obliged to expose himself to danger.

Criminal responsibility

Article 11

(1) An offender bears criminal responsibility if he is mentally competent and if he has committed the crime with intent or out of negligence and was aware, or was obliged and could have been aware that the activity has been prohibited.

(2) The offender bears criminal responsibility for a crime committed out of negligence only when this is so determined by the law.

Mental competence

Article 12

(1) The offender is mentally incompetent if at the time when he performed the crime he could not understand the significance of his act or if he could not control his actions because of a permanent or temporary mental illness, temporary mental disorder or retarded mental development, or other especially severe mental impediments (mental incompetence).

(2) The perpetrator of a crime whose ability to understand the significance of his action and the ability to control his actions was significantly decreased because of some situation from item 1, may be punished more leniently (significantly decreased mental competence).

(3) The perpetrator of a crime bears responsibility if with the use of alcohol, drugs or in some other manner, he brings himself into a situation when he could not understand the significance of his act or control his actions, if before he brought himself into such a situation the act was present in his intent, or in relation to the crime he was negligent, and the law prescribes for such an act criminal responsibility also for negligence.

Intent

Article 13

A crime was committed with intent when the offender was aware about his act and he wanted it to be committed; or when he was aware that because of his act or omission, there could be a damaging consequence, but he agreed for it to happen.

Negligence

Article 14

A crime is committed out of negligence when the offender was aware that because of his act or omission, a damaging consequence could happen, but lightheartedly he thought he could prevent it or that it would not happen; or when he was not aware of a possible damaging consequence, even though according to the circumstances and according to his personal features he was obliged to be and he could be aware of this possibility.

Responsibility for a more severe consequence

Article 15

When the result of a crime was a more severe consequence, for which the law prescribes a more serious punishment, this punishment may be pronounced if the offender acted out of negligence in relation to this consequence.

Real mistake

Article 16

(1) The offender is not criminally responsible, when at the time the crime was committed, he had no knowledge of some of its characteristics, determined by law; or if he wrongly considered that there are circumstances according to which, if they had existed, this would have been permissible.

(2) If the offender was under mistaken notion out of negligence, he is criminally responsible for the crime committed out of negligence, if the law determines a criminal responsibility for such an act.

Mistake of law

Article 17

(1) The perpetrator of a crime is not criminally responsible for an act if for justified reasons he did not know and he could not have known that this act is prohibited.

(2) If the offender could have known that this act is prohibited, he may be punished more leniently.

2.2. Preparation and attempt of a crime

Preparation

Article 18

(1) A person intentionally preparing a crime shall be punished only when this is explicitly so determined by law.

(2) The preparation of a crime may be determined by law as a special crime, or it may be prescribed by law that the preparation of a certain crime is punishable.

(3) When the law prescribes punishment for the preparation of a certain crime, the preparation may consist of procurement or adaptation of means for the perpetration of a crime; of removing hindrances for committing the crime; of making agreements, planning or organizing together with other perpetrators of a crime; as well as of other activities with which conditions are created for direct perpetration of the crime, and which do not represent an action of perpetration.

Attempt

Article 19

(1) A person that intentionally starts the perpetration of a crime, but who does not complete it, shall be punished for an attempted crime for which according to the law a sentence could be pronounced of five years of imprisonment or a more severe punishment, and for the attempt of some other crime only when the law explicitly prescribes the punishment of an attempt.

(2) The offender shall be punished for an attempt within the limits of the punishment prescribed for the crime, and he may be punished more leniently.

Unsuitable attempt

Article 20

The offender who attempts to perpetrate a crime with unsuitable means or towards and unsuitable object may be acquitted from punishment.

Voluntary calling off

Article 21

(1) An offender who was preparing or who attempted to commit a crime, but who voluntarily called off its perpetration may be acquitted from punishment.

(2) The perpetrator has given up the preparation of the activity when he\she has ceased any further preparations or has stopped or seriously tried to stop the commencement of the performance of the criminal activity.

(3) In case of voluntary calling off, the offender shall be punished for those activities that represent some other independent crime.

2.3. Accessory in crime

Joint perpetration

Article 22

If two or several persons, by participation in an act of perpetration or with any other significant contribution towards the performance of the crime, commit jointly a crime, each one of them shall be punished with the punishment that is prescribed for that crime.

Instigation

Article 23

(1) A person that instigates, with intent, another to committing a crime, shall be punished as if he had perpetrated the crime himself.

(2) A person that instigates, with intent, another to commit a crime, for which a sentence of five years of imprisonment or a more severe sentence could be pronounced, and there is not even an attempt of this crime, shall be punished as for an attempted crime.

Accessory

Article 24

(1) A person who with intent assists in the perpetration of a crime, shall be punished as if he had committed the crime himself, and he may be punished more leniently.

(2) As accessory to perpetrating a crime shall be considered especially: giving advice or instructions how to commit the crime; making available to the offender means for committing the crime; removal of hindrances for perpetrating the crime; as well as giving promise in advance for covering up the crime, the offender, the means with which the crime was perpetrated, the traces of the crimes or the objects obtained through the crime.

Limits of criminal responsibility and possibility of punishing the accomplices

Article 25

(1) The joint offender is criminally responsible within the limits of his intent or negligence, and the instigator and accessory - within the limits of their intent.

(2) The joint offender, instigator or accessory that voluntarily prevented the perpetration of a crime may be acquitted from punishment. This is also applicable in the case of preparation of a crime, regardless whether it is determined by law as a special crime, or whether the law prescribes as punishable the preparation of a certain crime (article 8 item 2).

(3) Personal relations, characteristics and circumstances because of which the law excludes criminal responsibility, or it permits acquittal from punishment, a more lenient or a more severe punishment, may be taken into consideration only for that offender, joint offender, instigator or accessory where such relations, characteristics and circumstances exist.

2.4. Special provisions on criminal responsibility for crimes perpetrated through the public media

Criminal responsibility of the Chief Editor

Article 26

(1) The Chief Editor, respectively the person substituting for him at the time when the information was published, is criminally responsible for crimes committed through a newspaper or some other periodical publication, through radio, television or through film news, if:

- 1) the author remained unknown until the conclusion of the main hearing before the court of first instance;
- 2) the information was published without consent from the author;
- 3) at the time of publication of the information actual or legal hindrances existed for the persecution of the author, which continue to last.

(2) The Chief Editor, respectively the person substituting for him, is not criminally responsible if for justified reasons he did not know about one of the circumstances listed in points 1, 2 and 3 of item 1.

Criminal responsibility of the publisher, printer and producer

Article 27

(1) When the circumstances from article 26 exist, criminal responsibility is born by:

- 1) the publisher - for a crime committed through a non-periodically printed publication, and if there is no publisher or if actual or legal hindrances exist for his persecution - by the printer who knew about it;
- 2) the producer - for a crime committed through a record, a tape, a film for private or public presentation, slides, phonograms, video and audio means or similar communication means intended for a wider circle of people.

(2) If the publisher, printer or producer is a legal entity or a state agency, criminal responsibility is born by the person responsible for the publication, printing or production.

Criminal accountability of the importer and the distributor of the mean for public information

Article 27-a

(1) If the crime has been committed within a mean of public information which is issued, printed, produced or broadcasted abroad, and is distributed within the country under the terms of article 26, the importer or the distributor of that material shall be criminally accountable.

(2) If the importer or the distributor is a legal entity or a state authority, the responsible official within the legal entity or the state authority shall be criminally accountable.

Application of the general provisions on criminal responsibility

Article 28

The provisions on criminal responsibility for the persons listed in articles 26, 27 and 27-a shall apply only if these persons are not criminally responsible according to the general provisions for criminal responsibility in this Code.

2.5. Criminal accountability of a legal entity

Conditions for criminal accountability of a legal entity

Article 28-a

(1) In the cases stipulated in the Special part of this criminal code or in another law which prescribes criminal activities, the legal entity shall be held criminally accountable if the commitment of the crime can be attributed to an activity or a failure to perform the obligatory supervision, committed by the management authority or the responsible official within the legal entity, or another person authorized to act on behalf of the legal entity within the framework of its authorizations, or when it has overstepped its authorizations in order to provide gain for the legal entity.

(2) The criminal accountability of the legal entity does not abolish the accountability of the perpetrator of the crime.

(3) Regarding the crimes stipulated in the law, all legal entities shall be held criminally accountable with the exception of the state.

(4) Foreign legal entities shall be held criminally responsible if they have committed the crime on the territory of the Republic of Macedonia, regardless of whether they have their representative office or a branch office which performs activities on the territory of the Republic of Macedonia.

2.6. Manner, time and place of perpetration of a crime

Manner of perpetration of a crime

Article 29

(1) A crime can be perpetrated by act or omission.

(2) A crime can be perpetrated by omission only when the offender omitted the act that he was legally bound to commit, and the omission has equal significance as causing the consequence of the crime by act.

Time of perpetration of a crime

Article 30

The crime was perpetrated at the time when the offender acted, or was obliged to act, regardless when the consequence appeared.

Place of perpetration of a crime

Article 31

(1) The crime was perpetrated both at the place where the offender acted or was obliged to act, as well as at the place where the consequence appeared.

(2) The preparation and the attempt of a crime are considered to be perpetrated both at the place where the offender acted, as well as at the place where according to his intent the consequence should have or could have appeared.

(3) The activity of the accomplice has been committed at the location where the activity was transferred to the perpetrator, as well as at the place where the accomplice has worked or was obligated to work.

3. PUNISHMENTS

3.1. The aim of punishment, the types of punishments and conditions for pronouncing them

The aim of punishment

Article 32

Besides the realization of justice, the aim of punishment is:

- (1) to prevent the offender from committing crimes and his correction;
- (2) educational influence upon others, as not to perform crimes.

Types of punishments

Article 33

(1) The criminally accountable persons can be sentenced as follows for the crimes they have committed:

- 1) imprisonment
- 2) fine
- 3) a ban from performing their profession, activity or duty;
- 4) eviction of a foreigner from the country

(2) The sentence of imprisonment may be applied only as the main sentence.

(3) The fine may be applied as a main sentence or as a secondary sentence together with the imprisonment sentence or with the probation sentence with a predetermined imprisonment sentence.

(4) If for a crime the law prescribes an imprisonment sentence or a fine, only of them may be applied as the main sentence, unless the law stipulates that both sentences may be applied.

(5) In addition to the main sentence, one or more secondary sentences may be applied, in compliance with the conditions of applying sentences, stipulated in the law. The law may stipulate that it is obligatory to apply a secondary sentence

(6) The sentence involving a ban for performing the profession, activity or duty, may be applied only as a secondary sentence in addition to the imprisonment sentence or a probation sentence with a predetermined imprisonment sentence.

(7) The sentences related to bans from driving a motor vehicle and eviction of foreign persons from the country, may be applied if the perpetrator is sentenced with imprisonment or a fine, probation or a court reprimand.

(8) The sentence whereby the perpetrator is banned from driving a motor vehicle, may be applied as the only sentence to the perpetrator of a negligence for which a fine or an imprisonment sentence of up to one year has been prescribed, and if the perpetrator committed the crime under particularly extenuating circumstances.

Legality in the pronouncing of a punishment

Article 34

(1) The offender is sentenced to the punishment prescribed for the perpetrated crime, and a more lenient punishment may only be pronounced under the conditions foreseen by this Code.

(2) For crimes perpetrated from self-interest, a fine may be pronounced as secondary punishment even if it is not prescribed by law, or when it is prescribed by law that the offender shall be sentenced with imprisonment or with a fine, and the court pronounces a punishment of imprisonment as the main punishment.

Imprisonment

Article 35

(1) Imprisonment may not be shorter than thirty days, or longer than 15 years. For the crimes for which the law prescribes a life imprisonment sentence, a sentence of imprisonment of up to 20 years may be applied..

(2) If a punishment of 15 years of imprisonment is prescribed for a premeditated crime, a punishment of life imprisonment may be prescribed for severe forms of this crime.

(3) The punishment of life imprisonment may not be prescribed as the only main punishment.

(4) The punishment of life imprisonment may not be pronounced for an offender who at the time the crime was committed has not attained the age of 21 years.

(5) Imprisonment is pronounced with full years and months, and up to six months, also with full days.

(6) When a punishment of imprisonment is prescribed for crimes without appointing a minimal measure, and when the maximum measure is not longer than three years, it is compulsory to also pronounce a fine besides the punishment of imprisonment.

(7) The imprisonment shall take place within facilities for imprisonment sentences, specified by law.

Parole

Article 36

(1) The condemned may be released from serving a punishment of imprisonment under the condition that until the expiration of the period for which the punishment was pronounced he does not perpetrate a new crime; if he has corrected himself so that it can be expected with justification that he would behave well in freedom, and especially that he would not commit crimes. The evaluation whether the condemned shall be set free on parole shall take into consideration his conduct during the serving of his sentence, his performance in the work duties considering his work capability, and other circumstances which show that the aim of the punishment has been achieved.

(2) The condemned that has served one half of a punishment of imprisonment may be released on parole.

(3) As an exception, a condemned who has served one third of a punishment of imprisonment may also be released on parole, under the conditions from item 1, and if special circumstances concerning the personality of the condemned evidently show that the aim of the punishment has been attained.

(4) The condemned sentenced to life imprisonment may not be released on parole before he serves at least 15 years of the punishment of imprisonment.

(5) For the put on probation, the court may specify a protective supervision, which shall comprise special measures of assistance, care, supervision or protection specified by the social authority.

(6) A juvenile may be released on parole from serving a punishment of juvenile imprisonment if he has served one third of the punishment, but not before he stays one year of the duration of the sentence, and if grounds exist to expect that according to the results achieved in correction and reeducation, he would behave well in freedom, continue his education and work, and would not commit crimes in the future. During the parole, the court may determine a measure of intensified supervision.

Revoking parole

Article 37

(1) The court shall revoke the parole if during the time the condemned is under parole he commits one or more crimes for which a sentence has been pronounced of imprisonment or of juvenile imprisonment longer than two years.

(2) The court may revoke the parole if the person on parole commits one or more crimes for which a sentence of imprisonment or juvenile imprisonment of up to two years has been pronounced. In the evaluation whether it shall revoke the parole, the court shall especially take into consideration the similarity of the perpetrated crimes, their significance, the motives why they were perpetrated, and other circumstances that show the justification for revoking

the parole or if after two written warnings from the competent authority, fails to fulfill the obligation pertaining to the protective supervision (article 36 paragraph 5).

(3) When the court revokes the parole, it shall pronounce a punishment with applying the provisions from articles 44 and 46 item 2, taking the previously pronounced punishment as already confirmed. The part of the punishment that the condemned has already served according to the previous sentence is calculated into the new punishment, and the time passed on parole is not considered.

(4) The provisions from items 1 to 3 shall be applied also when the person under parole is tried for a crime that he perpetrated before being put on parole.

(5) If the person on parole is sentenced to a punishment of imprisonment or to a juvenile imprisonment of up to two years, and the court does not revoke the parole, the parole is extended for the time which the condemned has passed in serving the punishment of imprisonment, respectively of juvenile imprisonment.

Fine

Article 38

(1) The fine shall be applied in the form of daily fines, where the number of the daily fines may not be less than five or more than 360 daily fines.

(2) The court shall specify the number of daily fines in accordance with the general rules for specifying the fine.

(3) the court shall determine the level of the daily fine having in mind the material and personal circumstances of the perpetrator, starting, as a rule, from the net daily actual or possible income of the perpetrator, as well as the family and other obligations of the perpetrator as well as the material situation of the perpetrator at the time of the passed judgment. The smallest amount of a daily fine may be the denar equivalent of one euro and the highest amount may be the denar equivalent of 5000 euros.

(4) The court decision shall contain the amount of the fine which may be obtained by multiplying the number of the daily fines with the specified amount of a single daily fine.

(5) For the purposes of determining the amount of the daily fine, the court may ask for reports from banks, financial and other institutions, state authorities and legal entities, which shall be obligated to submit the requested reports and can not invoke the principle of a trade or any other secret.

(6) In the case when the fine is applied as a secondary sentence in addition to an imprisonment sentence, the court shall determine the monetary amount, without applying the provisions stipulated in paragraphs 1 to 5. The monetary fine, if applied as a secondary fine, may not be less than the denar equivalent of 20 euros, nor more than the denar equivalent of 5000 euros.

Collection of a monetary fine

Article 38-a

(1) The judgment shall specify the deadline for payment of the fine, which may not be shorter than 15 days nor longer than three months. However, in certain justified cases the court may allow the defendant to pay the fine in installments, provided that the time period for the payment of the entire fine is not longer than two years. If the perpetrator is a foreign person the court shall specify the fine to be paid without any delay or its payment to be secured in another way.

(2) If the defendant fails to pay the fine within the specified time period, the court may specify a different time period or, if the court determines that the defendant does not want to pay the fine, to order a forced collection of the fine applying a procedure specified by law. If the provision of a new time period, which may not be longer than three months, or the forced collection prove unsuccessful, the court may act as follows: for each unpaid installment it may specify one day imprisonment or, when the fine has been applied as a secondary sentence, for every started denar equivalents of 20 euros, the court may specify one day imprisonment, provided that the total time of imprisonment may not be longer than six months.

(3) If the defendant pays only a part of the fine, the rest will proportionally be transformed into imprisonment time, and if the defendant pays the remainder of the fine, the imprisonment shall be terminated.

(4) After the death of the defendant the fine shall no longer be enforced.

Prohibition to perform profession, activity or duty

Article 38-b

(1) The court may ban the perpetrator which has been sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to disposing, usage, management and handling of property or related to keeping of that property, if the perpetrator has abused his\her profession, activity or duty in order to perform a crime and if, based on the nature of the committed crime and the circumstances surrounding the crime, one may expect the perpetrator may further abuse the activity to commit a future crime.

(2) The court shall determine the duration of the ban stipulated in paragraph (1), which may not be shorter than one or longer than ten years, counting from the day of the legal effectiveness of the judgment, with the provision that the time spent in imprisonment does not count towards the duration of the ban.

(3) When passing a judgment stipulating probation the court may specify that the probation will be revoked if the perpetrator violates the ban to perform the profession, activity or a duty.

Ban to operate a motor vehicle

Article 38-c

(1) The perpetrator of a crime which jeopardizes public traffic may be banned by the court from operating a motor vehicle of a certain type and category, if it finds that the circumstances under which the crime was committed or any previous violations of the traffic rules, suggest that the perpetrator may commit such a crime again.

(2) When passing the sentence stipulated in paragraph 1, the court must arrange for the confiscation of the driving license from the perpetrator or ban any future issuance of a driving license to the perpetrator for the duration of the ban.

(3) The court shall pass the sentence stipulated in paragraph 1, if the crime has been committed in an intoxicated state.

(4) The court shall determine the duration of the ban, which may not be shorter than three months nor longer than five years, counting from the day of legal effectiveness of the judgment, with the provision that the time spent in imprisonment does not count towards the duration of the ban. If the perpetrator of the crime is a professional driver the duration of the ban may not be shorter than one year or longer than ten years.

(5) If the sentence stipulated in paragraph 1 is passed against a person that has a foreign driving license to operate a motor vehicle, the sentence shall ban the perpetrator from operating a motor vehicle on the territory of the Republic of Macedonia.

(6) When passing a judgment stipulating probation the court may specify that the probation will be revoked if the perpetrator violates the ban to operate a motor vehicle.

(7) When passing a judgment banning the operation of a motor vehicle as the only sentence, the court shall specify a fine or an imprisonment sentence which shall be performed if the perpetrator violates the ban.

Eviction of a foreigner from the country

Article 38-d

(1) The court may pass a judgment for eviction of a perpetrator of a crime who is not a citizen of the Republic of Macedonia from the country, when it deems that the nature of the crime, the motives of the perpetrator and the circumstances under which the crime was committed suggest that undesirability of a future stay of the perpetrator in the country.

(2) The sentence stipulated in paragraph 1 may last from one to ten years or forever and commences on the day of the eviction of the perpetrator from the territory of the Republic of Macedonia.

(3) The sentence stipulated in paragraph 1 may not be passed against a perpetrator who enjoys protection in accordance with ratified international agreement.

3.2. To mete out punishment

General rules to mete out punishment

Article 39

(1) The court shall mete out a punishment to the offender within the limits prescribed by law for that crime, having in mind the criminal responsibility of the offender, the weight of the crime and the aims of the punishment.

(2) Hereby, the court shall have in mind all the circumstances that have influence upon decreasing or increasing the punishment (extenuating or aggravating circumstances), and especially: the level of criminal responsibility, the motives for the perpetrated crime, the extent of endangerment or damage to the protected goods, the circumstances under which the crime was committed, the contribution of the victim in the perpetration of the crime, the previous life of the offender, his personal circumstances and his behavior after the perpetrated crime, as well as other circumstances that concern the personality of the offender.

(3) When the court meets the punishment it shall especially have in mind the total effect of the punishment to the offender, its consequences to the personality and needs of re-socialization of the offender.

(4) When the court metes out the punishment to the offender for the committed crime, perpetrated in repetition, it shall especially have in mind whether the previous crime is of the same kind as the new crime, whether the crimes were committed with the same motives and how much time passed since the previous sentence, respectively since the punishment was served or was forgiven.

(5) When it metes out a fine, the court shall have in mind also the state of wealth of the offender, herewith considering his other incomes, his property and his family obligations.

Mitigation of the punishment

Article 40

The court may mete out a punishment for the offender under the limit prescribed by law or apply a more lenient form of punishment when:

- 1) the law foresees that the offender may be punished more leniently;
- 2) it concludes that especially extenuating circumstances exist which point out that the aim of the punishment shall be achieved also through a more lenient punishment.

Limits of mitigation of the punishment

Article 41

(1) When circumstances exist for the mitigation of the punishment from article 40, the court shall mitigate the punishment within these limits:

1. if the smallest prescribed measure of punishment for the crime is imprisonment with a duration of ten years or longer, the punishment may be mitigated to five years of imprisonment;
2. if, for a criminal activity, the court has passed, as the smallest sentence, a sentence of imprisonment for eight or more years, the sentence may be assuaged to four years of imprisonment.
3. if the smallest prescribed measure of punishment for the crime is imprisonment with a duration of five years or longer, the punishment may be mitigated to three years of imprisonment;

4. If, for a criminal activity, the court has passed, as the smallest sentence, a sentence of imprisonment for four or more years, the sentence may be assuaged to two years of imprisonment.

5. if the smallest prescribed measure of punishment for the crime is imprisonment with a duration of three years or more, the punishment may be mitigated to one year of imprisonment;

6. if the smallest prescribed measure of punishment for the crime is imprisonment with a duration of one year or more, the punishment may be mitigated to three months of imprisonment

7. if the smallest prescribed measure of punishment for the crime is imprisonment of under one year, the punishment may be mitigated to 30 days of imprisonment;

8. if the prescribed punishment for the crime is imprisonment of up to three years, with a designated smallest measure, a fine may be pronounced instead of the punishment of imprisonment;

9. if a fine is prescribed for the crime, with a designated smallest measure, the punishment may be mitigated to the general legal maximum.

(2) In deciding to what extent to mitigate the punishment according to the rules from item 1, the court shall especially have in mind the smallest and the largest measure of punishment prescribed for the crime.

Acquittal from punishment

Article 42

(1) The court may acquit from punishment the offender only when the law foresees this explicitly.

(2) When the court is authorized to acquit the offender from punishment, it may mitigate his punishment without the limitations that are prescribed for the mitigation of a punishment or to specify a secondary sentence stipulating a ban from operating a motor vehicle or eviction of a foreign person from the country.

Special base for acquittal from punishment

Article 43

The court may acquit from punishment an offender who committed a crime from negligence, when the consequences of the crime strike the offender so hard that the pronouncing of the punishment in this case would not fit the aim of the punishment.

Acquittal due to removal of the harmful consequences of the crime

Article 43-a

For the crime, for which the law prescribes a fine or an imprisonment sentence of up to three years, which crime has been committed under particularly extenuating circumstances, and if the damaged party agrees, the court may acquit the perpetrator which will returned the gain taken away from the damaged party, will indemnify the damage done to the damaged party, or will in some other way rectify the harmful consequences from the criminal activity.

Concurrence of crimes

Article 44

(1) If the offender committed several crimes with one action or with several actions, for which he is tried simultaneously, the court shall previously determine the punishments for each one of these crimes, and then shall pronounce a single punishment for all of these crimes.

(2) The single punishment shall be pronounced by the court according to the following rules:

- 1) if it determines a punishment of life imprisonment for some crime in concurrence, it shall pronounce only this punishment;
- 2) if it has determined a punishment of imprisonment for crimes in concurrence, the single punishment must be larger than each individual punishment but it may not reach the sum of the determined punishments, nor may it exceed 15 years of imprisonment;
- 3) if punishments of up to three years of imprisonment are prescribed for all the crimes in concurrence, the single punishment may not be larger than eight years of imprisonment;
- 4) if it has determined only fines for crimes in concurrence, it shall increase the largest determined fine, but this may not exceed the sum of the determined fines, nor 600 daily fines, in the case when the fine is the main sentence, or the denar equivalent of 10,000 euro in the case when the fine is the secondary sentence. If for a crime, the court has specified a monetary fine in the form of daily fines, and for another crime the court has specified a monetary amount, the monetary amount shall be turned into a daily fine and the thus obtained fine may not exceed the sum of the specified installments nor 360 daily fine.;
- 5) if it has determined punishments of imprisonment for some crimes in concurrence and fines for other crimes, it shall pronounce one punishment of imprisonment and one fine, according to the provisions in points 2, 3 and 4 from this item;
- 6) a secondary punishment shall be pronounced by the court if it has been determined even for a single crime in concurrence, and if it has determined several fines, it shall pronounce a single fine according to the provisions in point 4 of this item;
- 7) if the court has determined punishments of imprisonment and of juvenile imprisonment for crimes in concurrence, it shall pronounce imprisonment as the single punishment, with applying the rules from points 1, 2 and 3 of this item.

Crime in continuation

Article 45

(1) The offender who performs with intent two or more crimes, connected in time, which represent a multiple realization of the same crime, using the same permanent relation, same occasions or other similar circumstances, shall be sentenced by the court to a single punishment within the limits of the punishment prescribed for that crime.

(2) The offender who under the conditions from item 1 performs two or more crimes, connected in time, which represents the realization of generic crimes, shall be sentenced by the court to a punishment within the limits of the punishment prescribed for the most severe crime.

(3) If the perpetrator by performing the activities stipulated in paragraphs 1 and 2 achieves a total consequence pertaining to a more severe crime, the perpetrator shall be sentenced with a sentence prescribed for the more severe crime.

(4) The provisions stipulated in paragraph 1 and 2 shall not apply to activities performed after the filing of the charges.

To mete out a sentence for a sentenced person

Article 46

(1) If the sentenced person is tried for a crime perpetrated before he started serving the punishment from a previous sentence, or for a crime committed during the serving of imprisonment or juvenile imprisonment, the court shall pronounce a single punishment for all the crimes, by applying the provisions from article 44, taking the earlier pronounced punishment as already confirmed. The punishment or a part of the punishment that the condemned has already served shall be calculated in the pronounced sentence of imprisonment.

(2) For a crime perpetrated during the serving of a punishment of imprisonment or of juvenile imprisonment, the court shall sentence the offender to a punishment, regardless of the earlier pronounced punishment, if by using the provisions from article 44 the aim of the punishment would not be achieved, considering the duration of the part of the earlier pronounced measure that has not yet been served.

(3) The offender who commits a crime during the serving of the punishment of imprisonment or of juvenile imprisonment, for which the law prescribes a fine or imprisonment of up to one year, shall receive a disciplinary punishment.

Reckoning of pre-trial confinement and earlier punishment

Article 47

(1) The time passed in pre-trial confinement, as well as every arrest in connection with a crime, is reckoned in the pronounced punishment of imprisonment, of juvenile imprisonment or of a fine.

(2) Imprisonment or a fine which the condemned has already served, respectively paid, for a petty offense or an economic offense, is reckoned in the punishment pronounced for the crime whose characteristics include the characteristics of the petty offense or of the economic offense.

(3) For each reckoning, a day of pre-trial confinement, a day of arrest, a day of juvenile imprisonment, a day of imprisonment and a one daily fine or the denar equivalent of 20 euros are all counted equal.

4. ALTERNATIVE MEASURES

1. Goal and types of alternative measures

Goal of the alternative measures

Article 48

The goal of the alternative measures is not to sentence a perpetrator for a smaller crime when that is not absolutely necessary due to criminal and legal protection and when it may be expected that the purpose of the punishment may be achieved by a warning with a threat of punishment (probation), only a warning (court reprimand) or measures of assistance and supervision of the behaviour of the perpetrator

Article 48-a

The following alternative measures may be applied to perpetrators of crimes:

- 1) probation;
- 2) probation with a protective supervision;
- 3) probationary suspension of the criminal procedure;
- 4) work for general benefit;
- 5) court reprimand and
- 6) house arrest.

2. Probation judgment

Probationary postponement of the execution of the sentence

Article 49

(1) With the conditional sentence, the court determines the punishment for the offender and at the same time it determines that this punishment shall not be executed if the offender does not commit a new crime during a period which the court determines, which cannot be less than one or longer than five years (control period).

(2) The court may determine in the conditional sentence that the punishment shall be executed also if the condemned does not repay the property gain gained by the perpetration of the crime, if he does not compensate the damages which he caused by the crime, or if he does not fulfill the other obligations foreseen by the criminal-legal provisions. The time frame for fulfilling these obligations is determined by the court within the framework of the determined control period.

(3) The security measures, pronounced with the conditional sentence, are executed.

Conditions for pronouncing a conditional sentence

Article 50

(1) A conditional sentence may be pronounced when a punishment for the offender was determined of imprisonment of two years or a fine.

(2) A conditional sentence may be pronounced also when a punishment has been determined of imprisonment with a duration of up to two years or a fine, by applying the provisions for mitigation of punishment (articles 40, 41 and 42 item 2).

(3) In the decision making process whether a conditional sentence shall be pronounced, and considering the aim of the conditional sentence, the court shall especially take into consideration the offender's personality, his previous life, his behavior after the perpetrated crime, the extent of criminal responsibility, and other circumstances under which the crime was committed.

(4) If a punishment of both imprisonment and a fine were determined for the offender, a conditional sentence may be pronounced for both punishments, or just for the punishment of imprisonment.

Revoking a conditional sentence because of a new crime

Article 51

(1) The court shall revoke the conditional sentence if during the control period, the condemned commits one or more crimes for which a punishment of imprisonment of two years or longer has been pronounced.

(2) If during the control period the condemned commits one or more crimes for which a punishment is pronounced of imprisonment for less than two years or a fine, after it evaluates all the circumstances concerning the committed crimes and the offender, and especially the relationship of the perpetrated crimes, their significance and the motives why they were committed, the court shall decide whether it shall revoke the conditional sentence. Hereby, the court is bound by a ban on pronouncing a conditional sentence if the offender is to be sentenced to a punishment of more than two years of imprisonment for the crimes determined in the conditional sentence and for the new crimes (article 50, item 1).

(3) If it revokes the conditional sentence, and by applying the provisions from article 44, the court shall pronounce a single punishment, both for the previously committed crime and for the new crime, taking the punishment from the revoked conditional sentence as confirmed.

(4) If it does not revoke the conditional sentence, the court may pronounce a conditional sentence or punishment for the new committed crime. If the court finds that it should pronounce a conditional sentence for the new crime, also, by applying the provisions from article 44 it shall determine a single punishment, both for the previously committed crime and for the new crime, and it shall determine a new control period which cannot be shorter than one and not longer than five years, counting from the day the new sentence comes into effect. For the offender who is sentenced to imprisonment for a new crime, the time served for this

punishment shall be reckoned within the control period determined with the conditional sentence for the previous crime.

Revoking a conditional sentence because of a crime committed earlier

Article 52

(1) The court shall revoke the conditional sentence if it determines, after it is pronounced, that the condemned has committed a crime prior to being sentenced conditionally, and if it evaluates that there would be no reason for pronouncing a conditional sentence if it had been known about that crime. In that case, the provision from article 51, item 3, shall be applied.

(2) If the court does not revoke the conditional sentence, it shall apply the provision from article 51, item 4.

Revoking a conditional sentence because of non-realization of certain obligations

Article 53

If the conditional sentence determines that the condemned should realize some obligation from article 49, item 2, and he does not fulfill this obligation within the time frame determined in the sentence, the court may, within the framework of the control period, extend the time frame for fulfillment of the obligation, or it may revoke the conditional sentence and pronounce the punishment that was determined by the conditional sentence. If the court determines that the condemned, for justified reasons, cannot fulfill the set obligation, the court shall exempt him from fulfillment of that obligation, or it shall substitute it with some other appropriate obligation, foreseen by law.

Time frames for revoking a conditional sentence

Article 54

(1) The conditional sentence may be revoked during the control period. If the condemned at that time commits a crime, which calls for revoking of the conditional sentence, and this was determined by the sentence only after the control period, the conditional sentence may be revoked at the latest within one year from the day the control period expired.

(2) If the condemned does not fulfill some obligation from article 49, item 2, within the determined time frame, the court may decide, at the latest within one year from the day the control period expired, that the punishment determined in the conditional sentence should be executed.

3. Conditional sentence with protective supervision

Conditions for determining protective supervision

Article 55

(1) The court shall determine protective supervision when it finds that the conditional sentence shall not have sufficient influence upon the offender not to commit new crimes, again, and the circumstances connected with the offender's personality or his living

environment justifies the expectation that the aim of the conditional sentence shall be achieved if measures of help, care, supervision or protection are determined.

(2) The court determines the duration of the protective supervision to a certain time during the control period.

Obligations in protective supervision

Article 56

(1) When the court pronounces protective supervision, it may determine one or more of the following obligations for the condemned:

- 1) training, specialization and learning a new trade, so that the condemned may retain the job he already has, or to create preconditions for employment;
- 2) acceptance of an employment which corresponds to the capabilities and affinity of the condemned;
- 3) execution of the obligations for maintaining a family, raising children and other family obligations;
- 4) enabling insight and counseling in connection with the distribution and spending of salary income and other revenues which he earns;
- 5) not visiting certain types of premises or other places where alcoholic drinks are served and where gambling exists;
- 6) prohibition of using alcoholic drinks, narcotics or other similar psychotropic substances;
- 7) using the free time according to the opinion of the social agency;
- 8) avoiding and not being together with persons that have a negative influence upon the condemned; and
- 9) submitting to medical treatment or social rehabilitation in appropriate specialized institutions;

(2) When it selects the type of obligation, the court shall take into consideration first of all the offender's personality, his health situation and psychological characteristics, the age, the financial and family conditions, the circumstances under which he committed the crime, the offender's conduct after the crime was committed, the motives for committing the crime, and other circumstances regarding the offender's personality, which are of significance for the selection of the type of obligation, taking care not to damage the human dignity, nor to cause unnecessary difficulties in his re-education.

(3) During the time of conditional postponing of the execution of the determined punishment, the court may substitute the determined obligation with some other one, or it may revoke it, upon the suggestion from the social agency or from the condemned person.

Agency for conducting the protective supervision

Article 57

(1) Help and care, supervision and protection in the execution of the obligation by the offender are performed by the social agency.

(2) The social agency is obliged:

1) to stimulate and to help the condemned, with practical advice, to fulfill the obligation determined by the court, to understand the meaning of the conditional sentence with the protective supervision, in order to achieve its aims; and

2) from time to time to inform the court about the state of fulfilling the determined obligation.

Consequences from non-fulfillment of the determined obligation

Article 58

(1) If the conditionally condemned person does not fulfill the determined obligations, the court may reprimand him to fulfill the determined obligation or it may substitute it with some other one.

(2) If the condemned continues not to fulfill the determined obligation, the court may extend the duration of the protective supervision, or revoke the conditional sentence, within the time of the control period.

(3) If more than six months pass after the decision, with which the protective supervision was determined, comes into effect and the supervision has not yet started, the court shall decide again about the need for executing it.

4. Probationary suspension of the criminal procedure

Conditions for suspension

Article 58-a

(1) For a crime for which the law prescribes a fine or an imprisonment sentence of up to one year, the court may decide, after questioning and hearing the defendant and with the agreement of the damaged party, to suspend the procedure, provided that the perpetrator will not perform another crime within the time period of the suspension of the procedure.

(2) The procedure may, by a decision from the court, be suspended for a time period of at most one year. The time period for suspension is not included in the time period for statute of limitations of the criminal prosecution.

(3) If the perpetrator, within the probation period does not commit a new crime or if, within this period, a previously committed crime is not uncovered, the procedure shall be terminated.

(4) When deciding to apply this measure, the court shall take into account in particular the expressed repentance and apology of the perpetrator, removal of the consequences of the crime and indemnification of damages caused by the crime.

5. Work for general benefit

Conditions for applying the work for general benefit measure

Article 58-b

(1) For the criminal activities for which the law prescribes a monetary fine or an imprisonment sentence of up to three years, the court may, after an agreement with the perpetrator, apply the work for general benefit measure instead of imprisonment, if the crime has been committed under extenuating circumstances and if the perpetrator had not been convicted previously.

(2) The measure shall be applied for a time period from 40 to 240 hours during which the defendant must work without any compensation, within a state authority, public enterprise, public institution or a humanitarian organization, during state holidays, Saturdays and Sundays and not less than five hours per week, during a period of at most 12 months. If there exist health or justifiable personal reasons, the court may extend the execution of the measure for at most six months.

(3) If the court passes a judgment stipulating a monetary fine of up to 90 daily fines or the denar equivalent of 1,800 euros or an imprisonment sentence, it may decide, upon a request from the perpetrator, to exchange the passed sentence for work for general benefit, under the following terms: one day of imprisonment, one daily fine or the denar equivalent of 20 euros shall be exchanged for three hours work for general benefit and the total number of hours may not exceed 240 hours. When deciding to exchange the sentence with the work for general benefit measure the court will take into account the severity of the crime, the level of criminal responsibility, if the defendant had been convicted before and any compensation of the damages and removal of the harmful consequences of the crime.

(4) The court shall supervise the fulfillment of the obligations of the convicted person, in accordance with a procedure specified by law.

(5) If the convicted person fails to fulfill or inappropriately fulfils his/her obligations, the court shall send him/her a written warning, and if he/she continues to behave this way, the court may decide to increase the number of hours or to extend the time period for the measure for at most three months, if there exist justifiable reasons, or to replace the remainder of the measure with a fine or an imprisonment sentence so that every three hours of general benefit work will be replaced with one day of imprisonment or one daily fine. When deciding to replace the measured with a fine or imprisonment, the court shall be guided by the severity of the crime, the level of criminal accountability and the attitude of the convicted person towards the applied work for general benefit measure.

(6) If the convicted person fails to perform the work for general benefit, applied as a replacement for a fine or an imprisonment sentence (paragraph 3), the court shall pass a decision stipulating the enforcement of the original sentence. The work obligations that the perpetrator has fulfilled shall count towards the total sentence, and every three hours of

general benefit work shall count as one daily fine or one day of imprisonment or the denar equivalent of 20 euros.

6. Court reprimand

Conditions for pronouncing a court reprimand

Article 59

(1) A court reprimand may be pronounced for crimes for which a punishment is prescribed of imprisonment of up to one year or a fine, and which were committed under such alleviating circumstances which make it especially light.

(2) For certain crimes and under conditions foreseen by law, a court reprimand may be pronounced also when an imprisonment of up to three years is prescribed.

(3) The court may pronounce a court reprimand for several crimes, committed in concurrence, if the conditions from items 1 and 2 exist for every one of these crimes.

(4) When deciding whether to pronounce a court reprimand, and considering the aim of the court reprimand, the court shall especially take into consideration the offender's personality, his previous life, his behavior after the perpetrated crime, the extent of criminal responsibility and other circumstances under which the crime was committed.

7. House arrest

Conditions for applying the house arrest measure

Article 59-a

(1) If the perpetrator of the crime for which the law prescribes a fine or an imprisonment sentence of up to one year, is old and weary, severely ill or a pregnant women, the court may sentence him\her to imprisonment and at the same time, it may decide, with the agreement of the perpetrator, that the sentence should be served in house arrest.

(2) The court may replace the imprisonment sentence with house arrest if there are conditions, involving modern electronic and communications devices, to control the execution of the house arrest, whereby the convicted person is banned from leaving his/her home

(3) The court shall supervise the execution of the house arrest, and it may specify certain surveillance measures to be undertaken by the police in the place where the home of the convicted person is located, with the obligation to continuously report on the execution of those measures.

(4) If the convicted person violates the ban and leaves the house, the court may decide that the convicted person should serve the replaced sentence in full, within a correctional facility.

5. SECURITY MEASURES

Aim of the security measures

Article 60

The aim of the security measures is to remove situations or conditions that can influence the offender to commit crimes in the future.

Types of security measures

Article 61

Offenders may be sentenced to the following security measures:

- 1) compulsory psychiatric treatment and custody in a health institution;
- 2) compulsory psychiatric treatment in freedom;
- 3) compulsory treatment of alcoholics and drug addicts;

Pronouncing a security measure

Article 62

(1) The court may pronounce one or more security measures for the offender, when conditions foreseen by this Code exist for them to be pronounced.

(2) Compulsory psychiatric treatment and custody in a health institution, and compulsory psychiatric treatment in freedom, are pronounced for a mentally incompetent perpetrator of a crime, independently. Together with these measures, it is possible to pronounce also a prohibition on performing a profession, activity or function, a prohibition on driving a motor vehicle and confiscation of objects.

(3) In the decision stipulating the measures from paragraph 2, the court may temporarily ban the perpetrator from performing his/her profession, activity or duty, or temporarily ban the perpetrator from operating a motor vehicle, which bans shall last for the whole duration of the application of the measures. The court shall submit its decision to the competent authority or the legal entity where the perpetrator is employed, to the registry court or to the authority in charge for supervising the enforcement of the ban to operate a motor vehicle.

(4) The perpetrator whose accountability has been significantly diminished shall be required to undergo an obligatory psychiatric treatment and stay in a health institution as well as an obligatory psychiatric treatment out-of-prison, if the perpetrator has been sentenced to imprisonment, probation stipulating an imprisonment sentence or a probation with a protective supervision.

(5) The perpetrator may be required to undergo an obligatory treatment for alcoholics and drug-addicts, if the passed judgment stipulates probation, probation with a protective supervision, a court reprimand or an acquittal.

Compulsory psychiatric treatment and custody in a health institution

Article 63

(1) The court shall pronounce a compulsory psychiatric treatment and custody in a health institution to the offender who committed a crime in state of insanity or of significantly decreased mental competence, if it determines that because of this state, he may again commit a crime and that for the removal of this danger, it is necessary to treat him and put him under custody in such an institution.

(2) The court shall stop the measure from item 1 when it determines that the need for treatment and custody of the offender in a health institution has ceased.

(3) For the offender who has committed a crime in a state of significantly decreased mental competence and who is sentenced to imprisonment, the time passed in a health institution is reckoned in the time of duration of the pronounced punishment. If this time is shorter than the duration of the pronounced sentence, the court may determine to send the condemned to serve out the remainder of the punishment, or to let him go on parole, regardless of the conditions prescribed in article 36. In deciding on parole, the court shall especially take into consideration the success of the treatment of the condemned, his health situation, the time passed in the health institution, and the remainder of the punishment which the condemned has not served.

(4) The court shall review the need for treatment and custody of the offender in a health institution every year.

Compulsory psychiatric treatment in freedom

Article 64

(1) The court shall sentence the offender who has committed a crime in the state of unaccountability to compulsory psychiatric treatment in freedom, if it determines that because of this state, he could commit a crime again, while his treatment in freedom is sufficient for removing this danger.

(2) The measure from item 1 may be pronounced against an unaccountable perpetrator, for whom a compulsory psychiatric treatment and custody in a health institution was determined, when based on the results of the treatment, the court finds that it is not necessary any more for him to be under custody and to be treated in a health institution, but only in freedom.

(3) Under the conditions from item 1, the court may pronounce a compulsory psychiatric treatment in freedom also against an offender whose mental competence is significantly decreased and who was put on parole based on article 63, item 3.

(4) A compulsory psychiatric treatment in freedom when applied to a perpetrator whose accountability has been significantly diminished may not last longer than two years.

(5) For a perpetrator whose accountability has been significantly diminished and has been sentenced to imprisonment, the time spent undergoing an obligatory psychiatric treatment out-of-prison shall count as part of the imprisonment sentence.

(6) If in the cases from items 1, 2 and 3 the offender does not submit himself to treatment in freedom, or if he self-willingly abandons it, or if the conditions for pronouncing the measure from article 63 have been attained, the court may substitute it with this measure.

Compulsory treatment of alcoholics and drug addicts

Article 65

(1) The court may pronounce compulsory treatment for an offender because of addiction to continuous use of alcoholic drinks, narcotics and other psychotropic substances, where the danger exists that he shall continue to commit crimes because of this addiction.

(2) The measure from item 1 is executed in an institution for the execution of a punishment or in a health or other specialized institution. The time spent in such an institution is reckoned within the punishment.

(3) When pronouncing a conditional sentence, the court may impose upon the offender treatment in freedom, if the offender agrees to submit himself to such treatment. If the offender does not submit himself to treatment in freedom without justified reason, or if he abandons the treatment self-willingly, the court may determine to revoke the conditional sentence or to impose the execution of the measure of compulsory treatment of alcoholics or drug addicts in a health institution or in some other specialized institution.

(4) If this measure is pronounced with the conditional sentence, except and imprisonment sentence, or probation, probation with a protective supervision, a court reprimand or an acquittal, it may last a maximum of two years.

6. EDUCATIONAL MEASURES AND PUNISHMENT OF JUVENILES

6.1. General rules for educational measures and for the punishment of juveniles

Application of the special legal provisions to juveniles

Article 70

(1) The provisions from this chapter and other provisions from this Code which are not contrary to these provisions are applicable to juvenile offenders.

(2) The special provisions that are applicable to juvenile offenders are applied, under the conditions foreseen in the provisions from this chapter, also to adult persons when they are tried for crimes they had committed as juveniles, and as an exception, also to persons who had committed a crime as younger adults.

Exclusion of criminal sanctions against children

Article 71

Criminal sanctions may not be applied against a juvenile who at the time of perpetration of the crime has not reached fourteen years (child).

Criminal sanctions against juveniles

Article 72

(1) A juvenile who at the time of perpetration of the crime has reached fourteen years, but has not reached sixteen years (younger juvenile), may be sentenced only to educational measures.

(2) A juvenile who at the time of perpetration of the crime has reached sixteen years, but has not reached eighteen years (older juvenile), may be sentenced to educational measures, under the conditions foreseen by this Code, and as an exception, he may be sentenced to juvenile imprisonment. The sentence stipulating an eviction of a foreign person from the country may be applied to a juvenile, as well as the sentence ban to operate a motor vehicle, if the juvenile is of the appropriate age, in accordance with the conditions stipulated in this law .

(3) The alternative measures: probationary suspension of the criminal procedure and work for general benefit may be applied to juveniles, in accordance with the conditions stipulated in this law.

(4) A juvenile may not be sentenced to a court reprimand, nor a conditional sentence.

Goal of the educational measures, the punishment and the alternative measure

Article 73

(1) The aim of the educational measures and of the the punishment and the alternative measures is to provide for the education, correction and proper development of the juvenile offenders, by giving protection and help to them, by performing supervision over them, by their professional training and by developing their personal responsibility.

(2) The aim of juvenile imprisonment is to perform an intensified influence upon juvenile offenders so that they would not commit crimes in the future, as well as upon other juveniles not to commit crimes.

6.2. Educational measures

Types of educational measures

Article 74

(1) Juvenile offenders may be sentenced to the following educational measures:

- Disciplinary measures: rebuke or sending them to a disciplinary center for juveniles;
- Measures of intensified supervision: by the parents, by the adoptive parent, in some other family, or by a social agency;
- Institutional measures: sending them to an educational institution and to a house of education and correction.

(2) Disciplinary measures are pronounced against a juvenile when there is no need for more lasting educational measures, and especially if he has committed a crime of negligence or of frivolity.

(3) Measures of intensified supervision are pronounced against a juvenile when there is a need for longer lasting measures of education, correction, or treatment by means of an appropriate

supervision, but when it is not necessary to separate him completely from his past environment.

(4) Institutional measures are pronounced against a juvenile when there is a need of longer lasting measures of education, correction or treatment, and his complete separation from his past environment. These measures may not last longer than five years.

Selection of the educational measure

Article 75

In the selection of the educational measure, the court shall take into consideration the age of the juvenile, the extent of his mental development, his psychological characteristics, affinities, motives for perpetrating the crime, his past education, the environment and the circumstances under which he has lived, the severity of the crime, whether he has ever before been sentenced to an educational measure or to a punishment of juvenile imprisonment, and all the other circumstances that have influence upon the determination of the type of measure in order to achieve its aim, prescribed by law.

Rebuke

Article 76

(1) A rebuke is pronounced if just a rebuke of the juvenile for the perpetrated crime is sufficient.

(2) When pronouncing the rebuke to the juvenile, it shall be pointed out to him how damaging his action was, and he shall be warned that in the case of a repeated perpetration of a crime, some other criminal sanction may be pronounced against him.

Sending to a disciplinary center for juveniles

Article 77

(1) The court shall pronounce the measure of sending to a disciplinary center for juveniles, when it is necessary to exert an influence upon the personality and conduct of the juvenile by appropriate short lasting measures.

(2) The court may send the juvenile who is sentenced to this measure to a disciplinary center:

1) for a determined number of hours on holidays, and then up to four holidays, one after the other.

2) to a number of hours during the day, but a maximum of one month; and

3) for a continuous stay for a determined number of days, but not more than twenty days.

(3) In pronouncing this measure, the court shall take care that by executing it, the juvenile shall not be absent from the regular schooling or from work.

(4) At the disciplinary center, the juvenile shall perform work that corresponds to his physical strength.

(5) When sending to a disciplinary center is pronounced, the court may determine that the execution of this measure be put under intensified supervision of the social agency.

Measures of intensified supervision by the parents, by the adoptive parent or the guardian

Article 78

(1) The court shall pronounce the measure of intensified supervision by the parents, the adoptive parent or the guardian, if the parents, the adoptive parent or the guardian omitted but are able to perform such supervision over the juvenile.

(2) When the court pronounces this measure, it shall assign the parents, the adoptive parent or the guardian certain duties in regard to the measures that need to be taken for the education of the juvenile, for his treatment and for removing the damaging influence upon him, and it can also give them necessary instructions.

(3) When pronouncing this measure, the court may assign a social agency to control its execution and to provide support to the parent, the adoptive parent or the guardian. The court shall decide later on over the ceasing of this control, whereby it may not last shorter than one year, or longer than three years.

Intensified supervision in some other family

Article 79

(1) If the parents, the adoptive parent or the guardian of the juvenile are not able to supervise him, or if it cannot be justly expected of them, the juvenile shall be handed over to some other family which wants to receive him and which has the possibility to perform intensified supervision over him.

(2) The execution of this measure shall be stopped when the parents, the adoptive parent or the guardian of the juvenile attain the ability to perform intensified supervision over him, or when according to the results from the education and correction, the need for an intensified supervision ceases.

(3) When pronouncing this measure, the court shall determine that the social agency controls its execution in the period of its duration, and to provide the necessary support to the family to which the juvenile was assigned.

Intensified supervision by the social agency

Article 80

(1) If the parents, the adoptive parent or the guardian do not have the possibility to perform intensified supervision over the juvenile, and if conditions do not exist for assigning the juvenile to some other family for performing this kind of supervision, the juvenile shall be placed under the supervision of the social agency.

(2) The court shall decide later on to stop this measure, whereby its duration may not be shorter than one or longer than three years. In the period of duration of this measure, the juvenile continues to live with his parents, adoptive parent or other persons that support him, and the intensified supervision over him is performed by the social agency.

(3) The social agency cares about the education of the juvenile, his employment, for separating him from the environment that has a damaging influence upon him, for the necessary treatment and for putting in order the circumstances under which he lives.

Special obligations towards the measure of intensified supervision

Article 81

(1) When pronouncing one of the educational measures of intensified supervision from articles 78, 79 and 80, the court may assign one or more special obligations to the juvenile, if this is necessary for a more successful execution of the pronounced measure.

(2) The court may assign the juvenile especially these obligations:

- 1) to apologize personally to the damaged person;
- 2) to correct or compensate the damage caused by the crime;
- 3) to go to school regularly;
- 4) not to be absent from his workplace;
- 5) to train for work which corresponds to his capabilities, affinities and physical power;
- 6) to accept work;
- 7) to refrain from using alcoholic drinks, narcotics and other psychotropic substances;
- 8) to refrain from going to certain premises, respectively certain performances;
- 9) to go to an appropriate health institution or counseling service;
- 10) to use his free time usefully;
- 11) not to contact persons that have a damaging influence upon his personality;
- 12) to submit to a psychological and physical treatment;
- 13) to train, qualify and retrain in order to keep the job which he has or to create preconditions for employment; and
- 14) to provide insight in and to accept advice regarding the allocation and spending of his salary and of other revenues which he receives.

(3) The court may change or revoke the special obligations that it had assigned, upon the proposal from the social agency.

(4) When determining the obligations from item 2, the court shall especially point out to the juvenile and to his parents, adoptive parent, respectively guardian, that in case they are not fulfilled, the measure of intensified supervision may be substituted by some other educational measure.

Sending to an educational institution

Article 82

(1) The court shall send to an educational institution the juvenile for whom it is necessary to provide a continuous supervision by professionals (with professional and educational qualifications of educators) for education, correction and complete separation from his past environment.

(2) In the educational institution, the juvenile remains at least six months, and at the most three years. The court does not determine the duration of this measure when pronouncing it, but it decides about this later on (article 84, item 2).

Sending to a house of education and correction

Article 83

(1) The juvenile, against whom longer lasting and intensified measures of education and correction need to be applied, and who needs to be separated completely from his past environment, shall be sent by the court to a house of education and correction.

(2) When deciding whether to pronounce this measure, the court shall especially take into consideration the weight and the nature of the perpetrated crime, and the circumstances whether in the past the juvenile has been sentenced to educational measures or to a punishment of juvenile imprisonment.

(3) The juvenile shall remain in the house of education and correction at least one year, and at the most five years. The court does not determine the duration of this measure when it pronounces it, but it decides on this later on (article 84, item 2).

(4) The court reviews the need for staying at the house of education and correction every year.

Stopping the execution and changing the decision for educational measures

Article 84

(1) When after the decision is made with which the measure of intensified supervision or the institutional measure is pronounced, circumstances appear which did not exist at the time the decision was made, or which were not known then, and which have an influence upon the making of the decision, the execution of the pronounced measure may be stopped or it may be substituted with some other measure of intensified supervision or with an institutional measure.

(2) Besides the cases from item 1, if not foreseen otherwise for individual measures, the execution of the measure of intensified supervision or of the institutional measure, considering the achieved result in education and correction, may be stopped, or it may also be substituted with some other such measure, under the following limitations:

1) the measure of sending to an educational institution may not be stopped from execution before the expiration of a period of six months, and until the expiration of this period it may only be substituted with sending the juvenile to a house of education and correction, or to a special institution for treatment and training; and

2) the measure of sending to a house of education and correction may not be stopped from execution before the expiration of a period of one year, and after the expiration of this period, it may be substituted only with sending the juvenile to a special institution for treatment and training.

Repeated decision on educational measures

Article 85

(1) If more than one year passed after the decision came into effect with which the measure of intensified supervision or the institutional measure was pronounced, and the execution did not start yet, the court shall decide again on the need of its execution. Hereby the court may decide for the previously pronounced measure to be executed, not to be executed, or that it be substituted with some other measure.

(2) The measure of sending to a disciplinary center for juveniles shall not be executed if more than six months passed from the coming into effect of the decision with which this measure was pronounced, and its execution did not start yet.

6.3. Punishment of juveniles

Punishment of older juveniles

Article 86

Only a criminally responsible older juvenile may be punished, who has committed a crime for which by law a punishment is prescribed, more severe than five years of imprisonment, and because of the serious consequences from the crime and the high degree of criminal responsibility it would not be justified to pronounce an educational measure.

Juvenile imprisonment

Article 87

(1) Juvenile imprisonment may not be shorter than one, or longer than ten years, and it is pronounced in full years or to half a year.

(2) When meting out the punishment to an older juvenile for a certain crime, the court may not pronounce a juvenile imprisonment with a duration of longer than the prescribed punishment of imprisonment for that crime, but the court is not bound by the lightest prescribed measure for that punishment.

Meting out the punishment of juvenile imprisonment

Article 88

When meting out the punishment of juvenile imprisonment, the court shall take into consideration all the circumstances which have an influence for the punishment to be heavier or lighter (article 39), especially taking into consideration the degree of mental development of the juvenile, and the time required for his education, correction or professional development.

Pronouncing educational measures and juvenile imprisonment for crimes in concurrence

Article 89

(1) For crimes in concurrence, the court pronounces against the juvenile just a single educational measure, or just a punishment of juvenile imprisonment, when legal conditions exist for the pronouncing of this measure and when the court finds it is necessary to pronounce it.

(2) The court shall handle according to item 1 also when after the pronounced educational measure, respectively juvenile imprisonment, it determines that the juvenile committed some crime before or after it was pronounced.

(3) If an older juvenile commits several crimes in concurrence, and if the court determines that for each individual crime a punishment of juvenile imprisonment should be pronounced, it shall mete out the punishment according to a free assessment within the framework of the heaviest legal measure of the punishment of juvenile imprisonment.

(4) The court shall act according to item 3 also in the case when after the pronounced punishment it determines that the juvenile committed a crime before or after it was pronounced

Action of the punishment upon the educational measures

Article 90

(1) During the duration of the educational measure, if the court pronounces a punishment of juvenile imprisonment, the educational measure ceases with the start of serving this punishment.

(2) During the duration of the educational measure, if the court sentences a younger adult to a punishment of juvenile imprisonment or imprisonment of at least one year, the educational measure ceases with the start of serving this punishment. If the pronounced punishment of imprisonment is of a shorter duration, the court shall decide in the sentence whether after the serving of the punishment, the execution of the educational measure shall continue, or it shall revoke it.

Obsolescence of the execution of the punishment of juvenile imprisonment

Article 91

The punishment of juvenile imprisonment may not be executed if the following has expired:

- 1) ten years from the sentence of juvenile imprisonment to more than five years;
- 2) five years from the sentence of juvenile imprisonment to more than three years; and
- 3) three years from the sentence of juvenile imprisonment up to three years.

6.4. Application of the alternative measures

Probationary suspension of the criminal procedure and work for general benefit

Article 91-a

(1) The court may decide to suspend the criminal procedure for a crime for which the law prescribes a monetary fine or an imprisonment sentence of up to three years, if the juvenile repents the committed crime, removes the consequences from the crime, compensates the damaged party for the incurred damages and makes peace with the damaged party, provided that the damaged party agrees with the suspension of the procedure and provided that the juvenile does not commit a similar or a more severe crime within a time period of 2 years.

(2) The court may apply a work for general benefit measure for a time period from five hours to one hundred hours, when the purpose of this measure is to influence the personality and the behavior of the juvenile. If the juvenile fails to perform or inappropriately performs the imposed work obligations, the court shall replace this measure with the measure whereby the juvenile is referred to a juvenile discipline centre, in accordance with the conditions stipulated for that measure.

6.5. Implementation of security measures against juveniles

Conditions for pronouncing

Article 92

(1) One of the following security measures, under the conditions foreseen by law, may be pronounced against juveniles, together with an educational measure or juvenile imprisonment: compulsory psychiatric treatment and custody in a health institution and compulsory treatment of alcoholics and drug-addicts.

(2) A mentally incompetent juvenile offender, under the conditions foreseen by law, may be sentenced to a security measure of compulsory psychiatric treatment and custody in a health institution and compulsory treatment of alcoholics and drug addicts, without pronouncing an educational measure or punishment of juvenile imprisonment. In addition to these measures the court may specify a ban to operate a motor vehicle, which will be effective for the whole duration of the measures (article 62, paragraph 3).

Pronouncing criminal sanctions against adults who have committed the crimes as juveniles

Article 93

(1) An adult person who has reached the age of twenty-one cannot be tried for a crime that he committed as a younger juvenile.

(2) If the adult person has not reached the age of twenty-one at the time of the trial, he may be tried only for crimes for which a punishment more severe than five years is prescribed. The court may sentence such a person only to an appropriate institutional educational measure. In the assessment whether to pronounce this measure, the court shall take into consideration all the circumstances of the case, and especially the severeness of the perpetrated crime, the time elapsed since it was committed, the conduct of the offender and the aim of this educational measure.

(3) For a crime perpetrated as an older juvenile, an adult person may be sentenced to an appropriate institutional educational measure, and under the conditions from article 87, to a punishment of juvenile imprisonment. In the assessment whether to pronounce one of these measures, and which one of them, the court shall take into consideration all the circumstances of the case, and especially the severeness of the perpetrated crime, the time elapsed since it was committed, the conduct of the offender, as well as the aim which is to be achieved with these sanctions.

(4) As an exception to provision in item 3, the court may sentence an adult person that reached the age of twenty-one during the trial, to imprisonment or to a conditional sentence, instead of to juvenile imprisonment. The punishment of imprisonment pronounced in this case, in regard to the rehabilitation, erasure of the sentence and the legal consequences from the sentence, has the same legal action as the punishment of juvenile imprisonment.

Pronouncing educational measures against younger adult persons

Article 94

(1) An offender who committed a crime as an adult, and who at the time of the trial has not reached an age of twenty-one may be sentenced by the court to an appropriate measure of intensified supervision or to an institutional measure, if considering his personality and the circumstances under which the crime was committed, it can be expected that with this measure the aim would also be achieved which otherwise would be realized with the pronouncement of the punishment.

(2) A younger adult person, who was sentenced to an educational measure under the conditions from this Code, may be sentenced by the court to all the security measures.

(3) The pronounced educational measure may last at the most until the offender reaches the age of twenty-three years.

7. Registration of the educational measures and the effect of the educational measures and the punishment of juvenile imprisonment

Registration of the pronounced educational measures

Article 95

(1) The registration of the pronounced educational measures is carried out by the court competent according to the place of birth.

(2) For juvenile persons born abroad, or with an unknown place of birth, a central register is established, which is maintained by a court determined by law.

(3) The data for the pronounced educational measures may be given only to the court, to the public prosecutor, and to institutions which deal in the protection of juveniles, in connection with a new criminal procedure conducted against the juvenile.

Effect of the educational measures and the punishment of juvenile imprisonment

Article 96

The educational measures and the punishment juvenile imprisonment do not cause legal consequences, consisting of a prohibition on achieving certain rights (article 102, item 2).

Chapter six-a

SANCTIONING A LEGAL ENTITY

Types of sanctions

Article 96-a

(1) For crimes committed by legal entities, the following sanctions may be applied:

- 1) monetary fine;
- 2) temporary ban to perform a specific activity;
- 3) permanent ban to perform a specific activity; and
- 4) termination of the legal entity.

(2) The monetary fine shall be applied in an amount which may not be less than 100.000 or more than 30 million denars. For crimes committed for the purposes of gaining profit or for crimes which cause a more substantial material damage, one may prescribe a fine for twice the maximum amount for this sanction or proportional to the degree of the caused damage or the gained profits, but not more than 20 times the amount

(3) The temporary ban to perform a specific activity in for a time period of one to three years shall be applied in addition to the monetary fine, if during the performance of the activity of the legal entity, a crime has been committed for which crime a physical person would be sentenced with a fine or imprisonment of up to three years, and the manner in which the crime was committed suggests a threat of a repetition of the same crime or commitment of a similar crime.

(4) The permanent ban to perform a specific activity, out of all the activities performed by the legal entity shall be applied in addition to the monetary fine, if a crime has been committed for which crime a physical person would be sentenced with at least three years of imprisonment, and the manner in which the crime was committed suggests a threat of a repetition of the same crime or commitment of a similar crime. The court shall also apply this

sanction when a crime has been committed after a previous judgment whereby the legal entity has been temporarily banned from performing a specific activity.

(5) The termination of the legal entity sanction shall be applied in addition to the monetary fine, if a crime has been committed for which crime a physical person would be sentenced with at least five years of imprisonment, and the manner in which the crime was committed suggests a threat of a repetition of the same crime or commitment of a similar crime. The court shall also apply this sanction when a crime has been committed after a previous judgment whereby the legal entity has been permanently banned from performing a specific activity.

(6) The sanction temporary or permanent ban to perform a specific activity and termination of a legal entity, may not be applied to a legal entity established by law, or a political party. Based on a legally effective judgment whereby the legal entity has been sentenced for termination, the competent court shall initiate a procedure, specified by law, for liquidation of the legal entity within 30 days from the day of legal effectiveness of the judgment.

(7) The legal entity for which a bankruptcy procedure has been opened, shall be sanctioned for the crimes committed before the opening of the bankruptcy procedure.

Determining of the sanction

Article 96-b

(1) When determining the sanction the court shall take into account the balance sheet and the income statement of the legal entity, type of the activity and the nature and severity of the committed crime.

(2) If the court specifies a monetary fine for two or more crimes, the unique sanction may not be as high as the sum of the individually specified fines, nor to exceed the legal maximum prescribed for a legal entity.

Execution of the fine

Article 96-c

(1) If the convicted legal entity fails to pay the fine within the time period specified by law, which may not be shorter than 15 days nor longer than 30 days counting from the day of the legal effectiveness of the judgment, the court shall order a forced execution.

(2) If the fine can not be executed from the property of the legal entity, because the legal entity does not have such property or has ceased to exist before the execution of the sentence, the sentence shall be executed from the property of the founder or the founders of the legal entity, proportionally with the invested shares, or in the case of a company, from the property of the shareholders or associates, proportionally with their respective shares.

(3) The fine for foreign legal entities shall be executed from the property confiscated in the Republic of Macedonia, or with the application of an international agreement, from the property abroad.

Probation

Article 96-d

(1) The court may specify a probationary postponement of the execution, for a time period of one to three years, of the monetary fine and the ban to perform a specific activity, if a crime has been committed for which the law prescribes a monetary fine or an imprisonment sentence of up to three years, if the legal entity deposits the amount of the applied fine in the court and guarantees that another crime will not be committed during the probation period.

(2) If a new crime is committed during the probation period or a crime, committed previously by the legal entity, has been uncovered, the sanction shall be executed.

Confiscation of property, material profits and confiscation of objects

Article 96-e

(1) Regarding the confiscated property or material profits, obtained through a criminal activity committed by a legal person, the provisions stipulated in article 98 to 100 respectively of this criminal code, shall apply.

(2) If it is impossible to confiscate any property or material profits from a legal entity because it has ceased to exist before the execution of the confiscation, the founder or the founders of the legal entity, or, in the case of companies, the shareholders or the associates shall be obligated to pay a monetary amount which corresponds to the acquired material gain.

(3) The provisions of article 101-a of this criminal code shall apply to the confiscation of movable objects from the legal entity.

Special provisions for a statute of limitations of the criminal prosecution and execution of the sanction

Article 96-f

(1) The criminal prosecution of the legal entity may not take place after a period of five years from the execution of the crime,

(2) The statute of limitations of the execution of the monetary fine, shall come to pass when three years have passed from the day of the legal effectiveness of the passed judgment stipulating the fine.

(3) The statute of limitations of the execution of the temporary ban to perform a specific activity, shall come to pass when the time stipulated in the passed judgment has expired.

(4) The statute of limitations of the execution of the permanent ban to perform a specific activity, shall come to pass when five years have passed from the day of legal effectiveness of the passed judgment stipulating this sanction.

(5) The statute of limitations of the execution of the termination of the legal entity, shall come to pass when ten years have passed from the day of legal effectiveness of the passed judgment stipulating this sanction.

7. CONFISCATION OF PROPERTY AND MATERIAL PROFITS AND CONFISCATION OF OBJECTS

1. Confiscation of property and material profits

Grounds for confiscation property gain

Article 97

- (1) No one may retain the direct or indirect property gain gained through a crime.
- (2) The benefit from item 1 shall be confiscated with the court decision with which the execution of the crime was determined, under the conditions foreseen by this Code.
- (3) The decision to confiscate shall be passed by the court in a procedure specified by law also in the case when, due to factual or legal reasons, it is impossible to conduct the criminal procedure with respect to the perpetrator of the crime.
- (4) In accordance with the conditions specified in a ratified international agreement, the confiscated property may be returned to another country.

Manner of confiscating

Article 98

- (1) The material profit acquired to a criminal activity comprising money, movable and immovable objects of value, as well as any other assets, property or equity, material or immaterial rights shall be confiscated from the perpetrator, and if this confiscation is not possible, other items shall be confiscated from the perpetrator which correspond to the acquired profits.
- (2) The material profits shall also be confiscated from third parties to whom it has been transferred without an appropriate compensation, if they did not know, and could know and were obligated to know that it had been acquired through a criminal activity.
- (3) The objects which have been declared as cultural heritage and natural rarities, as well as those to which the damaged party is personally attached, shall be confiscated from third persons, regardless of the fact that they did not know, could not have known and were not obligated to know that these objects have acquired through a criminal activity and regardless of whether these objects have been transferred to the third parties with or without an appropriate compensation.
- (4) The goods that are confiscated are returned to the damaged person, and if there is no damaged person, they become the property of the state.
- (5) If during the criminal proceeding, the damaged person is adjudged a property and legal claim, the court shall pronounce a taking away of property gain, if this exceeds the amount of the claim.

Protection of the damaged person

Article 99

(1) The damaged person who was referred to a litigation in the criminal procedure in regard to his property and legal claim, may demand that this be settled from the confiscated value, if he starts a litigation within six months after the day the decision with which he was referred to a litigation comes into effect, and if within three months from the day of coming into effect of the decision with which his claim was determined, he claims the settling of the taken away value.

(2) The damaged person who has not reported a legal and property claim in the criminal procedure, may demand the settling from the confiscated value if he has started a litigation for determining his claim within a time frame of three months from the day he finds out about the sentence with which the property gain is confiscated, and at the latest within two years after the decision for confiscating the property gain comes into effect, and if within three months from the day the decision with which his claim was determined comes into effect, he requests the settling of the taken away value.

Confiscating from a legal entity

Article 100

If a legal entity gains property gain from the crime of the offender, this gain shall be confiscated from it.

Confiscation of objects

Conditions for confiscation of objects

Article 100-a

(1) Nobody may keep or claim for their own objects that been occurred through a criminal activity.

(2) Objects that were intended or have been used to commit a crime shall be confiscated from the perpetrator, regardless of whether they belong to the perpetrator or to a third party, if this is required by the interest of general safety, health of the people or moral reasons.

(3) The objects which have been used or were intended to be used to commit a crime may be confiscated if there is a threat that they may be used to commit another crime. Objects, which are the property of a third party, shall not be confiscated, except if the third party knew, could now and was obligated to know that these objects have been used or were intended to be used to commit a crime.

(4) The court shall pas a decision to confiscate the objects within the framework of a procedure specified by law also in the case when, due to factual or legal reasons, it is impossible to conduct the criminal procedure with respect to the perpetrator of the crime.

(5) The application of this measure does not interfere with the right of third parties to compensation of damages from the perpetrator of the crime.

(6) Under the conditions stipulated in the ratified international agreements, the objects may be returned to another country.

8. LEGAL CONSEQUENCES OF THE SENTENCE

Setting in of legal consequences from the sentence

Article 101

(1) The legal consequences from the sentence, which are attached to the sentences specified for certain crimes, may apply only when the perpetrator of the crime is sentenced to imprisonment.

(2) Legal consequences may be foreseen only by law, and they set in by force of the law with which they are foreseen.

Start and duration of legal consequences from the sentence

Article 102

(1) The legal consequences from the sentence set in on the day the sentence comes into effect.

(2) The legal consequences from the sentence, which consist of prohibition on attaining certain rights, last at the most ten years from the day the punishment was served, pardoned or became obsolete.

(3) The legal consequences from the sentence cease with the erasing of the sentence.

9. REHABILITATION

Rehabilitation

Article 103

(1) The rehabilitation of the condemned person may set in by force of law (legal rehabilitation), or based on a court decision (court rehabilitation).

(2) Rehabilitation means a pre-term ceasing of the sanctions involving bans and the eviction of foreign persons from the country and legal consequences from the sentence, and erasure of the sentence from the penal records.

(3) The rehabilitated person is considered not to be sentenced, and the data about the erased sentence is not given to anybody.

(4) The rehabilitation does not touch upon the rights of third persons, which are based on the sentence.

Legal rehabilitation

Article 104

(1) The sentence of a pronounced alternative measure except probationary sentence and a sentence with which the perpetrator of a crime is acquitted from punishment are erased from the penal records if the condemned does not commit a new crime within one year from the day the court decision comes into effect.

(2) The conditional sentence is erased from the penal records after one year from when the control time expired, if during this time the condemned does not commit a new crime.

(3) The sentence to a fine and the sentence involving a temporary ban to operate a motor vehicle, passed as the only sentence is erased from the penal records after three years pass from the day the punishment is served, becomes obsolete or is pardoned, if during this time the condemned does not commit a new crime.

(4) The sentences to imprisonment of up to three years and to juvenile imprisonment are erased from the penal records after five years pass from the day the punishment is served, becomes obsolete or is pardoned, if during this time the condemned does not commit a new crime.

(5) Several sentences to a single person may be erased from the penal records only at the same time, and then if conditions exist for erasing each one of these sentences.

Court rehabilitation

Article 105

(1) After three years expire from the day the punishment is served, becomes obsolete or is pardoned, the court may determine that the legal consequences from the sentence cease, concerning the prohibition of attaining certain rights.

(2) After one year from the day of the application of the sentence involving a temporary ban to perform a specific activity, the court may decide to terminate the ban.

(3) After three years expire from the day of implementation of sanctions, of prohibition of performing a profession, an activity or a function, and of prohibition of driving a motor vehicle and temporary eviction of a foreign person from the country, as well as the sentence permanently banning a legal entity from performing its activity, the court may decide for them to stop.

(4) When deciding about rehabilitation, the court shall take into consideration the behavior of the condemned after the sentence, the circumstance whether he has indemnified the damages, whether he has returned the property gain, as well as other circumstances of importance to this decision.

(5) Upon the request from the condemned, the court may determine to erase from the penal records the sentence to imprisonment: more than three years and up to five years, within a period of five years; more than five years and up to ten years, within a period of ten years; more than ten years and up to fifteen years, within a period of fifteen years, more than twenty years, within twenty years, from the day the punishment is served, becomes obsolete or is pardoned, if during this time the condemned does not commit a new crime. When deciding to erase the sentence, the court shall take into consideration the conduct of the condemned after

serving the sentence, the nature of the crime and the other circumstances which may be of importance for the assessment of the justification for erasing the sentence.

Penal records

Article 106

(1) The penal records are maintained by the court of first instance, competent according to the birthplace.

(2) For persons born abroad, or those whose birthplace is unknown as well as legal entities, the penal records are maintained in the court which is determined by the law.

(3) The data from the penal records may be given to the court and to the public prosecutor's office, in connection with a criminal procedure which is carried out against the earlier condemned person, and to the responsible agencies that participate in the procedure for granting an amnesty or a pardon.

(4) Data from the penal records may also be given upon justified request to state agencies, legal entities and physical persons, if certain legal consequences from the sentence or sanctions involving bans are still in effect, or if there is a justified interest for this, based on the law.

(5) No one has the right to demand from the citizens to submit proof of whether they have or they have not been sentenced.

(6) Upon their request, the citizens may be given data about whether they have or have not been sentenced, only if they need this data because of realizing their rights abroad.

10. OBSOLESCENCE

Obsolescence of criminal prosecution

Article 107

(1) If it is not determined otherwise by this Code, criminal prosecution may not be undertaken when the following expires:

1) thirty years from when a crime was committed, for which according to the law, a punishment of life imprisonment may be pronounced;

2) 20 years from when a crime was committed, for which according to the law, imprisonment of more than ten years may be pronounced;

3) ten years from when a crime was committed, for which according to the law, imprisonment of more than five years may be pronounced;

4) five years from when a crime was committed, for which according to the law, imprisonment of more than three years may be pronounced;

5) three years from when a crime was committed, for which according to the law, imprisonment of more than one year may be pronounced; and

6) two years from when a crime was committed, for which according to the law, imprisonment of one year or a fine may be pronounced;

(2) If several punishments are prescribed for a crime, the time frame is determined according to the most severe prescribed punishment.

Course and cessation of the obsolescence of the criminal prosecution

Article 108

(1) The obsolescence of the criminal prosecution starts on the day the crime was committed.

(2) The obsolescence does not run at the time when, according to the law, the prosecution may not begin or continue.

(3) The obsolescence is interrupted by each process action that is undertaken in order to prosecute the offender because of the committed crime.

(4) The obsolescence is interrupted also when the offender, at the time while this time period of obsolescence is still going on, commits an equally severe or more severe crime.

(5) For each interruption, the obsolescence starts to run again from the beginning.

(6) The obsolescence of the criminal prosecution comes into effect in any case when a time period elapses which is twice as long as required by law for the obsolescence of the criminal prosecution.

Obsolescence of the execution of punishment

Article 109

If with this Code it is not determined otherwise, the pronounced punishment may not be executed when the following has elapsed:

1) thirty years from a sentence to life imprisonment;

2) twenty years from a sentence to imprisonment of more than ten years;

3) ten years from a sentence to imprisonment of more than five years;

4) five years from a sentence to imprisonment of more than three years;

5) three years from a sentence to imprisonment of more than one year; and

6) two years from a sentence of imprisonment of up to one year, or to a fine.

Obsolescence of execution of secondary punishments and security measures alternative measures, confiscation of property and seizure of objects

Article 110

(1) The obsolescence of execution of a fine as a secondary punishment sets in when two years expire after the day the sentence with which this punishment was pronounced comes into effect.

(2) The obsolescence of the execution of the security measures - compulsory psychiatric treatment and custody in a health institution, compulsory psychiatric treatment in freedom and compulsory treatment of alcoholics and drug-addicts, sets in when five years expire from the day the decision with which these measures were pronounced comes into effect.

(3) The obsolescence of the execution of the sanction involving a ban to perform the profession, activity or duty, the ban to operate a motor vehicle and the temporary eviction of a foreign person from the country, sets in upon expiration of the time period stipulated in the sentences.

(4) The alternative measures involving a work for general benefit and house arrest shall have reached their stature of limitations after the expiration of two years after the date of legal effectiveness of the judgment stipulating those measures.

(5) The execution of the special measures involving confiscation of property and objects does not reach stature of limitations.

Course and cessation of the obsolescence of the execution of the punishment

Article 111

(1) The obsolescence of the execution of the punishment starts on the day the sentence comes into effect, and if a conditional sentence has been revoked, from the day when the decision on revoking comes into effect.

(2) The obsolescence does not run when according to the law, the execution of the punishment cannot be undertaken.

(3) The obsolescence is interrupted for each activity by the competent agency, undertaken for the execution of the punishment.

(4) For each interruption, the obsolescence starts to run from the beginning.

(5) The execution of a punishment becomes obsolete in any case when a time period elapses which is twice as long as required by law for the obsolescence of the execution of the punishment.

(6) The provisions from items 2 to 5, respectively, apply also for the obsolescence of the execution of security measures and the alternative measures.

No obsolescence for the crimes of genocide and war crimes

Article 112

The criminal prosecution and the execution of punishment do not become obsolete for crimes foreseen in articles 403 to 407-b and 416-a, as well as for crimes for which no obsolescence is foreseen with ratified international conventions.

11. AMNESTY AND PARDON

Amnesty

Article 113

Persons included in an act of amnesty are awarded acquittal from prosecution, or full or partial acquittal from execution of the punishment, the pronounced punishment is substituted with a lighter punishment, they are prescribed an erasing of the sentence, or a certain legal consequence from the sentence is revoked.

Pardon

Article 114

(1) With the pardon of an individually named person, he is awarded acquittal from prosecution, or full or partial acquittal from execution of the punishment, the pronounced punishment is substituted with a lighter punishment, or with a alternative measures, or he is prescribed an erasing of the sentence, or a certain legal consequence from the sentence or the security sanction is revoked, respectively it is determined that this should have a shorter duration.

(2) The pardon may determine the revoking or a shorter duration of the following sanctions - prohibition on performing a profession, an activity or a function; prohibition on driving a motor vehicle for offenders who are drivers by profession; and expulsion of a foreigner from the country.

Action of the amnesty and pardon on the rights of third persons

Article 115

The awarding of an amnesty or a pardon does not touch upon the rights of third persons that are based on the sentence.

12. APPLICATION OF THE CRIMINAL LEGISLATURE ACCORDING TO THE PLACE OF PERPETRATION OF THE CRIME

Application of the criminal legislature to everyone who commits a crime on the territory of the Republic of Macedonia

Article 116

(1) The criminal legislature is applicable to everyone who commits a crime on the territory of the Republic of Macedonia.

(2) The criminal legislature is also applicable to everyone who commits a crime on a domestic ship, regardless where the ship is at the time the crime is committed.

(3) The criminal legislature is also applicable to everyone who commits a crime in a domestic civil aircraft during flight, or on a domestic military aircraft, regardless where the aircraft is at the time the crime is committed.

Application of the criminal legislature to certain crimes committed abroad

Article 117

The criminal legislature is applicable to everyone who commits a crime abroad, from articles 305 to 326, or from article 268, if the forgery concerns domestic currency.

Application of the criminal legislature to a citizen of the Republic of Macedonia who commits a crime abroad

Article 118

The criminal legislature is also applicable to a citizen of the Republic of Macedonia when he commits some crime abroad, except for the crimes listed in article 117, if he finds himself on the territory of the Republic of Macedonia or is extradited.

Application of the criminal legislature to a foreigner who commits a crime abroad

Article 119

(1) The criminal legislature is applicable also to a foreigner who commits a crime outside the territory of the Republic of Macedonia but directed against her or against her citizen, also when this does not concern crimes listed in article 117, if he finds himself on the territory of the Republic of Macedonia or is extradited.

(2) The criminal legislature is also applicable to a foreigner who commits a crime abroad, against a foreign country or a foreigner, who according to that legislature may be sentenced to five years of imprisonment or to a more severe punishment, when he finds himself on the territory of the Republic of Macedonia, and when he is not extradited to the foreign country. If not otherwise determined by this Code, in such a case the court may not pronounce a punishment more severe than the punishment that is prescribed by law of the country in which the crime was committed.

Special conditions of prosecution

Article 120

(1) If in the cases from article 116, the criminal procedure is violated or completed in a foreign country, the prosecution in the Republic of Macedonia shall be initiated only after approval from the Public Prosecutor of the Republic of Macedonia.

(2) In the cases from articles 118 and 119, no prosecution shall be initiated if:

- 1) the offender has served out the punishment to which he was sentenced abroad;
- 2) a safety measure involving imprisonment has been applied with regard to the perpetrator abroad;

3) the offender was acquitted abroad with a sentence that has come into effect, or his punishment has become null and void or it was pardoned;

4) according to the foreign law a crime is prosecuted upon request from the damaged and no such request was submitted.

(3) In the cases from articles 118 and 119, prosecution shall be initiated only when the crime is punishable according to the law of the country in which the crime was committed. When in the cases from article 118 and article 119, item 1, there is no punishment for that crime according to the law in the country in which it was committed, prosecution may be initiated only after approval from the Public Prosecutor of the Republic of Macedonia.

(4) Only after approval from the Public Prosecutor of the Republic of Macedonia may prosecution be initiated in the Republic of Macedonia in the cases from article 119, item 2, regardless of the law of the country in which the crime was committed, if this concerns a crime which, at the time it was perpetrated, was considered to be a crime according to the general legal principles, recognized by the international community.

(5) In the cases from article 116, the prosecution of a foreigner may be handed over to a foreign country, under the condition of reciprocity.

Reckoning pre-trial confinement and a punishment served abroad

Article 121

The pre-trial confinement, the arrest during the extradition procedure, as well as the sentence or the security measure involving imprisonment which the offender served according to a sentence by a foreign court, shall be reckoned in the punishment which shall be pronounced by the domestic court for the same crime, and if the punishments are not of the same kind, the reckoning shall be done according to the assessment of the court.

Application of the provisions of this code on the criminal sanctions pronounced abroad

Article 121-a

When, based on an international agreement, the criminal sanction pronounced abroad, should be served in the Republic of Macedonia, the provisions stipulated in code regarding probationary discharge, rehabilitation, stature of limitations, amnesty and pardon shall be applied accordingly.

13. THE MEANING OF THE CONCEPTS IN THIS CODE

Article 122

(1) Criminal legislature of the Republic of Macedonia means the provisions stipulated in this Criminal Code and the provisions contained in the other laws.

(2) The territory of the Republic of Macedonia means the territory on dry land, the water surfaces inside its borders, as well as the airspace above them.

(3) The term military person means: military officers and assistant officers, professional soldiers, soldiers serving their military duty, cadets of the Military Academy, persons in charge of training and educating the officers, persons from the reserve composition, while they are called to perform rights and obligations in the field of defense regarding the performance of their military duty, as well as civil persons on duty in the Army of the Republic of Macedonia.

(4) An official person, when marked as a perpetrator of a crime, is considered to be:

a) The President of the Republic of Macedonia, the appointed ambassadors and deputies of the Republic of Macedonia abroad and persons appointed by the President of the Republic of Macedonia, an elected or appointed officer in the Parliament of the Republic of Macedonia, in the Government of the Republic of Macedonia, in the state administration authorities, in the courts and in other authorities and organizations which perform certain professional, administration or other matters within the framework of the rights and duties of the Republic, in the local self-government, as well as persons who permanently or periodically perform an official duty in these authorities and organizations.

b) a civil servant performing expert, normative-legal, executive, administrative-supervisory works and administrative works in accordance with the Constitution and the law.

c) an authorized person within a legal entity which by law or by some other enacted regulation based on the law is entrusted with performing public authority, when the performed the duty fall within the framework of that authority.

d) a person performing certain official duties, based on the authorization given by law or by some other enacted regulations based on the law.

e) a military person, when considering crimes in which an official person is pointed out as the perpetrator; and

f) a representative of a foreign country or an international organization in the Republic of Macedonia.

(5) A foreign official person, when marked as a perpetrator of a crime, is considered to be the person which, in a foreign country, performs some of the functions or duties stipulated in items a) to e) of paragraph 6. A foreign official person shall be considered to be an official person regarding crimes where the perpetrator has been found to be a certain official person, when this person has performed an official activity, acting on the territory of the Republic of Macedonia on the basis of an international agreement.

(6) A legal entity shall mean: the Republic of Macedonia, units of local self-government, political parties, public enterprises, companies, institutions and other associations, funds, financial organizations, and other organizations specified by law, which are registered as legal entities, and other communities and organizations to which have been recognized as having the property of a legal entity. A foreign legal entity shall mean: a public enterprise, institution, fund, bank, company or any other form of organization in accordance with the laws of a foreign country pertaining to the performance of economic, financial, banking, trade, service or other activities, and which has a headquarters in another country or a branch office in the

Republic of Macedonia or has been founded as an international association, fund, bank or institution.

(7) A responsible person within a legal entity shall be considered to be a person within the legal entity, who considering his/her function or based on special authorization in the legal entity, is entrusted with a certain circle of matters which concern the execution of legal regulations, or regulations that are enacted on the basis on a law or a general act of the legal entity, in the management, use and disposition of property, the management of the production or some other economic process, or the supervision over them. An official person is also considered to be a responsible person, when this concerns crimes where a responsible person is found to be perpetrator, and which crimes are not foreseen in the chapter on crimes against official duty, i.e. crimes by an official person foreseen in some other chapter of this Code. When this code specifically stipulates, a responsible person shall also be considered the person who performs a special function or an authorization or is entrusted to independently perform certain operations within the foreign legal entity, as well as the person which is a representative of the foreign legal entity within the Republic of Macedonia.

(8) When an official or responsible person is pointed out as the perpetrator, all the persons listed in paragraphs 4, 5, and 7 8 may be perpetrators of these crimes unless the legal features of the particular crime suggest that the perpetrator can be only one of these persons.

(9) A person performing works of public interests shall be considered to be the person who performs functions, duties or works of public, or general interest, such as: teacher, tutor, physician, social worker, journalist, notary, lawyer, or any other person who performs these works independently or within a legal entity which performs activities of public interest, or general interest, in accordance with the law.

10) Elections and voting shall mean the elections for representatives of the citizens in the Parliament of the Republic of Macedonia and in the local self-government, for the President of the Republic of Macedonia, and the declaration of the citizens at a referendum.

(11) A document is any object that is suitable or designated to serve as proof of a fact that is of value for the legal relations. A public document is a document issued by a competent authority, organization, or a person performing works of public interest based on a law or another regulation based on the law.

(12) Money is coins and paper money, which based on the law, are in circulation in the Republic of Macedonia or in a foreign country.

(13) Marks of value also means foreign marks of value.

(14) Securities are: shares, bonds or other securities which are transacted on the basis of law of the Republic of Macedonia.

(15) A movable object also means any produced or collected energy which provides light, heat or movement, as well as the telephone impulse and other means of transfer of voice, picture or text, over a certain distance or computer services.

(16) A force shall also mean the use of hypnosis and stunning instruments for the purpose of bringing a person, against his/her will into a state of unconsciousness or to incapacitate him/her to offer resistance.

(17) A social authority shall mean the centres for social work and other agencies that are founded by law to perform a social activity.

(18) A motor vehicle shall mean any vehicles of transportation with a motor engine, in land, water and air traffic.

(19) Family violence shall mean abuse, rude insults, threatening of the safety, inflicting physical injuries, sexual or other physical and psychological violence which causes a feeling of insecurity, being threatened, or fear towards a spouse, parents or children or other persons which live in a marital or other community or joint household, as well as towards a former spouse or persons which have a common child or are have close personal relations.

(20) A group, gang or other criminal association or an organization shall mean at least three persons which have formed an association for the purpose of committing crimes, including the organizer of the association.

(21) Court, judge and court procedure shall also mean an international court whose competence is recognized by the Republic of Macedonia, a judge a procedure before that court.

(22) Drunkenness shall mean a state of alcohol in the blood exceeding 1.5 gram per one thousand (‰).

(23) An explosive or other deadly device shall mean any type of weapon or explosive or flammable device, which can cause death, bodily harm or significant material damage, through physical injury, emitting and spreading harmful chemical materials, biological agents, toxic and similar substances, or radiation of radioactive materials, as well as any weapon or device created for that purpose.

(24) Public place shall mean buildings, parts of buildings, yards, structures where any commercial, cultural, official, educational, recreational and other activity is performed, as well as public roads, open spaces, water surfaces and other places open and accessible to an unlimited number of people.

(25) A smaller material gain, value or damage shall mean a gain, value or damage that corresponds to the amount of the officially announced average one-half monthly salary in the economy of the Republic of Macedonia, at the time when the crime was committed.

(26) A larger material gain, value or damage shall mean a gain, value or damage that corresponds to the amount of five average monthly salaries in the Republic of Macedonia, at the time when the crime was committed.

(27) A significant material gain, value or damage shall mean a gain, value or damage that corresponds to the amount of 50 average monthly salaries in the Republic of Macedonia, at the time when the crime was committed.

(28) A property gain, value or damage of a large scale shall mean a gain, value or damage that corresponds to the amount of 250 average monthly salaries in the Republic of Macedonia, at the time when the crime was committed.

(29) A net daily income shall mean a net compensation in the form of a salary or other compensations in addition to the salary pertaining to the working relation, as well as other met incomes from the performance of activities, effectuation of property and property rights. The net daily income shall be obtained after deducting the taxes or other liabilities specified by law. If the court can not determine the net daily income in this way or if the determination of the net income will cause a significant delay in the procedure, the net daily income shall be calculated on the basis of the daily earnings according to the average salary in the Republic of Macedonia for the last three months before the judgment has been passed.

SPECIAL PART

14. CRIMES AGAINST LIFE AND BODY

Murder

Article 123

(1) A person who takes the life of another shall be punished with imprisonment of at least five years.

(2) The following person shall be punished with at least ten years or with life imprisonment, who:

- 1) takes the life of another in a cruel or treacherous manner;
- 2) takes the life of another while performing family violence;
- 3) takes the life of another and hereby, with intent, brings in danger the life of another person;
- 4) takes the life of another for self-interest, because of committing or covering up some other crime, for ruthless revenge or for other low motives.
- 5) takes the life of another on order;
- 6) takes the life of a female person, knowing that she is pregnant or minor and ;
- 7) takes the life of an official or military person, while they are performing work on public or state security, or on duty guarding the public order, catching a perpetrator of a crime, or guarding a person under arrest.

Murder with noble motives

Article 124

A person who takes the life of another with noble motives shall be punished with imprisonment of six months to five years.

Momentary murder

Article 125

A person who takes the life of another momentarily, brought into a state of strong irritation or as a consequence of family violence without his own fault, by an attack or with heavy insult from the murdered person, shall be punished with imprisonment of one to five years.

Murder from negligence

Article 126

A person who takes the life of another from negligence shall be punished with imprisonment of six months to five years.

Murder of a child at birth

Article 127

(1) A mother that takes the life of her child at birth or directly after giving birth, in a state of derangement caused by the birth, shall be punished with imprisonment of three months to three years.

(2) The attempt is punishable.

Instigation to suicide and helping in suicide

Article 128

(1) A person who instigates another to suicide or helps him in committing suicide, and this was committed, shall be punished with imprisonment of three months to three years.

(2) If the crime from item 1 is committed against a juvenile who reached the age of fourteen or against a person who is in a state of decreased mental competence, the offender shall be punished with imprisonment of one to ten years.

(3) If the crime from item 1 is committed against a juvenile who has not reached the age of fourteen years yet, or against a mentally incompetent person, the offender shall be punished according to article 123.

(4) A person behaving cruelly or inhumanely towards another who has a subordinate or dependent relationship to him, and if this person commits suicide because of this relationship, which could be attributed to negligence by the offender, shall be punished with imprisonment of six months to five years.

(5) If because of the crimes from items 1 to 4 the suicide was only attempted, the court may punish the offender more leniently.

Unlawful interruption of a pregnancy

Article 129

(1) A person who in contrary to regulations about the interruption of a pregnancy, with the consent from a pregnant woman performs, starts to perform or helps in performing an

interruption of a pregnancy, shall be punished with imprisonment of three months to three years.

(2) A person who is engaged in performing the crime from item 1 shall be punished with imprisonment of one to five years.

(3) A person who, without the consent from a pregnant woman, performs or starts to perform an interruption of a pregnancy, shall be punished with imprisonment of one to five years.

(4) If because of the crime from items 1, 2 and 3, a major deterioration of the health or the death of the pregnant woman sets in, the offender shall be punished for the crime from item 1 with imprisonment of six months to five years, and for the crime from items 2 and 3, with imprisonment of at least one year.

Body injury

Article 130

(1) A person who injures bodily another, or damages his health, shall be punished with a fine, or with imprisonment of up to one year.

(2) The person who commits the crime stipulated in paragraph 1 while performing family violence, shall be sentenced to imprisonment from six months to three years.

(3) The court may sentence the perpetrator of the crime from item 1 to a court reprimand, if he was provoked with especially insulting or rude behavior by the damaged person.

(4) The prosecution for the crime from item 1 is undertaken upon a private suit

A grave body injury

Article 131

(1) A person who gravely injures bodily another, or damages gravely his health, shall be punished with imprisonment of six months to five years.

(2) The person who commits the crime stipulated in paragraph 1 while performing family violence, shall be sentenced to imprisonment from one to five years.

(3) A person who gravely injures bodily another or damages gravely his health and if because of this the life of the injured person is brought into danger, or a vital part of the body or some important organ is destroyed, or is damaged permanently or to a significant extent, or a permanent disability for work is caused, in general or for the work for which he is trained, his health is damaged permanently or gravely, or he becomes disfigured, - shall be punished with imprisonment of one to ten years.

(4) If because of the grave body injury from items 1 and 2 the injured person dies, the offender shall be punished with imprisonment of at least one year.

(5) A person that commits the crime from paragraphs 1 to 3 from negligence, shall be punished with a fine, or with imprisonment of up to three years.

(6) A person that commits the crime momentarily, brought without his guilt into a state of great irritation by an attack or grave insult or as a consequence of family violence by the damaged, shall be punished for the crime from paragraphs 1 and 2 - with a fine or with imprisonment of up to three years, and for the crime from paragraphs 3 and 4- with imprisonment of one to five years.

Participation in a brawl

Article 132

(1) A person participating in a brawl in which another lost his life or another sustained a grave body injury, shall be punished with imprisonment of three months to three years.

(2) A crime from item 1 does not exist for a person who was drawn into a brawl without his own will, or was only separating the other participants in the brawl.

Threatening with a dangerous instrument during a brawl or a quarrel

Article 133

A person who draws a gun or a dangerous instrument during any kind of brawl or quarrel, with which he could harm the body gravely, or damage the health gravely, shall be punished with a fine, or with imprisonment of up to six months.

Exposure to danger

Article 134

(1) A person who leaves another without help, in a state dangerous to life, and which he has caused himself, shall be punished with imprisonment of three months to three years.

(2) If the person exposed to danger because of this loses his life, or becomes gravely bodily injured, or his health becomes gravely damaged, the offender shall be punished with imprisonment of one to five years.

Deserting a feeble person

Article 135

(1) A person, who was entrusted or who is obliged to take care of a feeble person, and who leaves him without help under circumstances dangerous to life or to health, shall be punished with imprisonment of three months to three years.

(2) If the deserted person loses its life because of this, or is severely bodily injured, or his health is severely damaged, the offender shall be punished with imprisonment of one to five years.

Not giving help

Article 136

A person who does not give help to a person who finds himself in a situation dangerous for life, even though he could have done this without the danger to himself or to others, shall be punished with a fine, or with imprisonment of up to one year.

15. CRIMES AGAINST THE FREEDOMS AND RIGHTS OF HUMANS AND CITIZENS

Injury to the equality of citizens

Article 137

(1) A person who, based on a difference in gender, race, color of skin, national and social origin, political and religious belief, wealth and social position, the language or other personal characteristics or circumstances, takes away or limits the rights of humans and citizens, determined by the Constitution, by law or by ratified international covenant, or who based on all these differences gives citizens favors in contrary to the Constitution, some law or international ratified covenant, shall be punished with imprisonment of three months to three years.

(2) If the crime from item 1 is committed by an official person while performing his duty, he shall be punished with imprisonment of six months to five years.

(3) In the crime stipulated in paragraph 1 is committed by a legal entity, it will be fined.

Violation of the right to use the language and the alphabet

Article 138

(1) A person who takes away or limits the right of the citizens to use the language and the alphabet, guaranteed by the Constitution, by law or by international covenant, shall be punished with imprisonment of three months to three years.

(2) If the crime from item 1 is committed by an official person while performing his duty, he shall be punished with imprisonment of six months to five years.

(3) In the crime stipulated in paragraph 1 is committed by a legal entity, it will be fined.

Coercion

Article 139

(1) A person, who by force or with a serious threat forces another to commit, not to commit, or to endure something, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime stipulated in paragraph 1 is committed while performing family violence, the perpetrator shall be sentenced to imprisonment from six months to three years.

(3) If the crime from item 1 is committed by an official person while performing his duty, he shall be punished with imprisonment of six months to five years.

(4) Prosecution for the crime stipulated in paragraph (1) is undertaken upon a private suit.

Unlawful arrest

Article 140

- (1) A person who unlawfully arrests, keeps detained, or in some other way takes away or limits the freedom of movement of another, shall be punished with a fine, or with imprisonment of up to one year.
- (2) If the crime stipulated in paragraph 1 is committed while performing family violence, the perpetrator shall be sentenced to imprisonment from six months to three years.
- (3) The attempt is punishable.
- (4) If the unlawful arrest is performed by an official person, by misusing the official position or authorization, he shall be punished with imprisonment of six months to five years.
- (5) If the unlawful arrest lasted longer than thirty days, or if it was performed in a cruel manner, or if the health of the unlawfully arrested person was seriously damaged because of this, or if some other serious consequences set in, the offender shall be punished with imprisonment of one to five years.
- (6) If the person unlawfully arrested lost his life because of this, the offender shall be punished with imprisonment of at least four years.

Kidnapping

Article 141

- (1) A person that commits a kidnapping of another, with the intention to force him or someone else to commit, not to commit or to endure something, shall be punished with imprisonment of one to ten years.
- (2) A person that commits the crime from item 1 against a juvenile, or the person who in order to achieve the aim of the kidnapping from item 1 threatens to kill the kidnapped person, or to inflict grave bodily injury, shall be punished with imprisonment of at least four years.
- (3) The offender of the crime from items 1 and 2, who of own volition frees the kidnapped person before the demand is realized because of which he committed the kidnapping, may be acquitted from punishment.

Torture and other cruel, inhuman or humiliating activities and punishments

Article 142

- (1) A person who while performing his duty, as well as a person instructed by an official person or based on an agreement of the official person, shall apply force, threat or some other illicit instrument or an illicit manner with the intention to force a confession or some other statement from a defendant, a witness, an expert witness or from some other person, or will inflict on another person severe bodily or mental suffering in order to punish the other person for a crime which the other person has committed or for which the other person or some other person is under suspicion, or to intimidate him/her or to force him/her to forfeit some of

his\her rights, or shall cause such suffering due to any kind of discrimination, shall be punished with imprisonment of one to five years.

(2) If, due to the activities stipulated in paragraph 1, the damaged party has come to severe bodily harm or other especially severe consequences, the perpetrator shall be punished with imprisonment of one to ten years.

Mistreatment in performing a duty

Article 143

A person who while performing his duty mistreats another, frightens him, insults him, or in general, behaves towards him in a manner in which the human dignity or the human personality is humiliated, shall be punished with imprisonment of six months to five years.

Endangering security

Article 144

(1) A person who endangers the security of another by a serious threat to attack his life or body, or the life and body of some person close to him, shall be punished with a fine, or with imprisonment of up to six months.

(2) The person that will commit the activity stipulated in paragraph 1, while performing family violence shall be sentenced to imprisonment from three months to three years.

(3) The sanction stipulated in paragraph (2) shall be applied to the person that commits the crime stipulated in paragraph 1 against an official person while performing his duty, or towards several persons.

(4) The person who, by way of an information system will threaten to commit a crime for which a sanction of imprisonment of five years or a more severe sanction has been prescribed, against another person due to their national, ethnic, racial or religious background, shall be sentenced to imprisonment from one to five years.

Violation of the inviolability of the home

Article 145

(1) A person who without authorization enters another's home, or closed or fenced in area that belongs to that home, or private business premises that are designated as such, or if he does not remove himself from there upon the request from the authorized person, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 of this article is committed by an official person while performing his duty, he shall be punished with imprisonment of six months to five years.

(3) The attempt of the crimes from items 1 and 2 is punishable.

(4) The prosecution of the crime from item 1 is undertaken upon a private suit.

Unlawful search

Article 146

- (1) A person who performs an unlawful search of another, of a home, of a closed or fenced in area that belongs to the home, or of business premises, shall be punished with a fine, or with imprisonment of up to one year.
- (2) An official person who while performing his duty performs an unlawful search shall be punished with imprisonment of six months to five years.
- (3) The attempt of the crimes from items 1 and 2 is punishable.
- (4) The prosecution of the crime from item 1 is undertaken upon private suit.

Violation of confidentiality of letters or other parcels

Article 147

- (1) A person who without a court decision or without the consent from the person they are sent to, opens someone else's letter, telegram, some other closed message in writing or parcel, or secured electronic mail, or in some other way violates their confidentiality, or withholds, covers up, destroys or hands over to a third person a letter, telegram, a closed message in writing or a parcel, or secured electronic mail, shall be punished with a fine or with imprisonment of up to six months.
- (2) A person who informs another about the secret he found out by violating the confidentiality of another's letter, telegram or some other closed message in writing or parcel, or secured electronic mail, or who uses this secret, with the intention of attaining some benefit for himself or for another, or to inflict harm to another, shall be punished with a fine, or with imprisonment of up to one year.
- (3) If the crime from items 1 and 2 is committed by an official person while performing his duty, he shall be punished for the crime from item 1 with imprisonment of three months to three years, and for the crime from item 2 with imprisonment of three months to five years.
- (4) The prosecution of the crime from items 1 and 2 is undertaken upon private suit.

Unauthorized publication of personal notes

Article 148

- (1) A person who publishes a diary, a letter or some other personal note without the permission from the author, in the cases when such a permission is required, shall be punished with a fine, or with imprisonment of up to one year.
- (2) If the crime stipulated in paragraph (1) is committed by a legal entity, it shall be fined with a monetary fine.
- (3) The prosecution is undertaken upon private suit.

Misuse of personal data

Article 149

(1) A person who collects processes or uses personal data from a citizen without his permission, contrary to the conditions determined by law, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from item 1 shall apply to a person who penetrates a computerized information system of personal data, with the intention of using them in order to attain some benefit for himself or for another, or to inflict some harm upon another.

(3) If the crime from items 1 and 2 is committed by an official person while performing his duty, he shall be punished with imprisonment of three months to three years.

(4) The attempt is punishable.

(5) If the crime stipulated in paragraph (1) is committed by a legal entity, it shall be fined with a monetary fine.

Prevention of access to a public information system

Article 149-a

(1) The person who without authorization prevents or restricts another with regard to access to a public information system, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime stipulated in paragraph 1 is committed by an official person while performing his/her duty or a responsible person within a public information system, this person shall be fined or sentenced to imprisonment from three months to three years.

(3) The prosecution shall be performed on the basis of a private complaint.

Unauthorized disclosure of a secret

Article 150

(1) A lawyer, notary, defense counsel, doctor, midwife or some other health worker, psychologist, religious confessor, social worker or some other person who, unauthorized, discloses a secret he discovered while performing his profession, shall be punished with a fine, or with imprisonment of up to one year.

(2) The crime from item 1 does not exist if the secret was disclosed in general interest, or in the interest of some other person, when this has higher priority than the interest of keeping the secret.

(3) The prosecution is undertaken upon private suit.

Unauthorized tapping and audio recording

Article 151

(1) A person who by using special appliances without authorization taps or records on audio a conversation or a statement which is not intended for him, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from item 1 shall apply to a person who enables an unauthorized person to become informed about a conversation or a statement which is tapped or recorded on audio.

(3) The punishment from item 1 shall also apply to a person who records on audio a statement that is intended for him, without the knowledge of the person giving the statement, with the intention of misusing it or to pass it on to third persons, or to the person who directly passes such a statement on to third parties.

(4) If the crime from items 1, 2 and 3 is committed by an official person while performing his duty, he shall be punished with imprisonment of three months to three years.

(5) The official person stipulated in paragraph (4) which has committed the crime in accordance with an order of a superior and has reported the case before finding out that a criminal procedure has been initiated against him/her, shall be acquitted.

(6) The prosecution of the crime from items 1, 2 and 3 is undertaken upon private suit.

Unauthorized recording

Article 152

(1) A person who without authorization makes photographs, film or video recordings of another or this person's personal premises, without his consent, and by violating this person's privacy, or the person who directly transfers these recordings to a third person, or shows them, or in some other way enables him to know about them, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 is unlawfully committed by an official person when performing his duty, he shall be punished with imprisonment of three months to three years.

(3) The prosecution of the crime from item 1 is undertaken upon private suit.

Violation of the right to submit a legal means

Article 153

(1) A person who prevents another in using his right to defense, to submit a complaint or some other legal means, by force or by serious threat, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 is committed by an official person by misusing his official position or authorization, he shall be punished with imprisonment of three months to three years.

(3) The prosecution of the crime from item 1 is undertaken upon private suit.

Preventing the printing and distribution of printed matters

Article 154

(1) A person, who by force or by serious threat prevents the printing, sale and distribution of books, magazines, newspapers or other printed matter, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from item 1 shall apply to a person who unlawfully prevents the broadcasting, sale and distribution of recorded material.

Preventing or hindering a public gathering

Article 155

(1) A person who by force, serious threat, deceit or in some other manner prevents or hinders the convening or the holding of a peaceful public gathering, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 is committed by an official person by misusing his official position or authorization, he shall be punished with imprisonment of three months to three years.

Violation of the right to strike

Article 156

A person who by force or by serious threat takes away or limits the right to strike of another, shall be punished with a fine, or shall be imprisoned up to one year.

Violation of an author's right and related rights

Article 157

(1) A person who in his own name or in the name of another unauthorized publishes, shows, reproduces, distributes, performs, transmits or in some other way unauthorized encroaches upon the author's right or some related right of another, respectively author's work, performance, or object of related right, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who attained a larger property gain from the crime from item 1 shall be punished with a with imprisonment from three months to three years.

(3) A person who attained a significant property gain from the crime from item 1 shall be punished with imprisonment of six months to five years.

(4) The attempt is punishable.

(5) The copies of copyrighted works and the objects of the related rights, as well as the instruments for their reproduction shall be confiscated.

(6) If the crime stipulated in paragraph (1) is committed by a legal entity, it will be sentenced with a fine

(7) The prosecution for violation of a moral right is undertaken upon a proposal.

16. CRIMES AGAINST ELECTIONS AND VOTING

Preventing elections and voting

Article 158

(1) A person who by using force, serious threat or in some other way makes impossible or prevents the holding of elections or voting, or makes impossible or prevents the determining or publication of the results from the voting, shall be punished with imprisonment of six months to five years.

(2) The person who will commit the crime stipulated in paragraph (1) by the use of weapons, explosive or other dangerous devices, by applying violence towards two or more persons or within an organized group, or on the area of two or more election locations, shall be sentenced to imprisonment from one to ten years.

Violation of the voting right

Article 159

(1) A member of an electoral board, electoral commission, board for conducting a referendum, or some other official person who in the performing of his duty in connection with elections or voting, with the intention of making it impossible for another to exercise his electoral right, unlawfully does not register him in the voting list or in the list of candidates, or erases him from a voting list or from a list of candidates, or in some other way deprives the voter of the right to elect, to be elected, or to vote, shall be punished with a fine or with imprisonment of up to one year.

(2) The punishment from item 1 shall also apply to a member of an electoral board, electoral commission, or board for conducting a referendum, or some other official person, who in the performing of his duty in connection with the elections or voting enables another in an unlawful manner to use the voting right, even though knowing that this person does not have such a right. (3) The attempt is punishable.

Violation of the voter's freedom of choice

Article 160

(1) A person who by using force, serious threat, deceit or in some other manner forces or prevents another from realizing or not realizing, or realizing his voting right in a specific sense, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 is committed by a member of an electoral board, an electoral committee, a board for conducting a referendum, or some other official person, when performing his duty in connection with the elections or voting, he shall be punished with imprisonment of three months to three years.

(3) The attempt is punishable.

Misuse of the voting right

Article 161

(1) A person who, at elections or in voting, votes instead of another or votes more than once, shall be punished with a fine or with imprisonment of up to one year.

(2) The punishment from item 1 shall apply also to a person who participates in elections or voting even though he knows he does not have a voting right.

(3) The attempt is punishable.

Bribery at elections and voting

Article 162

(1) A person who offers, gives or promises a present or some other personal benefit to a person with voting right, with the intention of attracting this person to perform or not to perform the voting right, or to perform it in a certain sense, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall also apply to a person with voting right who requests for himself a present or some other benefit, or who receives a present or some other benefit, in order to perform or not to perform the voting right, or to perform it in a certain sense.

(3) If the crime stipulated in paragraph (1) is committed by a legal entity, it will be sentenced with a fine.

Violation of the confidentiality of voting

Article 163

(1) A person who violates confidentiality at elections or at voting shall be punished with a fine, or with imprisonment of up to six months.

(2) If the crime from item 1 is committed by a member of an electoral board, an electoral committee, a board for conducting a referendum, or some other official person, when performing his duty in connection with the elections or voting, he shall be punished with a fine or with imprisonment of up to three years.

(3) The punishment from item 2 shall apply also to a person who by using force, serious threat, or by using the official, work or economic dependence and in some other manner, obtains from another to tell him whether he had voted, or how he had voted.

Destruction of electoral documents

Article 164

(1) A person who destroys, covers up, damages, changes or in any other way makes unusable a document, book or papers which serves in the elections or in the voting, shall be punished with a fine or with imprisonment of up to one year.

(2) If the crime from item 1 is committed by a member of an electoral board, an electoral committee, a board for conducting a referendum, or some other official person, when performing his duty in connection with the elections or voting, he shall be punished with a fine or with imprisonment of up to three years.

Electoral deceit

Article 165

A member of a electoral board, an electoral committee, a board for conducting a referendum, or some other official person, when performing his duty in connection with the elections or voting, who during elections or voting changes the number of the cast votes by adding or subtracting one or more voting papers, or changes the number of votes during counting or when announcing the results from the elections or voting, by adding or subtracting one or more votes, shall be punished with imprisonment of three months to five years.

17. CRIMES AGAINST WORK RELATIONS

Violation of the rights from a work relationship

Article 166

(1) A person who consciously does not abide by the law, some other regulation or the collective agreement, about the establishing or terminating of a work relationship, about the salary and reimbursements from the salary, the work time, rest or absence, protection of the woman, the youth and the disabled persons, or about the prohibition of overtime or night work, and who herewith violates, takes away or limits the right which belongs to the worker, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime stipulated in paragraph (1) is committed by a legal entity, it will be sentenced with a fine.

Violation of the right of social security

Article 167

(1) A person who consciously does not abide by the law, some other regulation or the collective agreement, about the health, pension and disability insurance, and other kinds of social security, and who herewith violates, takes away or limits the right which belongs to the worker, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime stipulated in paragraph (1) is committed by a legal entity, it will be sentenced with a fine.

Misuse of the rights from social security

Article 168

A person who, by simulation or by causing an illness or incapability for work, realizes a right to health, pension and disability insurance and other kinds of social security, which he does

not have according to law, some other regulation or collective agreement, shall be punished with a fine, or with imprisonment of up to one year.

Violation of the rights during a temporary unemployment

Article 169

A person who by abuse of official duty consciously does not abide by the law, some other regulation or a collective agreement, regarding the rights of citizens during temporary unemployment, and who herewith violates, takes away or limits a right that belongs to another, shall be punished with a fine, or with imprisonment of up to one year.

Not undertaking measures for protection at work

Article 170

(1) A responsible person in a legal entity who consciously does not abide by the law, some other regulation or the collective agreement regarding measures for protection at work, shall be punished with a fine, or with imprisonment of up to one year.

(2) When pronouncing a conditional sentence, the court may order the offender to act, within a determined time period, in conformity with the regulations regarding the measures of protection at work.

(3) If the crime stipulated in paragraph (1) is committed by a legal entity, it will be sentenced with a fine.

Violation of the right to participate in management

Article 171

(1) A person, who by violating regulations or general acts takes away or limits the right of another to participate in the management of a legal entity, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime stipulated in paragraph (1) is committed by a legal entity, it will be sentenced with a fine.

18. CRIMES AGAINST HONOR AND REPUTATION

Defamation

Article 172

(1) A person who expresses or spreads some untruth about another, which is harmful for his honor and reputation, shall be punished with a fine, or with imprisonment of up to six months.

(2) If the crime from item 1 is committed by means of the press, radio, television, electronic mail or through other public media or at a public gathering, the offender shall be punished with a fine, or with imprisonment of up to one year.

(3) If the untruth that is expressed or spread is of such significance that it caused or severe consequences for the damaged, the offender shall be punished with imprisonment of three months to three years.

(4) A defendant shall not be sanctioned for slander if hi/she proves the truth of his statement, or if he/she proves that he/she had a founded reason to believe in the truthfulness of what he/she had stated or spread.

(5) A person who falsely expresses or spreads about another that he has committed a crime which is prosecuted in the line of duty, shall be punished for defamation, even though he had had founded reason to believe in the truthfulness of what he expressed or spread, if the expression or spreading is not done under the conditions from article 176, item 2. The truthfulness of the fact that another has committed a crime for which he is prosecuted in line of duty may be proved only with a sentence that has come into effect, and with other evidence only if the prosecution of the trial is not possible or is not allowed.

Insult

Article 173

(1) A person who insults another shall be punished with a fine, or with imprisonment of up to three months.

(2) If the crime from item 1 was committed through the press, radio, television, electronic mail or with other public media or at a public gathering, the offender shall be punished with a fine, or with imprisonment of up to six months.

(3) The person that will publicly ridicule another by way of an information system because the other person is affiliated with a certain community, ethnic or racial group or a religious denomination, shall be sentenced with imprisonment of up to one year.

Expressing personal or family circumstances

Article 174

(1) A person who expresses or spreads something from the personal or family life of some person which is harmful for the reputation of that person, shall be punished with a fine, or with imprisonment of up to six months.

(2) If the crime from item 1 is committed through the press, radio, television, electronic mail or with other public media or at a public gathering, the offender shall be punished with a fine, or with imprisonment of up to one year.

(3) If what is expressed or spread is of such significance that it caused severe consequences for the damaged, the offender shall be punished with imprisonment of three months to three years.

(4) The truthfulness or falsehood of what is being expressed or spread in regard to the personal or family life of some person cannot be proven, except in the case of article 176, item 3.

Slight with reproach about a crime

Article 175

(1) A person who intending to slight another, reproaches him that he has committed some kind of crime, or that he has been sentenced for some kind of crime, or he expresses this to another with the same intention, shall be punished with a fine, or with imprisonment of up to three months.

(2) If the crime from item 1 is committed through the press, radio, television, electronic mail or with other public media or at a public gathering, the offender shall be punished with a fine, or with imprisonment of up to six months.

No punishment of crimes from articles 172 to 175

Article 176

(1) No sanction shall be applied against a person who behave insultingly towards another person in a scientific, literary or artistic work, in a serious piece of critics, in performing an official duty, journalist, political or some other social activity, as defense of the freedom of public expression of thought or other justified interests, if it can be concluded that from the manner of expression or from other circumstances, this does not have the meaning of an insult or that its had not caused a significant damage to the honor and the reputation of the person.

(2) In the cases from item 1, a person shall not be punished who expresses or spreads about another that he has committed a crime which is prosecuted in line of duty even though there is no sentence that has come into effect (article 172, item 5), if he proves that he had grounds to believe in the truthfulness of what he expressed or spread.

(3) For the expression or spreading of personal or family circumstances, committed in the cases stipulated in paragraph (1), the perpetrator shall not be punished if he/she proves the truthfulness of his/her statement, or if he/she can prove that he/she had a founded reason to believe in the truthfulness of what he expressed or spread.

(4) No sanction shall be applied against a person who blames another person saying that the other person has committed a crime or that the other person has been prosecuted for a crime in the defence of a certain right or protection of a public interest.

Pronouncing a court reprimand or acquittal for crimes from articles 172 to 175

Article 177

(1) The court may pronounce a court reprimand to the perpetrator of a crime from articles 172 to 175, if was provoked with an indecent or rude behavior by the damaged.

(2) If the insulted person returned the insult, the court may punish both or one side or it may pronounce a court reprimand.

(3) If the perpetrator has apologized to the damaged party before the court in the cases regarding the activities stipulated in articles 172, paragraphs 1 and 2, 173, paragraphs 1 and 2, 174, paragraphs 1 and 2, 175, paragraphs 1 and 2 and in the cases of the crimes stipulated in

the articles 172, , paragraphs 1 and 2 and 174, paragraphs 1 and 2 and if the court has recalled its expression or judgments, the perpetrator shall be acquitted.

Offending the reputation of the Republic of Macedonia

Article 178

A person, who with the intention to ridicule shall publicly make a mockery of the Republic of Macedonia, its flag, arm or anthem, shall be punished with imprisonment of three months to three years.

Ridiculing the Macedonian people and the ethnicities

Article 179

A person, who with the intention to ridicule shall publicly make a mockery of the Macedonian people and the ethnicities, shall be punished with imprisonment of three months to three years.

Offending the reputation of the court

Article 180

A person who in a procedure before the court ridicules the court, the judge or the jury-judge, or who commits this in a written submitted paper to the court, shall be punished with a fine, or with imprisonment of up to one year.

Offending the reputation of a foreign state

Article 181

A person, who with the intention to ridicule shall publicly make a mockery of a foreign state, its flag, arm or anthem, or the head of a foreign state or a diplomatic representative of a foreign state in the Republic of Macedonia, shall be punished with a fine, or with imprisonment of up to three years.

Offending the reputation of an international organization

Article 182

A person, who with the intention to ridicule shall publicly make a mockery of the international organization, or its representatives, shall be punished with a fine, or with imprisonment of up to three years.

Prosecution for crimes against the reputation of a foreign state and an international organization

Article 183

The prosecution of crimes from articles 181 and 182 is undertaken upon request from the foreign state, respectively the international organization, and after permission from the Minister of Justice.

Prosecution of crimes against the honor and reputation

Article 184

(1) The prosecution of crimes from articles 172 to 175 is undertaken upon private suit.

(2) If the crimes from articles 172, 173 and 174 are committed against, the person adopting another, the person adopted or another person with whom the deceased person has lived together in the same household the prosecution is undertaken upon private suit from the marital partner, the children, parents, brothers or sisters of the deceased person.

Publication of a court sentence

Article 185

When sentencing a crime perpetrated through the public media, the court shall decide, upon the request from the complainant, that the court sentence or an excerpt from it to be published, for the account of the condemned, through the same media or another appropriate way of publication if the publication through the same media is not possible.

19. CRIMES AGAINST SEXUAL FREEDOM AND SEXUAL MORALITY

Rape

Article 186

(1) A person who by the use of force or threat to directly attack upon the life or body of another or upon the life or body of someone close to that person, forces him to intercourse, shall be punished with imprisonment of one to ten years.

(2) If because of the crime from item 1 a severe body injury, death or other severe consequences were caused, or the crime was perpetrated by several persons or in an especially cruel and degrading manner, the offender shall be punished with imprisonment of at least four years.

(3) A person that forces another to intercourse with a serious threat that he shall disclose something about this person or about another close to this person, that would harm his honor and reputation, or which would cause some other big evil, shall be punished with imprisonment of six months to five years.

(4) The person who in the cases from items 1, 2 and 3 commits only some other sexual act, shall be punished for the crime from item 1 - with imprisonment of six months to five years, for the crime from item 2 – with imprisonment of one to ten years, and for the crime from item 3 – with imprisonment of three months to three years.

Statutory rape of a helpless person

Article 187

(1) A person, who commits statutory rape over another, misusing the mental illness, mental disorder, helplessness, retarded mental development, or some other state because of which this person is unable to resist, shall be punished with imprisonment of three months to five years.

(2) If because of the crime from item 1 a severe body injury, death or some other severe consequence was caused, or if the crime was perpetrated by several persons in an especially cruel or degrading manner, the offender shall be punished with imprisonment of at least three year.

(3) The person who in the cases from items 1 and 2 commits only some other sexual act, shall be punished for the crime from item 1 - with imprisonment of three months to three years, and for the crime from item 2 – with imprisonment of one to ten years.

Sexual attack upon a child

Article 188

(1) A person who commits statutory rape or some other sexual act upon a child shall be punished with imprisonment of six months to five years.

(2) For the rape of a child or for some other sexual act upon a child, by misusing his mental illness, mental disorder, helplessness, retarded mental development or some other state, because of which the child is incapable of resistance, the offender shall be punished with imprisonment of at least four years.

(3) If the crime from items 1 and 2 is committed by a teacher, educator, adoptive parent, guardian, stepfather, doctor or some other person, by misusing his position or while performing family violence, he shall be punished with imprisonment of at least five years.

(4) If because of the crimes from items 1 and 2 a severe body injury, death or some other severe consequences were caused, or the crime was perpetrated by several persons, or in an especially cruel and degrading manner, the offender shall be punished with imprisonment of at least five years.

Statutory rape with misuse of position

Article 189

(1) A person who by misusing his position induces another, who is subordinated or dependent or with the same objective abuses, intimidates or acts in a way that humiliated the human dignity and the human person in relation to him, to intercourse or to some other sexual, act shall be punished with imprisonment of three months to three years.

(2) A teacher, educator, adoptive parent, guardian, stepfather, doctor or some other person who by misusing his position commits statutory rape or some other sexual act upon a juvenile older than fourteen years of age, who was entrusted to him for study, education, custody or care, shall be punished with imprisonment of one to five years.

Satisfying sexual passions in front of another

Article 190

- (1) A person who performs a sexual act in front of another, in a public place, shall be punished with a fine, or with imprisonment of up to one year.
- (2) A person who performs a sexual act in front of a child, or who induces a child to perform such an act in front of him or in front of another, shall be punished with a fine, or with imprisonment of up to three years.

Mediation in conducting prostitution

Article 191

- (1) A person who recruits, instigates, stimulates or entices another to prostitution, or a person who in any kind of way participates in handing over another to someone for performing prostitution, shall be punished with imprisonment of six months to five years.
- (2) A person who because of profit enables another to use sexual services shall be punished with a fine, or with imprisonment of up to one year.
- (3) A person who because of profit, by using force or by serious threat to use force, forces or by deceit induces another to give sexual services, shall be punished with imprisonment of six months to five years.
- (4) If the crime from items 1, 2 and 3 is committed with a juvenile, the offender shall be punished with imprisonment of six months to five years.
- (5) If the crime from items 1, 2 and 3 is committed with a child, the offender shall be punished with imprisonment of one to five years.
- (6) A person who organizes the crimes from items 1 to 5 or the activities that this person will commit while performing family violence shall be punished with imprisonment of one to ten years.

Procuring and enabling sexual acts

Article 192

- (1) A person who procures a juvenile to sexual acts shall be punished with imprisonment of three months to five years.
- (2) A person who enables the performing of sexual acts with a juvenile shall be punished with imprisonment of three months to three years.

Showing pornographic materials to a child

Article 193

(1) A person who sells, shows or by public presentation in some other way makes available pictures, audio-visual or other objects with a pornographic content to a child, or shows him a pornographic performance, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime was performed through the public media, the offender shall be punished with a fine, or with imprisonment of up to three years.

(3) The punishment from item 2 shall be applied to a person who abuses a juvenile in the production of audio-visual pictures or other objects with a pornographic content or for pornographic presentations.

(4) The objects from items 1, 2 and 3 shall be confiscated.

Incest

Article 194

(1) A person who commits statutory rape upon a blood relation of the first line or with a brother, respectively sister, shall be punished with a fine, or with imprisonment of up to one year.

(2) A blood relation in the first line or a brother, respectively sister, who commits statutory rape or some other sexual act upon a minor, shall be punished with imprisonment from one to ten years.

(3) If the crime stipulated in paragraph (1) is performed with a minor, the perpetrator shall be sentenced to imprisonment of at least four years.

20. CRIMES AGAINST MARRIAGE, FAMILY AND YOUTH

Bigamy

Article 195

(1) A person who marries even though he is already married shall be punished with imprisonment of three months to three years.

(2) The punishment from item 1 shall apply also to the person that marries a person for whom he knows is already married.

Enabling a marriage that is not allowed

Article 196

An official person who, when performing his official duty, enables a marriage even though he knew of legal obstacles because of which the marriage is prohibited or non-valid, shall be punished with a fine, or with imprisonment of up to three years.

Extra-marital life with a juvenile

Article 197

(1) An adult who lives in an extra-marital community with a juvenile who has reached the age of fourteen years, but not the age of sixteen, shall be punished with imprisonment of three months to three years.

(2) The punishment from item 1 shall apply also to a parent, adoptive parent, or guardian, who allows a juvenile who has reached the age of fourteen but not yet sixteen years, to live in an extra-marital community with another, or who induces him to this.

(3) If the crime from item 2 is committed from self-interest, the offender shall be punished with imprisonment of one to five years.

Taking away a juvenile

Article 198

(1) A person who unlawfully takes away a juvenile from a parent, adoptive parent, guardian, from an institution or person to which the juvenile was entrusted, or who hinders the juvenile from being with the person who has a right to this, or who makes it impossible to execute a decision for assigning the juvenile that has come into effect, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 was committed from self-interest, or for some other low motives, or by using force, threat or deceit, or if because of this the health, upbringing, sustenance or education of the juvenile is threatened, the offender shall be punished with imprisonment of three months to three years.

(3) When pronouncing a conditional sentence, the court may order the offender to return the juvenile or to make possible the execution of the decision for assigning the juvenile that has come into effect.

(4) If the perpetrator of a crime from item 1 returns the juvenile of own volition, or if he enables the execution of a decision that has come into effect, he may be acquitted from punishment.

Change of family situation

Article 199

(1) A person who by planting, substituting or in some other way changes the family situation of a child, shall be punished with imprisonment of three months to three years.

(2) The attempt is punishable.

Deserting a helpless child

Article 200

A parent, adoptive parent, guardian or any other person entrusted with a helpless child, who deserts it, with the intention of permanently getting rid of it, shall be punished with imprisonment of three months to three years.

Neglecting and mistreating a juvenile

Article 201

(1) A parent, adoptive parent, guardian or some other person who by crudely neglecting his duty of caring and upbringing neglects a juvenile or mistreats him, shall be punished with imprisonment of three months to three years.

(2) The punishment from item 1 shall apply also to a parent, adoptive parent, guardian or some other person who forces a juvenile to work which does not correspond to his age and physical force, or from self-interest induces him to begging or to performing other activities which are damaging to his development.

(3) If because of the crimes from items 1 and 2 a serious body injury or a severe damage to the health of the juvenile was caused, or the juvenile started with begging, prostitution, or other forms of asocial behavior, the offender shall be punished with imprisonment of three months to five years.

Not paying sustenance

Article 202

(1) A person who, even though he can do so, avoids providing sustenance which was determined based on a court decision come into effect or a settlement, shall be punished with a fine, or with imprisonment of up to one year.

(2) When pronouncing a conditional sentence, the court may order the offender to pay out the matured obligations, and to pay regularly the sustenance in the future.

Violation of family obligations

Article 203

(1) A person who by serious violation of his lawful family obligations, leaves a member of the family in a serious situation, one who cannot take care for himself, shall be punished with imprisonment of three months to three years.

(2) If because of the crime from item 1, the member of the family loses his life, or if his health is seriously damaged, the offender shall be punished with imprisonment of one to five years.

(3) When pronouncing a conditional sentence, the court may order the condemned to orderly fulfill his legal obligations.

Serving alcoholic drinks to juveniles

Article 204

(1) A person, who serves a juvenile in catering premises or in some other shop or place where alcoholic drinks are served and sold, shall be punished with a fine, or with imprisonment from three months to three years.

(2) If the crime from item 1 is committed against a drunken juvenile, the offender shall be punished with a imprisonment from six months to three years.

(3) If the crime stipulated in paragraph (1) has been committed to a child, the perpetrator will be sentenced to imprisonment from one to five years.

(4) If the crime stipulated in paragraphs 1, 2 and 3 has been committed by a legal entity, the legal entity shall be fined.

(5) If the perpetrator is sentenced with imprisonment or he/she is put on probation with a predetermined sentence of imprisonment, the court shall also pass a judgment prohibiting the perpetrator performing his/her activity.

21. CRIMES AGAINST HUMAN HEALTH

Transmitting an infectious disease

Article 205

(1) A person who by violating regulations or orders with which a responsible agency determines check-ups, disinfection, separation of the diseased, or some other measures for wiping out or preventing infectious diseases among people, or by employment or by keeping a person with an infectious disease, by performing a sexual activity or in some other way, causes a transmission of an infectious disease, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall also apply for a person who does not act according to the regulations or orders from the previous item, in regard to the wiping out or prevention of infectious diseases among animals, which could be transmitted to people and herewith cause a transmission of an infectious disease.

(3) If an incurable infectious disease was transmitted as a consequence of the crime from item 1, the offender shall be punished with imprisonment of one to ten years.

(4) The attempt of the crime stipulated in paragraph 1 of this article for transmission of an infectious disease person is punishable

(5) The person who will endanger the security of other people with false treat of transmitting or spreading false argumentations of existence of such infectious disease shall be punished with the fine or imprisonment up to six months.

(6) A person who commits the crime from items 1 and 2 from negligence shall be punished with a fine, or with imprisonment of up to six months.

Not reacting to health regulations during an epidemic

Article 206

(1) A person who, during an epidemic of a dangerous infectious disease does not act according to the regulations and orders with which measures are determined for it to be wiped out or prevented, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Unscrupulous treatment of the diseased

Article 207

(1) A doctor who, when providing doctor's assistance, applies a clearly inadequate means or manner of treatment, or does not apply proper hygienic measures, or in general, acts unscrupulously and herewith causes deterioration in the health situation of another, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall apply also for a midwife or some other health worker who, when providing medical assistance or care, behaves unscrupulously and herewith causes deterioration of the health situation of another.

(3) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to one year.

Not providing medical assistance

Article 208

(1) A doctor or some other health worker who in contrary to his duty does not provide immediate medical assistance to another who is in life danger, shall be punished with a fine, or with imprisonment of up to one year.

(2) If because of the crime from item 1 the person to whom medical assistance was not provided dies, the offender shall be punished with imprisonment of six months to five years.

Quackery

Article 209

A person, who without the prescribed qualification deals in treatment or in providing medical assistance, shall be punished with imprisonment of up to one year, and with a fine.

Unallowed transplantation of parts of the human body

Article 210

(1) A person who takes a part from the body of another for the purpose of transplantation, or who transplants a part of the body even though the taking or the transplantation is contrary to the medical profession or science, shall be punished with imprisonment of three months to five years.

(2) The punishment from item 1 shall apply also to a person who, with the intention of transplantation, takes a part of the human body intended for transplantation before death was determined in a prescribed manner.

(3) A person who takes a part of the body of another or who transplants a part of the body, without consent from the donor or the recipient, or of their legal representative when the donor or the recipient was not in state to give such consent, shall be punished with a fine, or with imprisonment of up to three years.

(4) The punishment from item 3 shall apply also to a person who in contrary to the law, for a compensation, sells or mediates in the giving of parts of the body of live or deceased persons for the purpose of transplantation.

Unscrupulous performing of a pharmaceutical activity

Article 211

(1) A pharmacist or some other person, who is authorized to prepare or give out medicaments, and who prepares a medicament in contrary to the regulations for his profession or who gives out a wrong medicament, thus endangering the life or health of another, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to six months.

(3) The medicaments that were prepared shall be confiscated.

Production and release for trade of harmful medical products

Article 212

(1) A person who produces, sells, or in some other way releases for trade medicaments or other means for treatment which are harmful to the health, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the crime was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to one year.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

(4) The products and the production means shall be confiscated.

Production and release for trade of harmful food and other products

Article 213

(1) A person who produces for selling, sells or in some other way releases for trade harmful food products, or drinks, or products for personal hygiene, care or other harmful products, thus creating danger to life and health of the people, shall be punished with imprisonment of three months to three years.

(2) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine or with imprisonment of up to six months.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

(4) The harmful food and other products shall be confiscated.

Unscrupulous inspection of meat for consumption

Article 214

(1) A veterinarian or some other authorized veterinary worker who performs unscrupulously the inspection of cattle intended for slaughter or of meat intended for consumption, or contrary to the regulations, does not perform this inspection, thus enabling the release for trade of meat that is harmful to the health of people, shall be punished with a imprisonment from six months to three years.

(2) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to six months.

(3) The meat shall be confiscated.

Unauthorized production and release for trade of narcotics, psychotropic substances and precursors

Article 215

(1) A person who without authorization produces, processes, sells or offers for sale, or who for the purpose of selling, buys, keeps or transports, or mediates in the selling or buying, or in some other way releases for trade, without authorization, narcotics, psychotropic substances and precursors, shall be punished with imprisonment of one to ten years.

(2) If the crime from item 1 was committed by several persons, or if the offender of this crime organized a network of resellers or mediators, the offender shall be punished with imprisonment of at least five years.

(3) A person who without authorization manufactures, procures, mediates, or gives for use equipment, materials or substances, for which he knows that they are intended for the production of narcotics, psychotropic substances and precursors, shall be punished with imprisonment of one to five years.

(4) The perpetrator stipulated in the paragraph 2, with exception of the organizer, who will reveal the crime or will help in the revealing shall not be punished.

(5) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

(6) The narcotic drugs, psychotropic substances and the precursors, as well as the movable property or the real estate used in their production, transfer and distribution, shall be confiscated.

Enabling the taking of narcotics, and precursors

Article 216

(1) A person who induces another to taking narcotics, and precursors, or who gives narcotics, psychotropic substances and precursors to another for this person or someone else, or who makes available premises for the taking of narcotics and precursors, or in some other way enables another to take narcotics, psychotropic substances and precursors, shall be punished with imprisonment of one to five years.

(2) If the crime from item 1 is committed towards a juvenile, or towards several persons, or if it caused especially severe consequences, the offender shall be punished with imprisonment of one to ten years.

(3) The narcotic drugs, as well as the movable property or the real estate used in their production, transfer and distribution or specially intended or put in use, shall be confiscated.

Severe crimes against the health of people

Article 217

(1) If some person is severely injured bodily, or his health is severely damaged, because of the crimes from article 205 items 1 and 2, article 207 items 1 and 2, article 209, article 211 item 1, article 212 item 1, article 213 item 1, article 214 item 1, article 215 item 1, and article 216 items 1 and 2, the offender shall be punished with imprisonment of one to ten years.

(2) If one or more persons died because of the crimes from article 205 items 1 and 2, article 207 items 1 and 2, article 209, article 211 item 1, article 212 item 1, article 213 item 1, article 214 item 1, article 215 item 1, and article 216 items 1 and 2, the offender shall be punished with imprisonment of at least four years.

(3) If another is severely injured bodily or his health is severely damaged because of the crimes from article 205 item 3, 207 item 3, 211 item 2, 212 item 2, 213 item 2, and 214 item 2, the offender shall be punished with imprisonment of three months to three years.

(4) If one or more persons died because of the crime from article 205 item 3, 207 item 3, 211 item 2, 212 item 2, 213 item 2, and 214 item 2, the offender shall be punished with imprisonment of six months to five years.

22. CRIMES AGAINST THE ENVIRONMENT AND NATURE

Pollution of the environment and nature

Article 218

(1) A person who, by not adhering to the regulations for protection and development of the environment, pollutes the air, soil, water, water surface or water flow to a larger extent or in a wider area, thus causing danger for the life or health of the people or destruction of animal and plant life to a larger extent, shall be punished with imprisonment of four to ten years.

(2) The same punishment shall also apply to an official or responsible person who, by not adhering to the regulations for protection and development of the environment, omits to place filtering devices or permits the construction, activation or use of a plant that pollutes the environment, or who in some other way omits to undertake measures for preventing or making it impossible to pollute the air, soil, water, water surface or water flow, which significantly exceeds the allowed limit, or for preventing noise that significantly exceeds the allowed limit, thus creating danger to the life and health of the people or destruction of animal and plant life to a larger extent.

(3) If the crime from item 1 was committed out of negligence, the offender shall be punished for the crime from item 1 with imprisonment of up to three years.

(4) When pronouncing a conditional sentence, the court may order the perpetrator of the crime from items 1 and 2 the condition to undertake the prescribed measures for protection and development of the human environment within a certain time frame.

(5) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Pollution of drinking water

Article 219

(1) A person who with some harmful matter makes unusable drinking water in springs, wells, cistern, or reservoirs, or some other drinking water, shall be punished with a fine, or with imprisonment of up to three years.

(2) If because of the crime from item 1 an epidemic of an infectious disease was caused, the offender shall be punished with imprisonment of one to five years .

(3) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to six months.

(4) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Production of harmful products for treating livestock or poultry

Article 220

(1) A person who, for the purpose of selling, produces or releases for trade products for treatment or for prevention of an infection among livestock or poultry that are dangerous for their life or health, shall be punished with a fine, or with imprisonment of up to three years.

(2) If a larger number of livestock or poultry perishes because of the crime from item, the offender shall be punished with imprisonment of one to five years.

(3) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to six months.

(4) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Unscrupulous providing of veterinary assistance

Article 221

(1) A veterinarian or an authorized veterinary worker who, when providing veterinary assistance, prescribes or applies an evidently unsuitable means or an evidently unsuitable manner of treatment, or in general, if he handles unsuitably during the treatment, thus causing the perishing of livestock or poultry to a larger value, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the crime from item 1 is committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to six months.

Transmitting infectious diseases among animal and plant life

Article 222

(1) A person who during an epidemic of some livestock disease that could endanger livestock breeding does not handle according to the decision of a competent agency, which is passed based on a regulation with which measures are prescribed for the wiping out or prevention of the disease, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall also apply to a person who, during the existence of the danger from disease or pests that could threaten the plant life, does not handle according to the decision of a competent agency, which is passed based on a regulation that prescribes measures for the wiping out or prevention of the disease or pests.

(3) If because of the crime from items 1 and 2 a significant damage is caused, the offender shall be punished with imprisonment of one to five years.

(4) If the crime from items 1 and 2 is committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to one year.

(5) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Pollution of livestock fodder or water

Article 223

(1) A person who pollutes with some harmful matter the livestock fodder or water from rivers, streams, springs, wells, cisterns or some other water which serves for watering livestock, poultry or wild animals, thus endangering the life or health of animals, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall also apply also to a person who with some harmful matter pollutes the water of fisheries, lakes, rivers and streams, and herewith causes a danger to the survival of fish.

(3) If because of the crime from items 1 and 2 a perishing of animals and fish was caused to a larger extent, the offender shall be punished with imprisonment of three months to three years.

(4) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Destruction of crops by using harmful matters

Article 224

A person who with some harmful matter causes the destruction of plants, fruit trees or other crops, and herewith causes a damage of a larger extent, shall be punished with a fine, or with imprisonment of up to three years.

Usurpation of real estate

Article 225

(1) A person who, with the intention of control, takes over another's real estate, which by a regulation has been declared a good in general use, a good under temporary protection or cultural heritage, a natural rarity or some other natural wealth, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall also apply to a person who takes over another's land with the intention of using it for construction.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Devastation of forests

Article 226

(1) A person who, contrary to a regulation or order from competent agencies or organizations, changes the purpose, cuts or digs out forests, or cuts off the bark of trees, or in some other way devastates forests, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the crime from item 1 was committed in a protected forest, a national park, or in some other special purpose forest, the offender shall be punished with imprisonment from one to five years.

(3) The one that shall perform the crime in his/her own forest, shall be sentenced with a fine or with imprisonment up to one year.

(4) The facilities used in the performing of the crime shall be confiscated.

(5) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Causing a forest fire

Article 227

- (1) A person who causes a forest fire, thus causing a damage of a larger extent, shall be punished with imprisonment of three months to three years.
- (2) The same punishment shall apply to a person who causes a fire in a protected forest, a national park or in some other special purpose forest.
- (3) A person who causes two or more forest fires shall be punished with imprisonment of at least three years.
- (4) If the crime from items 1 and 2 is committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to three years.

Unlawful hunt

Article 228

- (1) A person who hunts wild animals during a closed hunting season shall be punished with a fine, or with imprisonment of up to six months.
- (2) A person who without authorization hunts in prohibited hunting grounds, kills, wounds or catches alive a wild animal, shall be punished with a fine, or with imprisonment of up to one year.
- (3) If the crime from item 2 is committed against tall wild animals, the offender shall be punished with imprisonment of three months to three years.
- (4) A person who hunts rare or relatively rare wild animals for which the hunting is prohibited, or hunts without a special permission wild animals for which such a permission is required, or hunts in a manner or with means with which the wild animals are killed in large numbers, shall be punished with a fine, or with imprisonment of up to three years.
- (5) The catch and the hunting means shall be confiscated.

Unlawful fishing

Article 229

- (1) A person fishing with explosives, electricity, poison, intoxicating substances, or in a manner damaging to its breeding, and herewith causes the perishing of fish to a large extent, shall be punished with a fine, or with imprisonment of one to five years.
- (2) The catch and the fishing means shall be confiscated.

Endangering of the environment and the nature with waste material

Article 230

(1) A person who, in contrary to the regulations for protection of the environment and the nature, stores, leaves or throws around waste materials, or handles them in a way that changes the quality of the air, soil, water or water flows, to an extent which could deteriorate the life of people or animals or plants and endanger their existence, shall be punished with imprisonment of three months to three years.

(2) The punishment from item 1 shall also apply to a person who stores, leaves or throws around waste materials, or handles them in a way as to change the quality of the air, soil, water, water flows, and herewith causes the destruction or significant damaging of woods, plants and other plant life.

(3) One that deposits, litters or leaves dangerous waste which contains substances which can be explosive, reactive, flammable, irritating, toxic, infective, cancerous, eco-toxic or can expel toxic gases through chemical reaction and biological degradation, shall be sentenced with imprisonment from one to five years.

(4) A person who commits the crime from items 1, 2 and 3 out of negligence shall be punished with a fine, or with imprisonment of one to five years.

(5) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Unauthorized procurement and possession of nuclear materials

Article 231

(1) A person who by force or threat, by committing a crime or in some other manner unauthorized procures, mediates, uses, transports or gives to another nuclear materials, or enables another to get to them, shall be punished with imprisonment of one to five years.

(2) A person who with the crime from item 1 causes danger to the life of humans or to property of a larger extent shall be punished with imprisonment of one to ten years.

(3) If the crimes from items 1 and 2 are the cause of death to one or more persons, or of a property damage of a larger extent, the offender shall be punished with imprisonment of at least five years.

(4) If the crime from item 1 is committed out of negligence, the offender shall be punished with imprisonment of three months to three years.

(5) If the crime from item 4 caused the death of several persons, or damages of a large extent, the offender shall be punished with imprisonment of one to five years.

(6) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Bringing dangerous materials into the country

Article 232

(1) A person, who in contrary to the regulations brings into the country radioactive or other matter or waste materials, harmful to the life or health of the people, shall be punished with imprisonment of six months to five years.

(2) An official person, who in contrary to the regulations enables the entry into the country of materials or wastes from item 1, shall be punished with imprisonment of one to ten years.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Torturing animals

Article 233

(1) A person who roughly abuses an animal, or exposes it to unnecessary torment, or causes unnecessary pain to it, or for the sake of pleasure makes it suffer, shall be punished with a fine, or with imprisonment of up to six months.

(2) A person who by not feeding, not watering or in some other manner exposes an animal to an arduous situation for a longer period of time, shall be punished with a fine, or to imprisonment of up to three months.

Serious crimes against the environment and the nature

Article 234

(1) If because of the crimes from article 218 items 1 and 2, article 219 item 1, article 230 items 1 and 2, article 232 items 1 and 2, a serious body injury or a serious damage to the health of several people is caused, or death is caused to one or more persons, or the changes from the pollution cannot be removed for a longer period of time, the offender shall be punished with imprisonment of one to ten years.

(2) If because of the crimes from article 218 item 3, article 219 item 3, and article 230 item 3, a serious body injury or a serious damage to the health of several people is caused, or death is caused to one or more persons, or the changes from the pollution cannot be removed for a long period of time, the offender shall be punished with imprisonment of one to five years.

(3) If because of the crimes from article 220 item 1, article 221 item 1, article 222 item 1, article 226 item 1, article 230 items 1 and 2, a property damage of a large extent is caused, the offender shall be punished with imprisonment of one to five years.

(4) If because of the crimes from article 220 item 3, article 221 item 2, article 222 item 4, article 230 item 3, a property damage of a large extent is caused, the offender shall be punished with imprisonment of one to three years.

23. CRIMES AGAINST PROPERTY

Theft

Article 235

(1) A person, who takes away a movable object from another with the intention to unlawfully appropriate it, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the value of the stolen object is smaller and the offender wanted to steal an object with such a value, he shall be punished with a fine, or with imprisonment of up to one year.

(3) The prosecution of the crime from item 2 is undertaken upon private suit.

(4) The attempt for the crimes stipulated in the paragraphs 1 and 2 is punishable.

(5) Theft is also taking wood from somebody else's forest in quantity bigger than one cubic meter with intention of illegal usurpation.

Severe theft

Article 236

(1) If the theft is committed:

1) by breaking and entry into closed premises, by overcoming obstacles or in some other way overcoming larger hindrances;

2) by several persons, joined for committing a theft;

3) in a bold manner;

4) by a person who carried some kind of weapon or dangerous tool for the purpose of attack or defense;

5) during a fire, flood or similar disaster;

6) by using the helplessness or misfortune of another;

the offender shall be punished with imprisonment of one to ten years.

(2) The punishment from item 1 shall also apply to the offender of a theft of objects of significant value.

(3) If the stolen object has a good under temporary protection or cultural heritage, the offender shall be punished with imprisonment of at least four years.

(4) If the value of the stolen object is small and intention of the perpetrator was to steal that kind of object, he will be punished with a fee or with imprisonment up to three years.

Robbery

Article 237

(1) A person who by using force or by threatening to directly attack the life or body of another, takes another's movable object with the intention to unlawfully appropriate it, shall be punished with imprisonment of at least one year.

(2) If the value of the stolen object is of a large extent, the offender shall be punished with imprisonment of at least four years.

(3) If when committing the crime from item 1 a severe body injury is inflicted upon another with intent, or if the crime was committed in a group or gang, or if a firearm or a dangerous tool were used, the offender shall be punished with imprisonment of at least five years.

(4) If when committing the crime from item 1 another was killed with intent, the offender shall be punished with imprisonment of at least ten years or with life imprisonment.

Armed robbery

Article 238

(1) A person caught in the act of a theft, who uses force or threatens to directly attack upon the life or body of another with the intention of retaining the stolen object, shall be punished with imprisonment of at least one year.

(2) If the value of the stolen objects is of a large extent, the offender shall be punished with imprisonment of at least four years.

(3) If when committing the crime from item 1 a severe body injury is inflicted upon another with intent, or if the armed robbery was committed in a group or gang, or if a firearm or some dangerous tool was used, the offender shall be punished with imprisonment of at least five years.

(4) If when committing the crime from item 1 another is killed with intent, the offender shall be punished with imprisonment of at least ten years or with life imprisonment.

Embezzlement

Article 239

(1) A person, who unlawfully appropriates another's movable property that was entrusted to him, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the value of the embezzled objects is smaller and the offender wanted to appropriate objects of such a value, he shall be punished with a fine, or with imprisonment of up to one year.

(3) If the crime from items 1 and 2 is perpetrated by a guardian, or a person within a legal entity, to whom the objects were entrusted in regard to his work, he shall be punished with imprisonment of three months to five years.

(4) If the value of the embezzled objects is significant, or the objects are goods under temporary protection or cultural heritage, the offender shall be punished with imprisonment of one to five years.

(5) A person who unlawfully appropriates another's movable property, which he has found or which he has acquired by accident, shall be punished with a fine, or with imprisonment of up to one year.

(6) For the crimes from items 2 and 5, prosecution is undertaken upon private suit, and for items 1, 3 and 4 upon a proposal.

Helping oneself

Article 240

(1) A person who without authorization helps himself to money, securities or other movable objects, which are entrusted to him, or he gives these objects without authorization to another, shall be punished with a fine, or with imprisonment of up to one year.

(2) Prosecution is undertaken upon proposal.

Taking away another's objects

Article 241

(1) A person, who without the intention of appropriating unlawfully takes away a movable property from another in order to keep it under his control, shall be punished with a fine, or with imprisonment of up to one year.

(2) Prosecution is undertaken upon private suit.

Taking away a motor vehicle

Article 242

(1) A person who takes away unlawfully a motor vehicle from another with the intention of using it for driving shall be punished with a fine, or with imprisonment of up to one year.

(2) If the use of the vehicle lasted for a longer period of time, or if a larger damage was caused, the offender shall be punished with imprisonment of three months to three years.

(3) The attempt of the crime from item 1 is punishable.

Damage to objects of others

Article 243

(1) A person who damages, destroys or makes unusable the object of another, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the damage has a significant value or the objects have a good under temporary protection or cultural heritage, the offender shall be punished with imprisonment of six months to five years.

(3) The prosecution for the crime from item 1 is undertaken upon private suit.

Damage to the rights of others

Article 244

(1) A person who, with the intention of preventing the realization of the right from objects, sells, destroys, damages or takes away his own object upon which another has a pawn right or the right of usage, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who embezzles, fictively sells, destroys, damages or makes unusable the total property or some part of it, or acknowledges a false claim, composes a false contract or with some other deceitful act apparently or truthfully endangers his own state of wealth, and herewith decreases or prevents the possibility of settling with at least one of his creditors, shall be punished with a fine, or with imprisonment of up to three months.

(3) Prosecution for the crime from items 1 and 2 is undertaken upon private suit.

Damage to housing and business buildings and premises

Article 245

(1) A user of a flat, a tenant or some other person, who from a housing or business building, or from housing or business premises, takes down or damages an external or internal device, installation, or a part of them, or in some other manner significantly decreases the usability of the building or the premises, shall be punished with a fine, or with imprisonment of up to one year.

(2) If because of the crime from item 1, the building, the housing or the business premises become unusable, the offender shall be punished with a fine, or with imprisonment of up to three years.

(3) The prosecution for the crime from items 1 and 2 is undertaken upon private suit.

Unlawful moving in

Article 246

(1) A person who unlawfully moves into another's flat, business premises or other premises, shall be punished with a fine, or with imprisonment of up to one year.

(2) The attempt is punishable.

(3) If the court pronounces a conditional sentence, it shall order the offender to empty the flat, the business premises or other premises within a certain time frame.

(4) Prosecution is undertaken upon private suit.

Defraud

Article 247

(1) A person, who with the intention of attaining unlawful property gain for himself or for another defrauds another by false presentation or by covering up facts, or keeps him under fraud and herewith induces him to do or not to do something which causes damage to his own or another's property, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the damage is of a smaller value, and the offender wanted to attain such a value, he shall be punished with a fine, or with imprisonment of up to one year.

(3) If the damage is of a larger value, the offender shall be punished with imprisonment of three months to five years.

(4) If the damage exceeds a significant value, the offender shall be punished with imprisonment of one to ten years.

(5) A person who committed the crime from item 1 only with the intention of damaging another shall be punished with a fine, or with imprisonment of up to one year.

(6) The attempt of the crime from items 1 and 5 is punishable.

(7) For the crime from items 2 and 5, the prosecution is undertaken upon private suit.

Defrauding buyers

Article 248

(1) A person who, with the intention of defrauding buyers, releases for trade products with a label in which data is entered that does not correspond to the contents, type, origin or quality of the product, or releases for trade products that according to their weight or quality do not correspond to what normally is assumed for these products, or products without a label about the contents, type, origin or quality of the product, when this mark is prescribed, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Fraud in receiving credit or some other benefit

Article 249

(1) A person who, with the intention of procuring credit, investment funds, subsidies or some other benefit, for himself or for another, for performing an activity, provides the creditor or the competent person for approving such a benefit with untruthful or incomplete data about the state of wealth or other data which is important for receiving the credit or other benefit, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Insurance fraud

Article 250

(1) A person who, with the intention of collecting insurance from an insurance company, destroys or damages an object that is insured, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

(3) The punishment from item 1 shall also apply to a person who, with the intention of collecting insurance from the insurance company for body damage, body injury or damage to the health, causes such a damage, body injury or damage to the health.

(4) Prosecution is undertaken upon proposal.

Damage and unauthorized entering in a computer system

Article 251

(1) One that will, without authorization, erase, change, damage, cover or in other way will make unusable a computer data or program or device for maintenance of the computer system, or will make impossible or more difficult the use of a computer system, data or program or the computer communication, shall be sentenced with a fine or imprisonment up to three years.

(2) The sentence stipulated in the paragraph (1) shall be also imposed to one that will, without authorization, enter in somebody else's computer or system with intention to use his/her data or programs in order to obtain illegal material or other gain for himself/herself or for other or with intention to cause material or other damage or transfer the computer data that are not intended for him/her and which obtained without authorization.

(3) The one that will perform the crimes stipulated in the paragraphs 1 and 2 toward a computer system, data or programs that are protected with special measures of protection or are used in the activities of the state authorities, public enterprises or public institutions or in international communications, or as a member of a group that is formed with intention to perform that crimes, shall be sentenced with imprisonment of one to five years.

(4) If greater material gain is obtained with the crime stipulated in the paragraphs 1 and 2 or if greater damage is caused, the perpetrator shall be sentenced with imprisonment of six months to five years.

(5) If greater material gain is obtained with the crime stipulated in the paragraph 3 or if greater damage is caused, the perpetrator shall be sentenced with imprisonment of one to ten years.

(6) The one that, without authorization, produces, purchases, sells, holds or makes available to other, special facilities, equipment, computer programs or computer data intended or suitable for performing the crimes stipulated in the paragraphs 1 and 2, shall be sentenced with a fine or imprisonment up to one year.

(7) The attempt for the crimes stipulated in the paragraphs 1 and 2 is punishable.

(8) The special facilities, equipment, computer programs or data intended for the crime shall be confiscated.

Production and spreading of computer viruses

Article 251-a

(1) The one that will produce or take from another a computer virus with intention to spread it in somebody else's computer or computer network, shall be sentenced with a fine or imprisonment up to one year.

(2) The one that will cause damage to somebody else's computer, system, data or program using computer virus, shall be sentenced with imprisonment from six months to three years.

(3) If grater damage is caused with the crime stipulated in the paragraph 2 or if the crime is performed by a group formed with intention for performing that crime, the perpetrator shall be sentenced with imprisonment of one to five years.

(4) The attempt for the crimes stipulated in the paragraph 2 is punishable.

Computer fraud

Article 251-b

(1) The one that, with intention to obtain an illegal material gain, with inputting of untrue data, not inputting true data, forging electronic signature or in other way cause untrue result of the electronic processing and transfer of the data, shall be sentenced with a fine or imprisonment up to three years.

(2) If the perpetrator obtained grater material gain, he/she shall be sentenced with imprisonment of three months to five years.

(3) If the perpetrator obtained significant material gain, he/she shall be sentenced with imprisonment of one to ten years.

(4) The one that will perform the crime with sole intention to damage somebody else ,shall be sentenced with a fine or imprisonment up to one year.

(5) If the crime stipulated in the paragraph 4 caused greater material damage, the perpetrator shall be sentenced with imprisonment from three months to three years.

(6) The one that, without authorization, produces, purchases, sells, holds or makes available to other, special facilities, equipment, computer programs or computer data intended or suitable for performing the crimes stipulated in the paragraph 1, shall be sentenced with a fine or imprisonment up to one year.

(7) The attempt for the crimes stipulated in the paragraphs 1 and 4 is punishable.

(8)The special facilities, equipment, computer programs or data intended for the crime shall be confiscated.

(9) For the crime stipulated in the paragraph 4, the procedure is performed upon private lawsuit.

Abuse of trust

Article 252

(1) A person who, in representing the property interests of another or in taking care of this person's property, does not fulfill his duty or abuses the given authorizations, with the intention of procuring property gain or damaging the person whose property interests he is representing, or whose property he is taking care of, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 was committed by a guardian, authorized person, representative or lawyer, he shall be punished with imprisonment of three months to three years.

(3) Prosecution is undertaken upon private suit.

Unauthorized reception of gifts

Article 253

(1) A person who, by representing the property interests of some legal entity, requests or receives a reward, gift or some other benefit, in order to conclude or not to conclude an agreement, or to perform or not to perform some other action to the detriment of the legal entity, thus causing a larger property loss to the legal entity, shall be punished with a fine, or with imprisonment of one to three years.

(2) The reward or gift shall be taken away.

(3) Prosecution is undertaken upon proposal.

False bankruptcy

Article 254

(1) A person who, with the intention of avoiding an obligation to pay, causes a bankruptcy by an apparent selling of property or a part of it, by transferring funds to other current accounts, by giving up without indemnity or selling at an extremely low value, by concluding false agreements about debt or acknowledging untruthful claims, by covering up, destroying, changing or maintaining business books in a manner so that his true state of wealth cannot be determined, shall be punished with imprisonment of one to five years and with a fine.

(2) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Causing bankruptcy by unscrupulous operation

Article 255

(1) A person who knows that he himself or another as debtor is incapable of payment, and who causes a bankruptcy by unreasonable spending and selling objects and rights at an excessively low price, by excessive getting into debt, by undertaking excessive obligations, by concluding or renewing contracts with persons who are incapable of payment, by omitting to collect claims, or in some other way violating his duties in controlling the property or in managing the affairs, shall be punished with imprisonment of three months to three years.

(2) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Misuse of the procedure for bankruptcy

Article 256

(1) A person who, in a bankruptcy procedure, reports a false claim or a claim according to a false payment order, in order to realize a right that does not belong to him, shall be punished with a fine, or with imprisonment of up to one year.

(2) A creditor, member of a board of creditors, or a bankruptcy administrator, who for himself or for another, receives a property gain or a promise of property gain, in order to pass or not to pass a decision in a certain sense, or in some other way damages at least one creditor in the procedure bankruptcy, shall be punished with a fine, or with imprisonment of up to three years.

(3) The punishment from item 1 shall also apply to a person who gives or promises property gain to a creditor, member of the board of creditors, or bankruptcy administrator, in order to realize the crime from item 1.

(4) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Damage or privilege of the creditors

Article 257

(1) A responsible person who, knowing that the legal entity has become incapable of payment, by paying out a debt or in some other way intentionally puts some creditor in a more privileged position, herewith damaging the other creditors, shall be punished with a fine, or with imprisonment of up to three years.

(2) A responsible person who, knowing that the legal entity has become incapable of payment, and with the intention of tricking or damaging the creditors, acknowledges a false claim, puts together a false contract, or by some other deceitful action damages the creditors, shall be punished with imprisonment of six months to five years.

(3) If because of the crime from items 1 and 2, property damage of a large extent was caused, or because of which the legal entity fell into bankruptcy, the offender shall be punished with imprisonment of one to ten years.

(4) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Extortion

Article 258

(1) A person who, intending to acquire unlawful property gain for himself or for another, by force or by serious threat, forces another to do or not to do something that damages his own or another's property, shall be punished with imprisonment of at least one year.

(2) A person who commits the crime from item 1 in a group, gang or some other association, or by using a firearm or a dangerous tool, in a specially violent manner or when herewith a significant property gain or a significant property damage or a severe physical injury is deliberately caused to some person was caused, shall be punished with imprisonment of at least four years.

(3) The punishment from item 2 shall also apply to a person who commits the crime from item 1 for a reward.

(4) If during performing the crime, some person is killed, the perpetrator shall be sentenced with imprisonment of at least ten years or life sentence.

Blackmail

Article 259

(1) A person who, intending to acquire unlawful property gain for himself or for another, threatens another to disclose something about this person or about some person close to him, which could be damaging to his or their honor or to his or their reputation, and herewith forces this person to do or not to do something damaging to his own or another's property, shall be punished with imprisonment of three months to five years.

(2) A person who commits the crime from item 1 in a group, gang or some other association, or when a significant property gain or damage was caused, shall be punished with imprisonment of one to ten years.

Usury

Article 260

(1) A person who receives or negotiates for himself or for another an excessive property gain for the service performed towards another, by using his difficult state of wealth, difficult housing conditions, need, lack of experience or frivolity, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall also apply to a person who without authorization deals in borrowing money or other consumable objects with an agreement, and hereby negotiates an excessive property gain.

Covering up

Article 261

(1) A person who buys, receives as security, or in some other way procures, covers up or pushes through an object that he knows was acquired through a crime, or something that was received for this by selling or exchanging, shall be punished with a fine, or with imprisonment of up to three years.

(2) A person who commits the crime from item 1 and who could have known that the object has been acquired through a crime, shall be punished with a fine, or with imprisonment of up to one year.

(3) If the value of the object from items 1 and 2 is significant or the object is a good under temporary protection or cultural heritage, the offender shall be punished with imprisonment of three months to five years.

Effective repentance

Article 262

The court may acquit from punishment the offender of the crimes from articles 235, 239, 240, 241, 242, 243, 244, 245, 246, 248 and 255, if he has returned the object, has indemnified the damages, or in some other way has removed the harmful consequences from the crime, before finding out that he was discovered.

Prosecution of crimes among close relatives

Article 263

Besides the crimes prosecuted upon private suit or upon proposal, for the crimes from articles 235, 236, 239 item 3, 242, 252 item 1 and 261, if they are committed against a marital partner, blood relation in first line, brother or sister, adoptive parent or adoptive child, or towards another person with whom the offender lives in a joint household, prosecution is undertaken upon private suit.

24. CRIMES AGAINST THE CULTURAL HERITAGE AND NATURAL RARITIES

Damage or destruction of goods under temporary protection or cultural heritage or natural rarities

Article 264

(1) The one that will destruct or will destroy a good under temporary protection or cultural heritage or natural rarity, shall be sentenced with a fine or imprisonment up to three years.

(2) The one that, without authorization of a relevant authority will perform conservation or restoration activities or, without authorization or contrary to the ban will perform archaeological excavation or research or other research activities on goods under temporary protection or cultural heritage, and therefore they could be severely damaged or they could lose their status, shall be sentenced with imprisonment of one to five years.

(3) If the crime stipulated in the paragraph 1 is performed by a legal entity, it shall be sentenced with a fine.

Taking goods under temporary protection or cultural heritage or natural rarities

Article 265

(1) One that, during archaeological excavation, archive research, geological and paleontology and mineralogy and petrography research, excavations or in other manner will take an finding, material or found object that is a good under temporary protection or cultural heritage or natural rarity, shall be sentenced with imprisonment of one to ten years.

(2) One that, with intention for illegal material gain, will take an archaeological object, shall be sentenced with imprisonment of one to five years.

Export of goods under temporary protection or cultural heritage or natural rarities

Article 266

(1) One that will export a good under temporary protection or cultural heritage or an object that is natural rarity, without permit by a relevant authority, shall be sentenced with imprisonment of one to ten years.

(2) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Transfer of the property on cultural heritage of special importance in state ownership

Article 266-a

One that will sell, give or in other way transfer the ownership on a cultural heritage of special importance in state ownership, shall be sentenced with imprisonment of one to five years.

Ban on import of stolen cultural heritage

Article 266-b

One that will import movable cultural heritage stolen in museums, religious and other similar public structures or institutions on the territory of other state, shall be sentenced with imprisonment of one to ten years.

Destruction or covering up of unprocessed archive materials

Article 267

A person who destroys or covers up index materials, before archive material is selected from it, so that it cannot be used as a source for archive material, shall be punished with a fine, or with imprisonment of up to three years.

25. CRIMES AGAINST PUBLIC FINANCES, PAYMENT OPERATIONS AND THE ECONOMY

Counterfeiting money

Article 268

(1) A person who makes false money with the intention of releasing them in circulation as real, or a person who alters real money with the intention of releasing them in circulation, or a

person who releases such false money in circulation, shall be punished with imprisonment of one to ten years.

(2) The punishment from item shall also apply to the person who acquires false money with the intention of releasing them in circulation as real.

(3) If because of the crimes from items 1 and 2 a disorder of the economy of the country was caused, the offender shall be punished with imprisonment of at least five years.

(4) A person who releases in circulation false money which he had received as real, or a person who knows that false money were made, or that false money were released in circulation, and who does not report this, shall be punished with a fine, or with imprisonment of up to three years.

(5) The false money shall be confiscated.

Counterfeiting securities

Article 269

(1) A person who makes false securities, or a person who alters a real security, with the intention of using it as real, or to give it to another for use, or a person who uses such false securities as real, shall be punished with imprisonment of one to ten years.

(2) The punishment from item 1 shall also apply to a person who acquires false securities with the intention of releasing them in circulation as real.

(3) A person who releases in circulation false securities which he had received as real, or a person who knows that false securities were made or that false securities were released in circulation and who does not report this, shall be punished with a fine, or with imprisonment of up to three years.

(4) The false securities shall be confiscated.

Falsified marks of value

Article 270

(1) A person who makes false tax stamps or postage stamps or some other marks of value, or a person who alters any of these real marks, with the intention of using them as real, or to give them to another to be used, or a person who uses such false marks as real, or procures them with that intention, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall also apply to a person who by removing the stamp that cancels out the marks from item 1, or in some other manner makes the already used marks look as if they were not used, or to a person who uses these already used marks or sells them as if they were valid.

(3) The false marks of value shall be confiscated.

Making, procuring or selling counterfeiting means

Article 271

(1) A person who makes, procures, sells or gives for use means for making false marks of value, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who makes, procures, sells or gives for use means for making false money or false securities, shall be punished with imprisonment of six months to five years.

(3) The means from items 1 and 2 shall be confiscated.

Falsifying marks for marking goods, measures and weights

Article 272

(1) A person who with the intention of using them as real, makes false marks for marking domestic or foreign goods, such as seals, stamps or measures with which gold, silver, livestock, wood or some other kinds of goods are marked, or alters real marks, or a person who uses false marks as if they were real, shall be punished with imprisonment of three months to five years.

(2) The punishment from item 1 shall also apply to a person who does the falsifying of measures or weights.

(3) A person who without authorization makes, procures, sells or gives for use, means for making marks for the marking of goods, as well as for false measures and weights, shall be punished with a fine, or with imprisonment of up to three years.

(4) The false marks, measures and weights, as well as the means for making them, shall be confiscated.

Money laundering and other income from crimes

Article 273

(1) One that will disseminate, receive, take, exchange or change into smaller bills money that he/she obtained through a crime or he/she knows that that money were obtained through crime, or with conversion on in other way cover that the money come from such a source, or will cover their location, movement and property, shall be sentenced with imprisonment of one to ten years.

(2) The punishment stipulated in paragraph 1 shall be also imposed to one that will sell, give or disseminate property or objects with greater value, obtained through crime or will buy, receive as bail or in other way obtain, cover or disseminate property or objects that he knows that are obtained through crime, or using forgery of documents, not-reporting facts or in other way will cover that they originate from such a source, or will cover their location, movement and property.

(3) If the crime stipulated in the paragraphs 1 and 2 is performed in banking, financial or other type of business activity or if he/she, through splitting of the transaction, avoids the obligation for reporting in the cases prescribed by the law, the perpetrator shall be sentenced with imprisonment of at least three years.

(4) One that will perform the crime stipulated in the paragraphs 1, 2 and 3, and he/she was obligated and in position to know that the money, the property and the other material gain or object were obtained through a crime, shall be sentenced with fine or imprisonment up to three years.

(5) One that will perform the crime stipulated in the paragraphs 1, 2 and 3 as a member of a group or other association that is dealing with money laundering, illegal obtaining of property of material gain, or with assistance of foreign banks, financial institutions or persons, shall be sentenced with imprisonment of at least five years.

(6) Authorized person, responsible person in a bank, insurance company, company for organization of lotteries, exchange office, stock exchange or other financial institution, lawyer, except when he acts as defense attorney, notary or other person that performs public authorities or activities of public interest, who will make possible or will not report the laundering of money, property or material gain, for which he/she became aware during performing his/her authority, shall be sentenced with imprisonment of at least three years.

(7) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

(8) The money, the illegally obtained property, objects or other income from the crime shall be confiscated, and if the confiscation is not possible, than other property of the perpetrator in the same value shall be confiscated.

Issuing a bad check and abuse of a credit card

Article 274

(1) A person who with the intention of attaining unlawful property gain for himself or for another, issues or releases in circulation a check for which he knows there is no backing to an amount which is explicitly prohibited by the contract for using the check, and herewith acquires a larger unlawful property gain, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall also apply to a person who with the intention of procuring unlawful property gain, uses a bank credit card or a bankomat card for withdrawing money or payment for goods and services for which he knows has no backing to the amount which is explicitly prohibited by the contract for using the card, and herewith acquires a larger property gain.

(3) If a significant property gain was attained through the crime from items 1 and 2, the offender shall be punished with imprisonment of one to five years.

(4) If the offender of the crime from items 1 and 2 provides backing before he finds out he was discovered, he may be acquitted from punishment.

(5) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Security and share fraud

Article 275

(1) One that during take over of a joint stock company or during dissemination of securities and shares and other documentation regarding the securities and shares, based on untrue, incomplete or partial information, will falsely show the material situation of the legal entity that disseminates the securities or shares, the data on the profit and loss, its financial activities or other data for the activity of the legal entity that have influence on the market value of the securities or shares, and due to this will stimulate one or more persons to sell or buy the actions or other securities or shares, shall be sentenced with a fine or imprisonment up to three years.

(2) The sentence stipulated in the paragraph 1 will be also imposed to one that in the legal entity, against his/her duty for keeping business secret, will inform an unauthorized person or in other way will use data that is business secret that has influence on the price of the securities or shares and due to that will put the individuals and the legal entities in unequal position on the securities or shares market.

(3) The responsible person in the legal entity, person with special authorizations or other employee of the legal entity who, during his/her work, will obtain confidential or other internal information that is significant for the activity of the legal entity and for the value of the securities of shares and, without authorization, will transfer that information to third party that will obtain for himself/herself or for other person, grater material gain through buying or selling securities or shares based on that information, shall be sentenced with imprisonment of one to five years.

(4) If the perpetrator obtained grater material gain for himself/herself or for other person during the crime stipulated in the paragraphs 1, 2 and 3, or if he caused greater material damage to other person or if damage is cause to larger number of persons, he/she shall be sentenced with imprisonment of one to ten years.

(5) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Prohibited production

Article 276

(1) A person who produces or processes goods for which production or processing is prohibited, if there are no indications of some other more severe crime, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

(3) The goods and production or processing means shall be confiscated.

Prohibited trade

Article 277

(1) A person who without authorization buys, sells or exchanges objects or goods with a larger value, whose trade is prohibited or limited, if no indications exist of some other crime, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the offender of the crime from item 1 organized a network of middlemen or mediators, he shall be punished with a fine, or with imprisonment of up to three years.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

(4) The objects and goods of the prohibited trade shall be confiscated.

Trafficking

Article 278

(1) One that deals with transfer of goods through the customs line avoiding the customs control, or one that avoiding the customs control will transfer goods of greater value, shall be sentenced with a fine or imprisonment up to four years.

(2) If the goods have significant value, the perpetrator shall be sentenced with a fine or imprisonment of six months to five years.

(3) One that will organize a gang, group or other association for performing the crime stipulated in the paragraph 1 or for dissemination of goods that are not cleared through customs, or if he/she performs the crime armed with fire arms or using force and threat, shall be sentenced with imprisonment of one to five years.

(4) The official that helps, enables or covers or does not prevent the performing of the crimes stipulated in the paragraphs 1 and 2, shall be sentenced with imprisonment of one to ten years.

(5) The attempt of the crime stipulated in paragraph 1 is punishable.

(6) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

(7) The goods that are object of the crime stipulated in the paragraphs 1 through 3 and the means of their transfer and dissemination shall be confiscated, and if their confiscation is not possible, other property of the perpetrator shall be confiscated, that has value similar to the value of the goods in the time of the crime.

(8) The means of transfer and dissemination of the goods will be also confiscated if they are owned by a third party who knew or was obligated and could know that the means shall be used for transfer or dissemination. The means will be always confiscated if they are specially constructed, adopted, changed or adjusted in any way, for hiding of goods.

Customs fraud

Article 278-a

(1) One that gives the customs authority false data for goods and other facts that have influence on the calculation for payment or return of the taxes and fees, or does not fulfill obligation according to the law that has influence on the calculation of the taxes and fees during import or export or in other way mislead the customs authority, with intention to avoid the payment of the taxes and fees during import or export for himself/herself or for other person, and the amount of the taxes and fees has greater value, shall be sentenced with imprisonment of six months to three years and with a fine.

(2) If the amount of the taxes and fees that are paid during import or export is very large, shall be sentenced with imprisonment of one to five years and with a fine.

(3) If the amount of the taxes and fees is very large, shall be sentenced with imprisonment of at least four years and with a fine.

(4) The attempt of the crime stipulated in paragraph 1 is punishable.

(5) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Covering of goods that are object of smuggling and customs fraud

Article 278-b

(1) One that purchases, sells, disseminates, receive as a gift, receive for keeping, uses or accepts for housing goods with greater value on any basis and for which he/she knows or was obligated to know that are object of crime stipulated in the article 278 and article 278-a, shall be sentenced with fine or imprisonment up to three years.

(2) The attempt of the crime stipulated in paragraph 1 is punishable.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Tax evasion

Article 279

(1) A person who with the intention, for himself or for another, to avoid the full or partial payment of tax, contribution, or some other duty, which he is obliged to do by law, gives false information about his revenues, objects or other facts which have an influence upon the assessment of the amount of these obligations, or who with the same intention, in the case of compulsory application, does not report an income, object or some other fact which is of influence upon such obligations, and when the amount of the obligation has a larger value, shall be punished with imprisonment of six months to five years and with a fine.

(2) If the amount of the obligation from item 1 is significant, the offender shall be punished with imprisonment at least four years and with a fine.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Falsifying or destruction of business books

Article 280

(1) A person who enters false data or does not enter some important data in a business document, book or paper, which he is obliged to maintain based on a law or some other regulation, or who with his signature or stamp verifies a business document, book or paper with false contents, or who with his signature or stamp makes it possible to prepare a document, book or paper with false contents, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall also apply to a person who uses a false business document, book or paper as if it were real, or who destroys, covers up, damages or in some other way makes unusable a business document, book or paper.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Disclosing and unauthorized acquisition of a business secret

Article 281

(1) A person who unauthorized tells, hands over or in some other way makes available to another unauthorized data which by law has been declared to be a business secret, as well as a person who acquires such data with the intention of handing it over to another unauthorized, shall be punished with imprisonment of one to five years.

(2) A person who tells, hands over or in some other way makes available to an unauthorized person data which by regulation or decision of a competent administration organ has been declared to be a business secret, if the disclosing of this data caused or could have caused more serious harmful consequences, as well as a person who acquires such data with the intention of handing it over to an unauthorized person, shall be punished with imprisonment of three months to three years.

(3) If the data from items 1 and 2 are of special importance, or the disclosing, respectively the acquisition of the data was done with the purpose of carrying them abroad, or if the offender has received a bribe, he shall be punished with imprisonment of one to ten years.

Violation of the equality in performing an economic activity

Article 282

(1) A person who by misusing his official position or authorization limits the free movement of reproduction means in a certain area, takes away or limits the right of an enterprise or some other legal entity in a certain area to deal in trade of goods and services, puts a legal entity in an unequal position in regard to other legal entities concerning the working conditions or in trade with goods and services, or limits the free performing of the activity or the free exchange of goods and services, shall be punished with imprisonment of six months to five years.

(2) The punishment from item 1 shall apply to a person who uses his social position or influence for the crime to be committed.

Creating a monopoly position and causing disorder on the market

Article 283

(1) A person who, when performing activity, in contrary to law or some other regulation, concludes an agreement with which another legal entity is limited in the free trade in goods and services in a certain area, or who concludes an agreement with a certain legal entity with which a monopolistic position on the market is created in some other way, and therefore the legal entity attains a significant property gain or another suffers a significant damage, shall be punished with imprisonment of six months to five years.

(2) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Unfair competition in foreign trade

Article 284

(1) A representative or agent of a domestic legal entity who, knowing that some other domestic person has previously reached an agreement with a foreign company about foreign trade activities, or that the concluding of an agreement for that deal is pending, gives an offer to that company for buying or selling the same kind of goods, respectively for performing the same service, and because of this the foreign company gives up concluding the agreement or the agreement is concluded under less favorable conditions for the domestic legal entity, shall be punished with imprisonment of six months to five years.

(2) If the offender of the crime from item 1 acquired a larger gain, or another sustained a larger damage, he shall be punished with imprisonment of one to ten years.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Unauthorized use of another's company

Article 285

(1) A person who with the intention of deceiving buyers or users of services, uses another's company, stamp or trademark, or another's special mark for goods, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall also apply to a person who with the intention of deceiving buyers, in production uses samples and models of another without authorization, or releases in trade objects produced based on them.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

(4) The objects from items 1 and 2 shall be confiscated.

Unauthorized use of another's invention or software

Article 286

- (1) A person who without authorization uses, publishes, cedes or transfers another's registered or protected invention, shall be punished with a fine, or with imprisonment of up to three years.
- (2) The sentence stipulated in the paragraph (1) shall be imposed on the person that will another person's software.
- (3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.
- (4) The objects shall be confiscated.
- (5) Prosecution is undertaken upon proposal.

Misuse of authorization in the economy

Article 287

- (1) A responsible person who with the intention of acquiring unlawful property gain for a legal entity where he works or for some other legal entity, creates or keeps funds in the country or abroad which are not permitted; or by composing a document with false contents, with a false financial statement, evaluation or inventory, or with some other false presentation or by covering up facts shows untruthfully the situation and the flow of funds and the results from work, and in this way misleads the management organs in the legal entity when making decisions, shall be punished with imprisonment of one to five years.
- (2) The sentence stipulated in the paragraph (1) shall be imposed on the responsible person in the legal entity which has a contract for housing of the reserves, which uses or transfers the goods, or changes their purpose or the warehouse space, or in other way deals with the goods, against the provisions of the contract.
- (3) If a significant property gain was acquired through the crime from item 1, the offender shall be punished with imprisonment of one to ten years.

26. CRIMES AGAINST THE GENERAL SAFETY OF PEOPLE AND PROPERTY

Creating a general danger

Article 288

- (1) A person who by fire, flood, explosion, poison or poisonous gas, ionizing radiation, motor power, electrical or other energy, or by some generally dangerous action or means causes a significant danger for the life or body of people, or for property to a large extent, shall be punished with imprisonment of six months to five years.
- (2) The punishment from item 1 shall apply to an official or responsible person who does not set up the prescribed devices for the protection from fire, explosion, flood, poisons, poisonous

gases or ionizing radiation, or does not maintain these devices in a proper functioning state, or if in the case it is needed he does not activate them or in general, does not act according to the regulations or technical rules concerning protective measures, and herewith causes a danger for the life and body of people, or for property to a large extent.

(3) If the crime from items 1 and 2 is committed in a place where a larger number of people are gathered, the offender shall be punished with imprisonment of one to five years.

(4) A person who commits the crime from items 1, 2 and 3 out of negligence shall be punished with a fine, or with imprisonment of up to three years.

(5) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Causing danger during construction work

Article 289

(1) A responsible person who during project preparation, management or execution of some construction or construction work acts in contrary to the regulations or to the generally acknowledged technical rules, and herewith causes a danger for the life and body of people, or for property to a large extent, shall be punished with imprisonment of three months to five years.

(2) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to three years.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Damaging protective devices

Article 290

(1) A person who in mines, factories, workshops or generally during work, destroys, damages, makes unusable or removes the protective devices, and herewith causes a danger for the life and body of people or for property to a large extent, shall be punished with imprisonment of one to five years.

(2) The responsible person in a mine, factory, workshop, or generally at work, who does not set up protective devices, or does not maintain them in a proper functioning state, or in the case when it is needed does not activate them, or in general does not act according to the regulations and technical rules for protection at work, and herewith causes a danger for the life and body of people, or for property to a large extent, shall be punished with imprisonment of three months to five years.

(3) If the crime from items 1 and 2 is committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to three years.

(4) When pronouncing a conditional sentence for the crime from items 1, 2 and 3, the court shall impose upon the condemned the condition to set up the protective devices or to make them functional within a fixed time period.

Destruction or damage to public installations

Article 291

(1) A person who destroys, damages, removes, changes or makes unusable installations of public utilities for water, heat, gas or energy, or the installations of communication systems, and herewith causes a significant disturbance in the regular life of citizens or of the economic activities, shall be punished with imprisonment of six months to five years.

(2) A person who commits the crime from item 1 out of negligence shall be punished with a fine, or with imprisonment of up to one year.

Severe crimes against general safety

Article 292

(1) If because of the crime from article 288 items 1, 2 and 3, 289 item 1, 290 items 1 and 2, and article 291 item 1, a serious body injury to another or a larger property damage was caused, the offender shall be punished with imprisonment of one to ten years.

(2) If because of the crime from article 288 items 1, 2 and 3, article 289 item 1, 290 items 1 and 2, and 291 item 1, death is caused to one or more persons, the offender shall be punished with imprisonment of at least three years.

(3) If because of the crime from article 288 item 4, 289 item 2, 290 item 3, and 291 item 2, a serious body injury to another or a larger property damage is caused, the offender shall be punished with imprisonment of three months to five years.

(4) If because of the crime from article 288 item 4, 289 item 2, 290 item 3, and 291 item 2, death is caused to one or more persons, the offender shall be punished with imprisonment of one to five years.

Damaging dams

Article 293

A person who damages dams or devices that serve as protection against natural disasters shall be punished with a fine, or with imprisonment of up to one year.

Failure to remove a danger

Article 294

(1) A person who does not undertake measures by timely report to the competent authority or in some other manner, for removing a fire, flood, explosion, traffic accident or some other danger to the life and body of people or for the property to a significant extent, even though

he could have done this without risk to himself or to others, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who by dissuading or in some other manner prevents another from undertaking measures for the removal of a flood, explosion, traffic accident or some other danger to the life and body of people or for the property to a large extent, shall be punished with imprisonment of three months to three years.

Unauthorized production and release for trade of generally dangerous materials

Article 295

(1) A person who without authorization manufactures, produces, collects or hides ionizing or other materials which could cause a general danger for the life of people and property with a significant value, or enables another to acquire them without authorization or to transfer them improperly, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from item 1 shall apply to a person who, contrary to the regulations for trade in explosives or inflammable materials, hands over such materials for transportation in public means of transportation, or carries them himself, using public means of transportation.

Failure to participate in removing a general danger

Article 296

A person who, in contrary to an order or a call from a competent authority or organization, without justified reason, refuses to participate in the removal of a danger from fire, flood or similar general disaster, shall be punished with a fine, or with imprisonment of up to one year.

27. CRIMES AGAINST SAFETY IN PUBLIC TRAFFIC

Endangering traffic safety

Article 297

(1) A participant in traffic on the public roads, who does not adhere to the regulations, and herewith endangers the public traffic in such a way as to endanger the life and body of people, and property to a significant extent, and because of this another sustains a body injury or a significant property damage is caused, shall be punished with a fine, or with imprisonment of up to three years.

(2) A person who does not adhere to the safety regulations for traffic by bus, railroad, air and ship, cable railway or traffic with other means for public mass transportation, and herewith causes a danger to the life and body of people, or for property to a significant extent, shall be punished with imprisonment of six months to five years.

(3) A person who commits the crime from items 1 and 2 out of negligence shall be punished with a fine, or with imprisonment of up to one year.

Endangering traffic safety with a dangerous act or means

Article 298

(1) A person who destroys, removes or damages more seriously a traffic device, means or sign, or a signalization device which serves for traffic safety, or gives a wrong signal or sign, or sets up an obstacle on the traffic artery, or in some other way endangers traffic safety, and herewith causes a danger for the life and body of people, or for the property to a significant extent, shall be punished with a fine, or with imprisonment of up to three years.

(2) A person who commits the crime from item 1 out of negligence shall be punished with a fine, or with imprisonment of up to one year.

Unscrupulous traffic supervision

Article 299

(1) A responsible person who is entrusted with supervising the state and maintenance of traffic arteries and facilities on them, the means of transportation or the public transportation, or the fulfillment of prescribed work conditions for drivers, or who is entrusted with managing transportation, who by unscrupulous performing of his duty causes a danger for the life and body of people or for property to a significant extent, shall be punished with imprisonment of six months to five years.

(2) The punishment from item 1 shall apply to the responsible person who issues a driving order or who gives permission for transportation, even though he knows that the driver, because of weariness, illness, dizziness or for other reasons, is incapable of safely driving the vehicle, or that the vehicle is not in order, and herewith causes a danger for the life and body of people, and for property to a significant extent.

(3) A person who commits the crime from item 1 out of negligence shall be punished with a fine, or with imprisonment of up to three years.

Severe crimes against safety of people and property in traffic

Article 300

(1) If because of the crime from article 297 items 1 and 2, 298 item 1, and 299 items 1 and 2, either some person sustains severe body injury or a property damage of a large extent is caused, then the offender shall be punished with imprisonment of one to ten years.

(2) If because of the crime from article 297 items 1 and 2, 298 item 1, and 299 items 1 and 2, death is caused to one or more persons, the offender shall be punished with imprisonment of at least four years.

(3) If because of the crime from article 297 item 3, 298 item 2, and 299 item 3, some person sustains a severe body injury or a property damage is caused of a large extent, the offender shall be punished with imprisonment of three months to three years.

(4) If because of the crime from article 297 item 3, 298 item 2, and 299 item 3, death is caused to one or more persons, the offender shall be punished with imprisonment of one to five years.

Failure to help a person injured in a traffic accident

Article 301

(1) A driver of a motor vehicle or of some other transportation means who leaves without help a person that was injured by that means of transportation, shall be punished with a fine, or with imprisonment of up to one year.

(2) If because of failure to provide help, a serious body injury or death was sustained by the injured, the offender shall be punished with imprisonment of three months to five years.

Kidnapping an aircraft or ship

Article 302

(1) A person, who by force or by serious threat takes over the control over an aircraft during flight or over a ship when sailing, shall be punished with imprisonment of at least one year.

(2) If because of the crime from item 1, death to one or more persons was caused, or the destruction of the aircraft or the ship, the offender shall be punished with imprisonment of at least five years.

(3) If when committing the crime from item 1, the offender kills another with intent, he shall be punished with imprisonment of at least ten years, or with life imprisonment.

Endangering air traffic safety

Article 303

(1) A person who brings into an aircraft an explosive or similar device or substance, destroys or damages the navigation equipment or causes other damage to the aircraft, gives false information about the flight, improperly or incorrectly controls the flight, omits his duty of supervision over the air traffic safety, or in some other way endangers the safety of the aircraft flight, shall be punished with imprisonment of one to ten years.

(2) If because of the crime from item 1, one or more persons died, or the destruction of the aircraft was caused, the offender shall be punished with imprisonment of at least five years.

(3) If when the crime from item 1 was committed, another was killed with intent, the offender shall be punished with imprisonment of at least ten years, or with life imprisonment.

(4) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to three years.

(5) If because of the crime from item 4, one or more persons died, or the destruction of the aircraft was caused, the offender shall be punished with imprisonment of one to five years.

Destruction or removal of a sign that serves for air traffic safety

Article 304

A person who destroys, damages or removes a safety sign for air traffic shall be punished with a fine, or with imprisonment of up to three years.

28. CRIMES AGAINST THE STATE

High treason

Article 305

A person who, by using force or serious threat, tries to change the constitutional system of the Republic of Macedonia, or to bring down the highest state authorities, shall be punished with imprisonment of at least five years.

Acknowledging occupation

Article 306

A citizen of the Republic of Macedonia, who acknowledges the occupation of the Republic of Macedonia, or a certain part of it, shall be punished with imprisonment of at least ten years, or with life imprisonment.

Endangering the territorial integrity

Article 307

(1) A person who, by the use of force or serious threat to use force, attempts to occupy, to secede a part of the territory of the Republic of Macedonia, or to annex a part of this territory to some other country, shall be punished with imprisonment of at least five years.

(2) A person who, by the use of force or serious threat to use force, attempts to change the borders of the Republic of Macedonia, shall be punished with imprisonment of at least four years.

Endangering the independence

Article 308

A citizen of the Republic of Macedonia, who places the Republic of Macedonia in a position of subordination or dependence in relation to some other country, shall be punished with imprisonment of at least five years.

Murder of representatives of the highest state authorities

Article 309

A person who, with the intention of endangering the constitutional system or security of the Republic of Macedonia, kills the President of the Republic, of the Parliament, of the Government, of the Constitutional Court, or of the Supreme Court of the Republic of Macedonia, shall be punished with imprisonment of at least ten years, or with life imprisonment.

Kidnapping representatives of the highest state authorities

Article 310

(1) A person who, intending to endanger the constitutional system or the security of the Republic of Macedonia, kidnaps the President of the Republic, of the Parliament, of the Government, of the Constitutional Court, or of the Supreme Court of the Republic of Macedonia, shall be punished with imprisonment of at least three years.

(2) The perpetrator of the crime from item 1 who of own volition lets the kidnapped person go free before being discovered, may be acquitted from punishment.

Violence against representatives of the highest state authorities

Article 311

A person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, by force or by serious threat prevents the President of the Republic, of the Parliament, of the Government, of the Constitutional Court, or of the Supreme Court of the Republic of Macedonia, in the performing of his duty, from doing something, or forces him to do or not to do something, shall be punished with imprisonment of at least four years.

Armed rebellion

Article 312

(1) A person, who participates in an armed rebellion directed at endangering the constitutional system or the security of the Republic of Macedonia, shall be punished with imprisonment of at least four years.

(2) The organizer or instigator of the rebellion shall be punished with imprisonment of at least five years.

Terrorism

Article 313

A person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, causes or seriously threatens to cause an explosion, fire, flood, or some other generally dangerous act or act of violence, creating a sense of insecurity or fear among the citizens, shall be punished with imprisonment of at least four years.

Diversion

Article 314

A person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, destroys or damages an industrial, agricultural or other economic facility, traffic means, communication system, system for supplying water, heat, gas or some

other type of energy, a dam or some other facility of a larger importance for the economy or for the regular life of the citizens, shall be punished with imprisonment of at least four years.

Sabotage

Article 315

A person who, when performing his work duty, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, in a covered up, deceitful or some other way, causes a significant damage to a state authority, institution or legal entity where he works, or to some other state authority, institution or legal entity, shall be punished with imprisonment of at least four years.

Espionage

Article 316

(1) A person, who discloses a state secret, hands it over or makes it available to a foreign state, organization or to a person that serves them, shall be punished with imprisonment of at least four years.

(2) A person, who creates an intelligence service for a foreign state inside the Republic of Macedonia and manages it, shall be punished with imprisonment of at least four years.

(3) A person, who enters a foreign intelligence service, collects information for it, or in some other way assists in its work, shall be punished with imprisonment of one to ten years.

(4) A person who collects secret information or documentation, with the intention of telling or handing them over to a foreign state, organization or to a person that serves them, shall be punished with imprisonment of one to ten years.

(5) If the crime from items 1 and 4 is committed during war or direct military threat, or if it caused serious consequences for the security, or for the economic or military power of the Republic, the offender shall be punished with imprisonment of at least four years.

(6) A state secret is considered to be the information or documents which by law or by some other regulation, or by the decision of a competent authority which is passed based on the law, are declared to be a state secret, and whose disclosure has or could have damaging consequences for the political, economic or military interests of the Republic of Macedonia.

Disclosing a state secret

Article 317

(1) A person who tells, hands over or makes available an entrusted state secret to the public or to an unauthorized person, shall be punished with imprisonment of one to ten years.

(2) A person who tells, hands over or makes available to the public or to an unauthorized person, information or documents for which he knows are a state secret, and which he acquired in an unlawful manner, shall be punished with imprisonment of one to five years.

(3) If the crime from item 1 is committed during war or direct military danger, or which has caused an endangering of the security, of the economic or military power of the Republic of Macedonia, the offender shall be punished with imprisonment of at least four years.

(4) If the crime from item 1 is committed out of negligence, the offender shall be punished with imprisonment of six months to five years.

Calling out for a violent change of the constitutional system

Article 318

A person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, publicly or by spreading papers perform or supports the performing for or instigates a direct perpetration of the crimes from articles 307 to 317, shall be punished with imprisonment of three months to five years.

Causing national, racial or religious hate, discord and intolerance

Article 319

(1) A person who by force, mistreatment, endangering the security, ridicule of the national, ethnic or religious symbols, by damaging other people's objects, by desecration of monuments, graves, or in some other manner causes or excites national, racial or religious hate, discord or intolerance, shall be punished with imprisonment of one to five years.

(2) A person, who commits the crime from item 1 by misusing his position or authorization, or if because of these crimes, riots and violence were caused among people, or a property damage with a large extent was caused, shall be punished with imprisonment of one to ten years.

Violation of the territorial sovereignty

Article 320

A person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, enters onto the territory of the Republic of Macedonia by violating the regulations of international law, shall be punished with imprisonment of one to five years.

Preventing combat against the enemy

Article 321

(1) A citizen of the Republic of Macedonia who, during war or during an armed conflict, prevents the citizens of the Republic of Macedonia or the citizens of its allies to carry on combat against the enemy, shall be punished with imprisonment of at least four years.

(2) A citizen of the Republic of Macedonia who, during war or during an armed conflict, dissuades the citizens of the Republic of Macedonia or the citizens of its allies, to carry on combat against the enemy, shall be punished with imprisonment of at least one year.

Service in an enemy army

Article 322

(1) A citizen of the Republic of Macedonia who, during war or during an armed conflict, serves in an enemy army or in some other military formation of the enemy, or participates in a war or an armed conflict as a soldier against the Republic of Macedonia or its allies, shall be punished with imprisonment of at least three years.

(2) A person who recruits a citizen of the Republic of Macedonia for service in an enemy army or in some other armed formation of the enemy, or for participation in a war or armed conflict against the Republic of Macedonia or its allies, shall be punished with imprisonment of at least four years.

Helping the enemy

Article 323

A citizen of the Republic of Macedonia, who during war helps the enemy in conducting a requisition, confiscation of food or other goods, or in implementing other measures of coercion against the population, shall be punished with imprisonment of at least one year.

Association for enemy activity

Article 324

(1) One that makes conspiracy, gang, group or other association of people or organization for performing crimes stipulated in the articles 305 through 311, 312, 313, 314, 315, 321 and 322, paragraph (2), shall be sentenced with imprisonment of at least four years.

(2) A person, who becomes a member of the association from item 1, shall be punished with imprisonment from one to five years.

(3) The perpetrator of the crime from item 1, who by disclosing the association or in some other way prevents the perpetration of the crimes foreseen in item 1, shall be punished with imprisonment of three months to three years, and he may be acquitted from punishment.

(4) A member of an association from item 1, who discloses the association before he commits some crime foreseen in that item, as a member of this association or for it, shall be acquitted from punishment.

(5) The objects and means intended for preparation of the crimes, as well as the finances of the association shall be confiscated.

Sheltering and assisting an offender after a crime was committed

Article 325

(1) A person who hides a perpetrator of a crime from articles 305 to 317 and 324, gives him shelter, food, money or other means, serves him for maintaining contact, performs actions for

preventing his discovery or capture, or in some other way provides assistance to him, shall be punished with imprisonment of one to ten years.

(2) The punishment from item 1 may not be more severe, by kind nor by degree, than the punishment prescribed for the crime that was perpetrated by the offender to whom help was provided.

(3) A person shall not be punished, for whom the offender of the crimes listed in item 1 is a marital partner, a person living with him in a permanent extra-marital community, a blood relation of the first degree, a brother or a sister, an adoptive parent or adoptive child, as well as their marital partners or the persons who live in a permanent extra-marital community with them.

Punishment for preparation

Article 326

A person who prepares the committing of a crime (article 18 item 3) from article 309, 312, 313 and 314, shall be punished with imprisonment of three to ten years.

Punishment for the most severe forms of crimes

Article 327

(1) If by the crime from article 305, article 307, and from articles 312 to 315, a death of one or more persons was caused, or if a property damage of a large extent was caused, the offender shall be punished with imprisonment of at least ten years.

(2) If during the perpetration of the crime from item 1 the offender killed one or more persons with intent, he shall be punished with imprisonment of at least ten years, or with life imprisonment.

(3) The punishment from item 2 shall apply also to a person who commits a crime from articles 305, 306 and 307, articles 312 to 316 and article 324, during war or under direct military danger.

29. CRIMES AGAINST THE ARMED FORCES

Failure or refusal to execute a command

Article 328

(1) A military person who does not execute or refuses to execute an order from his superior, in connection with his duty, and herewith causes more serious consequences for the service, or the service was endangered more seriously, shall be punished with imprisonment of three months to three years.

(2) A military person, who out of negligence does not execute the order from his superior from item 1, shall be punished with a fine, or with imprisonment of up to one year.

(3) There is no crime if the military person refuses to execute an unlawful command.

Refusal to accept or use arms

Article 329

- (1) A military person, who except for the case determined by law, refuses to accept arms or to use them, on command or according to the regulations of the service, shall be punished with imprisonment of one to five years.
- (2) A military conscript who without justified reason refuses to accept arms from the competent authority, which except in the cases specified by the law are issued to him in connection with the service in the reserves of the military forces, shall be punished with imprisonment of three months to three years.

Opposing a superior

Article 330

- (1) A military person, who together with other military persons opposes an order from a superior in connection with the duty, and who does not want to execute or refuses to execute his duty, shall be punished with imprisonment of three months to five years.
- (2) If the crime from item 1 is committed in an organized manner, the offender shall be punished with imprisonment of one to ten years.
- (3) If the crime from items 1 and 2 is committed with the use of arms, the offender shall be punished with imprisonment of at least one year.
- (4) The military person who during the perpetration of the crime from item 3 kills another because of negligence, shall be punished with imprisonment of at least three years.
- (5) A military person who during the perpetration of the crime from items 1 and 2 kills another with intent, shall be punished with imprisonment of at least five years, or with life imprisonment.
- (6) A military officer, who in the case of the crime from items 1, 2 and 3 and item 5 fails to undertake the necessary measures to restore order, shall be punished with imprisonment of one to five years.

Opposition to a sentry, guard, patrol, duty officer or other military person on similar duty

Article 331

A military person who opposes a sentry, guard, patrol, or duty officer, or some other military person on similar duty, while performing his official duty, as well as a military person who does not answer their call or does not execute or refuses to execute their order, and because of this more serious consequences for the service are caused or the service was more seriously endangered, shall be punished with imprisonment of six months to three years.

Coercion towards a military person in performing his official duty

Article 332

(1) A person who, by force or by threatening to directly use force, prevents a military person in performing an official duty, or forces him to perform an official duty, shall be punished with imprisonment of six months to three years.

(2) The attempt of the crime from item 1 is punishable.

(3) If because of perpetration of the crime from item 1 serious consequences for the service were caused, the offender shall be punished with imprisonment of six months to five years.

Attack upon a military person while performing his official duty

Article 333

(1) A person who attacks or seriously threatens to attack a military person who is performing his duty, shall be punished with a fine, or with imprisonment of up to three years.

(2) If when the crime from item 1 was committed, the offender caused a body injury to the military person, or threatened with the use of a weapon, he shall be punished with imprisonment of six months to five years.

(3) If when the crime from item 1 was committed, a military person sustained a serious body injury, or serious consequences for the service were caused, the offender shall be punished with imprisonment of one to ten years.

(4) If when the crime from item 1 was committed, the offender killed a military person with intent, he shall be punished with imprisonment of at least ten years, or with life imprisonment.

More lenient punishment for crimes from article 328 and articles 330 to 333

Article 334

If the offender of the crimes from article 328 items 1 and 3, article 330 item 1, article 331, article 332 items 1 and 2, and article 333 items 1 and 2, was provoked by an unlawful or rude behavior by the military person, he may be punished more leniently or acquitted from punishment.

Mistreatment of a subordinate or younger person

Article 335

(1) A military officer who, in the service or in connection with the service, mistreats a subordinate or a younger person, or behaves with him in a manner insulting to human dignity, shall be punished with imprisonment of three months to three years.

(2) If the crime from item 1 was committed against several persons, the offender shall be punished with imprisonment of one to five years.

Violation of a guard, patrol or similar duty

Article 336

(1) A military person who acts in contrary to the regulations for guard patrol duty, for duty of a duty officer or for other similar duty, and because of this more serious consequences for the service are caused, or the service was more seriously endangered, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 was committed at a warehouse for arms, ammunition or explosive materials, or at some other facility of a great importance, the offender shall be punished with imprisonment of three months to three years.

(3) If because of the crime from items 1 and 2, some person sustained a serious body injury, or a property damage of a large extent was caused, or some other serious consequences were caused, the offender shall be punished with imprisonment of six months to five years.

(4) If because of the crime from items 1 and 2, some person died, the offender shall be punished with imprisonment of one to ten years.

(5) If the crimes from items 1 to 4 are committed out of negligence, the offender shall be punished for the crime from item 1 with imprisonment of up to six months; for the crime from item 2 with a fine or with imprisonment of up to one year; for the crime from item 3 with a fine or with imprisonment of up to three years; for the crime from item 4 with a fine or with imprisonment of up to five years.

Violation of guarding the state border

Article 337

(1) A military person who, while performing his duty at the border, acts in contrary to the regulations for guarding the state border, and because of this more serious consequences for the service are caused, or the service was more seriously endangered, shall be punished with imprisonment of three months to three years.

(2) If because of the crime from item 1 a serious body injury was sustained, or a property damage of a large extent or some other serious consequences were caused, the offender shall be punished with imprisonment of six months to five years.

(3) If because of the crime from item 1 another died, the offender shall be punished with imprisonment of one to ten years.

(4) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to one year.

(5) If because of the crime from item 4, the consequence from item 2 was caused, the offender shall be punished with a fine, or imprisonment of up to three years; and if the consequence from item 3 was caused, the offender shall be punished with imprisonment of one to five years.

Submitting untruthful reports and statements

Article 338

(1) A military person who, while performing his duty, submits a report or statement with untrue contents, or in a report or statement omits some fact which should not have been omitted, and because of this more serious damaging consequences are caused for the service, or the service was more seriously endangered, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 was committed by submitting a report or statement of special importance, because of which serious consequences were caused, the offender shall be punished with imprisonment of one to five years.

(3) If the crime from item 2 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to one year.

Failure to undertake measures for protection of a military unit

Article 339

(1) A military officer who does not undertake the prescribed, ordered or other evidently necessary measures for protection of the lives and health of the people that are entrusted to him, for the safety and maintenance in good functioning order of the facilities, objects and equipment which serve for combat readiness, for an orderly supply of the unit entrusted to him with food, equipment and material, for keeping and care of livestock, or for a timely and regular execution of security actions or guarding of the facilities that are entrusted to him, and with this brings into danger the life of the people or seriously endangers the health of people or the property of a large value, shall be punished with a fine, or with imprisonment of up to three years.

(2) If because of the crime from item 2, a serious body injury was sustained, or if a property damage of a larger extent or other serious consequences were caused, the offender shall be punished with imprisonment of six months to five years.

(3) If because of the crime from item 1 another dies, the offender shall be punished with imprisonment of one to ten years.

(4) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to one year.

(5) If because of the crime from item 4, the consequence from item 2 was caused, the offender shall be punished with a fine, or with imprisonment of up to three years; and if the consequence from item 3 was caused, the offender shall be punished with imprisonment of one to five years.

Lack of security during military exercises

Article 340

(1) A military person who during exercises, training or in performing an experiment, does not undertake the prescribed, ordered or evidently necessary measures of security or precaution, and herewith brings into danger the life of people or seriously endangers the health of people or property of a large value, shall be punished with a fine, or with imprisonment of up to three years.

(2) If because of the crime from item 2, a serious body injury was sustained, or if a property damage of a larger extent or other serious consequences were caused, the offender shall be punished with imprisonment of six months to five years.

(3) If because of the crime from item 1 another dies, the offender shall be punished with imprisonment of one to ten years.

(4) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to one year.

(5) If because of the crime from item 4, the consequence from item 2 was caused, the offender shall be punished with a fine, or with imprisonment of up to three years; and if the consequence from item 3 was caused, the offender shall be punished with imprisonment of one to five years.

Not responding to a summons and avoiding military service

Article 341

(1) A person who without justified reason does not come at the determined time for recruitment, for notification on the military disposition or acceptance of arms, or for serving the military service, a military exercise or some other military service, even though he was summoned with an individual or with a general summons, or public invitation, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who hides in order to avoid the obligation from item 1, even though he was summoned with an individual or with a general summons, shall be punished with imprisonment of three months to three years.

(3) A person who leaves the country, or remains abroad, in order to avoid recruitment or serving the military service, military exercise or some other military service, shall be punished with imprisonment of one to five years.

(4) A person who calls out or instigates several people to commit the crimes from items 1, 2 and 3, shall be punished for the crime from item 1 with a fine or with imprisonment of up to three years; and for the crime from items 2 and 3, with imprisonment of one to ten years.

(5) The perpetrator of the crime stipulated in the paragraphs 2 and 3 will report voluntarily to the relevant state authority can be sentenced with smaller sentence or can be pardoned.

Avoiding military service by incapacitating or deceit

Article 342

(1) A person who, with the intention of avoiding military service or to be dispositioned to an easier duty, wounds himself or in some other manner incapacitates himself for military service temporarily, or who permits another to incapacitate him temporarily, as well as a person who, with or without his permission, incapacitates temporarily another with the same intention, shall be punished with imprisonment of three months to five years.

(2) If by committing the crime from item 1 a permanent disability for military service was caused, the offender shall be punished with imprisonment of one to five years.

(3) A person who, with the intention from item 1, simulates an illness, or for himself or for another uses a false document, or acts in some other deceitful manner, shall be punished with imprisonment of three months to three years.

Unlawful exemption from military service

Article 343

A person who by misusing his position or authorization enables exemption from duty, or disposition to an easier duty, of a military person or a person who is subject to military duty, shall be punished with imprisonment of one to five years.

Self-willed going away or escape from the armed forces

Article 344

(1) A military person who leaves his unit or service of his own will and who does not return to duty within ten days, or within the same period does not return from a leave of absence from the unit or service, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from item 1 shall apply also to a military person who more than twice and less than ten days remains away from his unit or service without permission.

(3) A military person who abandons his unit or service of his own will, during the execution of an important task or during an increased level of combat readiness of the unit, shall be punished with imprisonment of three months to three years.

(4) A military person who hides in order to avoid service in the armed forces, or who abandons his unit or service of his own will and does not return to duty within thirty days, or who does not return from a leave of absence from the unit or service within the same period, shall be punished with imprisonment of six months to five years.

(5) A military person, who leaves the country or remains abroad in order to avoid the service in the armed forces, shall be punished with imprisonment of one to ten years.

(6) A military person, who prepares an escape abroad in order to avoid service in the armed forces, shall be punished with imprisonment of six months to five years.

(7) The offender of the crime from items 3 and 4, who of own volition reports himself to the competent state authority, may be punished more leniently.

Unscrupulous manufacturing and taking over of military material

Article 345

(1) A military person or some other person who - in an enterprise, in some other organization, community or institution which works for the needs of defense - is entrusted with the management and control of the production or with some other economic process, or with

supervision over them, who performs unscrupulously the task entrusted to him, and because of this, the weapons, ammunition, explosives and other combat materials are not manufactured on time, or they do not correspond to the prescribed quality, shall be punished with imprisonment of three months to three years.

(2) The punishment from item 1 shall apply to a military person who, unscrupulously performing his duty, accepts supply goods, equipment or army weapons that do not correspond to the prescribed conditions or to the agreement.

(3) If because of the crime from items 1 and 2, serious consequences were caused, the offender shall be punished with imprisonment of one to five years.

(4) If the crimes from items 1 and 2 are committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to one year.

(5) If because of the crime from item 4, the consequence from item 3 was caused, the offender shall be punished with imprisonment of three months to three years.

Irregular and careless conduct towards the entrusted weapons

Article 346

(1) A person who irregularly or carelessly holds, keeps or handles the entrusted weapons, ammunition or explosives, which belong to a military unit or to a military institution, and herewith causes their damage to a larger extent, destruction or disappearance, shall be punished with a fine, or with imprisonment of up to one year.

(2) An operator of a warehouse for weapons, ammunition, explosives and other combat equipment, who does not undertake measures for their security or maintenance, and because of this, a damage, destruction or disappearance of this combat equipment is caused, shall be punished with imprisonment of three months to five years.

(3) If because of the crime from item 2 a property damage of a large extent was caused, the offender shall be punished with imprisonment of one to ten years.

(4) If the crime from item 2 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to three years.

(5) If because of the crime from item 4, the consequence from item 3 was caused, the offender shall be punished with imprisonment of three months to five years.

Unlawful disposing over entrusted weapons

Article 347

A person who usurps, transfers, pawns, hands over to another for use, damages or destroys weapons, ammunition or explosives which are entrusted to him for use, and which serve for the needs of defense of the Republic of Macedonia, shall be punished with imprisonment of six months to five years.

Theft of weapons or of part of combat equipment

Article 348

(1) A person who steals weapons, ammunition, explosives or a part of combat equipment that serves for the needs of defense of the Republic of Macedonia, shall be punished with imprisonment of three months to five years.

(2) If the value of the objects from item 1 exceeds a larger property value, or if the theft was committed by breaking in or by burglary into closed buildings, rooms, safes, chests or other closed premises, or by several persons who associated themselves for committing the theft, or in an especially dangerous and insolent manner, or by a person who carried a weapon or dangerous tool for attack or defense, or during a fire, flood or similar disaster, the offender shall be punished with imprisonment of one to ten years.

(3) If the value of the objects from item 1 is significant, the offender shall be punished with imprisonment of at least five years.

Disclosing a military secret

Article 349

(1) A military or some other person, who in contrary to his duties of keeping a military secret, tells, hands over to another or in some other way makes available information which is a military secret, or who acquires such information with the intention of handing it over to an unauthorized person, shall be punished with imprisonment of three months to five years.

(2) If the crime from item 1 was committed out of self-interest, or in regard to especially confidential information, or because of publication or use of the information abroad, the offender shall be punished with imprisonment of at least one year.

(3) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to three years.

(4) A military secret is considered to be information and documents which by law, by some other regulation or by decision of a competent authority, passed based on a law, have been declared to be a military secret, and whose disclosure has or could have more serious damaging consequences for the armed forces, or for their preparation for defense of the Republic of Macedonia.

Unauthorized entry into military facilities and making sketches or drawings of military facilities and combat equipment

Article 350

(1) A person who enters without authorization a military facility for the purpose of reconnaissance, even though he knows that entrance is prohibited, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who without authorization makes sketches or drawings of military facilities, or of combat equipment, or photographs, respectively in some other manner records them, shall be punished with a fine, or with imprisonment of up to three years.

Conditions for pronouncing a disciplinary punishment, respectively measure

Article 351

A military person may be sentenced to a disciplinary punishment, respectively to a measure determined by law, instead of to a criminal sanction, for a crime against the armed forces for which a punishment of up to three years is prescribed, if the crime received an especially light form, and if the interests of the service request this.

Responsibility for a crime committed on orders from a superior

Article 352

A subordinate shall not be punished if he commits a crime on orders from his superior, while that order concerned the official duty, except if the order was directed towards committing a war crime or some other serious crime, or if he knew that the execution of the order represents a crime.

30. CRIMES AGAINST OFFICIAL DUTY

Misuse of official position and authorization

Article 353

(1) An official person who, by using his official position or authorization, by exceeding the limits of his official authorization, or by not performing his official duty, acquires for himself or for another some kind of benefit, or causes damage to another, shall be punished with imprisonment of six months to three years.

(2) If the perpetrator of the crime from item 1 acquires a larger property gain, or causes a larger property damage, or violates the rights of another more severely, he shall be punished with imprisonment of six months to five years.

(3) If the perpetrator of the crime from item 1 acquires a significant property gain or causes a significant damage, he shall be punished with imprisonment of one to ten years.

(4) Responsible person in the foreign legal entity which has an representative office in Macedonia or a performs some economic activities in Macedonia or a entity who is performing activities from public interest will be punished with the punishment determined in the lines 1,2 and 3, if the act is done during his special authorization or duty.

(5) If the crime stipulated in paragraph (1) is performed during execution of public purchases or causing damage to the finances of the Budget of the Republic of Macedonia, public funds or other state owned finances, the perpetrator shall be sentenced with imprisonment of at least four years.

Violation of the guarding of the border

Article 353-a

(1) Official person, who will act against the regulations for guarding of the state border during performing duty on the border, and as a result of that severe harmful effects for the authority can occur or the authority is severely damaged, shall be sentenced with imprisonment of three months to three years.

(2) If severe body injury or material damage of large scale or other severe consequences occurred as a result of the crime stipulated in paragraph 1, the perpetrator shall be sentenced with imprisonment of six months to five years.

(3) If death of a person occurs as a result of the crime stipulated in paragraph 1, the perpetrator shall be sentenced with imprisonment of one to ten years.

(4) If the crime stipulated in paragraph 1 is performed due to negligence, > the perpetrator shall be sentenced with a fine or imprisonment up to one year.

(5) If a consequence stipulated in the paragraph 2 occurs due to the crime stipulated in paragraph 4, the perpetrator shall be sentenced with a fine or imprisonment up to three years, and if a consequence stipulated in paragraph 3 occurs, the perpetrator shall be sentenced with imprisonment of one to five years.

Non-execution of an order

Article 353-b

(1) Official person who, during the execution of the duty regarding prevention and investigation of crimes, finding the stipulators of crimes or maintaining the public order, peace and safety of the country, does not execute or refuses to execute order of a superior to take an official action and as a result of that severe breach of the rights of other, severe disturbance of the public order and peace or greater material damage occur, shall be sentenced with imprisonment of three months to three years.

(2) Official person that will not execute the superior's order stipulated in paragraph 1 due to negligence, shall be sentenced with a fine or imprisonment up to one year.

(3) It is not a crime if the official person refuses to execute an illegal order.

Unprincipled operation within the service

Article 353-c

(1) Official person or authorized person in public enterprise or public institution who, through breach of the legal regulations for conflict of interest or for principled action during performing discretion authority, with omission of relevant monitoring or in other way obviously incorrectly acts in performing of his/her authorities and as a result of that will obtain some benefit for himself/herself or for other person or will cause damage to somebody, shall be sentenced with imprisonment of three months to three years.

(2) If the perpetrator of the crime stipulated in paragraph 1 obtains greater material gain or cause greater material damage or severely breaks the rights of other, shall be sentenced with imprisonment of six months to five years.

(3) If the perpetrator of the crime stipulated in paragraph 1 obtains significant material gain or cause significant material damage, shall be sentenced with imprisonment of one to ten years.

(4) The sentence stipulated in the paragraphs 1, 2 and 3 shall be imposed on the responsible person, responsible person in foreign legal entity which has a representation office in the Republic of Macedonia or person that performs activity of public interest, if the crime is performed during his/her special authority or duty, determined by the law.

Embezzlement in the service

Article 354

(1) An official person who, with the intention of acquiring unlawful property gain for himself or for another, usurps money, securities or other movable objects that are entrusted in the service, shall be punished with imprisonment of six months to five years.

(2) If the perpetrator of the crime from item 1 acquired a larger property gain, he shall be punished with imprisonment of one to ten years.

(3) If the perpetrator of the crime from item 1 acquired a significant property gain, he shall be punished with imprisonment of at least four years.

(4) If the perpetrator of the crime from item 1 acquired a small property gain, and if he wanted to acquire such a property gain, he shall be punished with a fine or with imprisonment of up to one year.

Defraud in the service

Article 355

(1) An official person who, when performing his service, with the intention to acquire an unlawful property gain for himself or for another, by submitting false invoices or in some other way, deceives the authorized person to effect an unlawful payment, shall be punished with imprisonment of six months to five years.

(2) If with the crime from item 1 a larger property gain was acquired, the offender shall be punished with imprisonment of one to ten years.

(3) If with the crime from item 1 a significant property gain was acquired, the offender shall be punished with imprisonment of at least three years.

Helping oneself in the service

Article 356

An official person who without authorization helps himself to money, securities or other movable objects entrusted in the service, or he gives these objects without authorization to another to help himself, shall be punished with imprisonment of three months to five years.

Receiving a bribe

Article 357

- (1) An official person who requests or receives a present or some other benefit, or receives a promise for a present or some other benefit, in order to perform an official act within the framework of his own official authorization which he should not perform, or not to perform an official act which he otherwise must do, shall be punished with imprisonment of one to ten years.
- (2) An official person who requests or receives a present or some other benefit, or receives a promise for a present or some other benefit, in order to perform an official act within the framework of his own official authorization which he must perform, or not to perform an official act which he otherwise should not perform, shall be punished with imprisonment of six months to five years.
- (3) An official person who, after the official act listed in item 1 and 2 of this article is committed or not committed, requests or receives a present or some other benefit in connection with this, shall be punished with imprisonment of three months to three years.
- (4) A responsible person in a legal entity, which disposes over state or social property, who commits a crime from items 1, 2 and 3, as well as a responsible person in some other legal entity, who commits the same crime in relation to attaining or realizing rights determined by law - for the crime from item 1, shall be punished with imprisonment of one to ten years; for the crime from item 2, shall be punished with imprisonment of six months to five years; for the crime from item 3, shall be punished with imprisonment of three months to three years.
- (5) The received present or acquired property gains shall be confiscated.

Giving a bribe

Article 358

- (1) A person who gives or promises an official person a present or other benefit, so that he would perform an official act within the framework of his official authorization which he should not perform, or not to perform an official act which he should perform, or a person who mediates for this, shall be punished with imprisonment of six months to five years.
- (2) A person who gives or promises an official person a present or other benefit, so that he would perform an official act within the framework of his official authorization which he must perform, or not to perform an official act which he should not perform, or a person who mediates for this, shall be punished with a fine, or with imprisonment of up to three years.
- (3) The offender from items 1 and 2, who gave bribe upon the request from the official person, and who reports this before he finds out that the crime was discovered, shall be acquitted from punishment.
- (4) The provisions from items 1, 2 and 3 shall apply also when the bribe was given or promised to a responsible person, in connection with the crime from article 357.
- (5) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine

(6) The given present or property gain shall be confiscated, and in the case of item 3, they shall be returned to the person who gave the bribe.

Unlawful mediation

Article 359

(1) A person who receives a reward or some other benefit by using his official or social position and influence, in order to mediate for some official act to be executed or not, shall be punished with a fine, or with imprisonment of up to three years.

(2) A person who, by using his official or social position or influence, mediates for the performing of an official act which should not be performed, or not to perform an official act which otherwise should be performed, shall be punished with imprisonment of six months to five years.

(3) If the crime from item 2 was committed in connection with initiating or carrying on a criminal procedure (litigation) against a certain person, the offender shall be punished with imprisonment of one to five years.

(4) If a reward or some other benefit was received for the mediation from items 2 and 3, the offender shall be punished with imprisonment of one to ten years.

Covering of the origin of disproportionately obtained property

Article 359-a

(1) Official person and responsible person in public enterprise or public institution who, against his/her lawful duty for reporting of the material situation gives false data on his/her income, or if his/her property significantly overcomes his/her legal and reported for taxation income and covers the real sources, shall be sentenced with imprisonment of six months to five years and with a fine.

(2) The property that significantly overcomes the income that is obtained and is reported for taxation for which the perpetrator covers the real sources shall be confiscated and if the confiscation is not possible from the perpetrator, another property with similar value shall be confiscated. The property is also confiscated from third parties that received it without proper compensation.

Disclosing an official secret

Article 360

(1) A person who tells, hands over, or in some other manner makes available information to the public or to an unauthorized person, which represents an official secret, or acquires such information with the intention to tell or hand over to the public or to an unauthorized person, shall be punished with imprisonment of three months to five years.

(2) If the crime from item 1 was committed out of self-interest, or for the use of the information abroad, the offender shall be punished with imprisonment of at least one year.

(3) If the crime from item 1 was committed out of negligence, the offender shall be punished with a fine, or with imprisonment of up to three years.

(4) An official secret is considered to be information or documents which by law, by some other regulation or by decision of a competent authority, passed based on a law, have been declared to be an official secret, and whose disclosure has or could have damaging consequences for the service.

Misuse of state, official or military secret

Article 360-a

(1) Official person that will use data, which is state, official or military secret with intention to obtain some gain for himself/herself or cause damage to other person, shall be sentenced with imprisonment of three months to five years.

(2) The sentence stipulated in paragraph 1 shall be imposed to one that, after the cease of the service, with the same intention, will use such data or will tell, give or make them available to other person.

Falsifying an official document

Article 361

(1) An official person who in an official document, book, or paper, enters untruthful information, or does not enter some important data, or with his signature, respectively with an official stamp, verifies an official document, book or paper with untruthful contents, or with his signature, respectively an official stamp, enables the making of an official document, book or paper with untruthful contents, shall be punished with imprisonment of three months to five years.

(2) The punishment from item 1 shall apply also to an official person who uses the documents from that item in the service as if they were real, or destroys them, covers them up, or damages them to a larger extent or in some other way makes them useless.

(3) A responsible person in a legal entity which disposes over state or social property, who commits the crimes from items 1 and 2, shall be punished with the punishment that is prescribed for those crimes.

Unlawful collection and payment

Article 362

An official person or responsible person in a legal entity which disposes over state or social property, who collects an amount from another which this person is not obliged to pay, or collects more than this person is obliged to pay, or who during pay out or handing over of objects, pays out or hands over less than he was obliged to do, shall be punished with a fine, or with imprisonment of up to three years.

31. CRIMES AGAINST THE JUDICIARY

Failure to report the preparation of a crime

Article 363

(1) A person who knows that the perpetration of a crime is being prepared, for which according to the law a punishment of imprisonment of five years or more may be pronounced, and who did not report this during the time when it was still possible to prevent its perpetration, while the crime was attempted or committed, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the preparation of a crime was not reported, for which according to law a punishment may be pronounced of life imprisonment, the offender shall be punished with imprisonment of one to five years.

(3) A person shall not be punished for not reporting the preparations for a crime from item 1 for whom the offender is a marital partner, blood relation of the first line, brother or sister, adoptive parent or adoptive child, or a person living with the offender in a permanent extra-marital community.

Not reporting a crime or an offender

Article 364

(1) An official person who consciously omits to report a crime that he found out about while performing his duty, if according to the law a punishment may be pronounced for this crime of imprisonment of five years or more, while the crime is prosecuted in line of duty, shall be punished with a fine, or with imprisonment of one to three years.

(2) With the punishment of the item 1 shall be punished the one who intentionally will fail to report criminal act from the articles: 123, 141, 142, 158, 162, 165, 186, 187, 188, 215, 216, 231, 232, 236, 237, 238, 258, 259, 268, 269, 273, articles from 305 to 326, 348, 349, articles from 353 to 362, 382, 383, 394, 394-a, 396 and articles from 403 to 422.

(3) A person shall not be punished for the crime from items 1 and 2, for whom the offender is a marital partner, blood relation of the first line, brother or sister, adoptive parent or adoptive child, or a person living with the offender in a permanent extra-marital community.

Helping an offender after a crime was committed

Article 365

(1) A person who hides the offender of a crime for which prosecution is undertaken in line of duty, or by covering up the tools, traces, objects, or in some other way helps him not to be found, or the person who hides a sentenced person or undertakes other actions that are directed towards a non-execution of the sentence, of the pronounced security measures or not to apply the educational measures - sending to an educational institution or to an educational-correctional home, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who provides help to a perpetrator of a crime, for which a punishment is prescribed of imprisonment of five years or more, shall be punished with imprisonment of three months to five years.

(3) A person who provides help to an offender of a crime for which a punishment is prescribed of life imprisonment, shall be punished with imprisonment of one to ten years.

(4) The punishment from item 1 may not be more severe either by type or by level of punishment that is prescribed for the crime that was committed by the offender.

(5) A person shall not be punished for the crime from items 1 to 3 for whom the offender is a marital partner, blood relation of the first line, brother or sister, adoptive parent or adoptive child, or a person living with the offender in a permanent extra-marital community.

False reporting of a crime

Article 366

(1) A person who reports that another committed a crime for which the prosecution is undertaken in line of duty, and he knows this person is not an offender, shall be punished with imprisonment of three months to three years.

(2) A person who by planting traces or objects of a crime, or in some other manner causes the initialization of a criminal procedure for a crime for which prosecution is undertaken in line of duty, against a person for whom he knows has not done it, shall be punished with imprisonment of one to three years.

(3) A person who reports that he has committed a crime for which prosecution is undertaken in line of duty, even though he had not committed it, shall be punished with a fine, or with imprisonment of up to three months.

(4) The punishment from item 3 shall apply also to a person who reports that a crime has been committed, for which prosecution is undertaken in line of duty, even though he knows that this crime has not been committed.

Submitting false evidence

Article 366-a

(1) One that in procedure in front of a court or in administrative procedure will submit evidence for which he/she knows that are false, shall sentenced with imprisonment of one to three years.

(2) The sentence stipulated in paragraph 1 shall be imposed on one that will remove or destroy evidence that are significant for a procedure in front of a court or in administrative procedure.

Giving a false statement

Article 367

(1) A witness, expert, translator or interpreter who gives a false statement before the court or in an administrative, petty offense or disciplinary procedure, shall be punished with a fine, or with imprisonment of up to three months.

(2) The punishment from item 1 shall apply also to a party which gives a false statement when presenting evidence by interrogation of the parties in a process or administrative procedure, and the decision made in this procedure is based on this statement.

(3) If the false statement from item 1 is given in a criminal proceeding, the offender shall be punished with imprisonment of three months to five years.

(4) If because of the crime from item 3, especially serious consequences were caused for the accused, the offender shall be punished with imprisonment of one to ten years.

(5) If the offender calls off his false statement of own volition, before a decision that has come into effect is passed, he may be acquitted from punishment.

Preventing the collection of evidence

Article 368

(1) A person who with the intention of preventing or hindering the collection of evidence, hides, destroys, damages or makes useless, partially or completely, another's document or object that is serves as evidence, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from item 1 shall apply also to a person who, with the same intention, removes, destroys, damages, shifts or moves a boundary, land-measurement or other sign, regarding ownership, or some other right based on real estate or the rights for the use of water, or to a person who with the same intention falsely sets up such a sign.

Illegal influence on witnesses

Article 368-a

(1) One who will influence on some person to appear or not to appear as a witness in a procedure in front of a court or in administrative procedure or is called as a witness to give or not to give statement i certain sense, using threat on the life or the body or on the property in greater scope, offering bribe, disruption or in any other way, shall be sentenced with imprisonment of one to three years.

(2) The sentence stipulated in paragraph 1 shall be also imposed to one that, for revenge for the statement given by the person called as a witness, will revoke some right, mistreat or cause physical injury to the person called as a witness or a person close to him/her.

(3) If especially severe consequences occurred on the defendant in criminal procedure or the witness or a person close to him/her suffered severe physical injury, shall be sentenced with imprisonment of one to ten years.

Violation of the confidentiality of the procedure

Article 369

A person who without authorization discloses what he found out during a court procedure, or in an administrative, petty offense or disciplinary procedure, when this has been declared a

secret by law or by decision of the court or the authority that carries out the disciplinary procedure, shall be punished with a fine, or with imprisonment of up to one year.

Rebellion by arrested people

Article 370

(1) A person who organizes a rebellion of arrested people, in an institution where he finds himself based on a lawful decision for arrest, with the intention to free themselves by force, or together to attack the official persons in this institution, or by force or with serious threat to use force, to coerce them to do or not to do something that is contrary to their duty, shall be punished with imprisonment of six months to three years.

(2) A participant in the rebellion from item 1 shall be punished with imprisonment of three months to one year.

(3) The perpetrator of the crime from items 1 and 2, who uses force, shall be punished with imprisonment of six months to five years.

(4) The perpetrator of the crime from items 1 and 2, who gives up the rebellion of his own volition before force or a serious threat is applied, shall be acquitted from punishment.

Escape of an arrested person

Article 371

A person who escapes from an institution in which he is deprived of freedom by a lawful decision, by using force or a serious threat to directly attack upon the life or body of another, shall be punished with imprisonment of three months to five years.

Enabling the escape of an arrested person

Article 372

(1) A person who by force, serious threat, defraud or in some other way enables the escape of a person who is deprived of freedom by a lawful decision, shall be punished with imprisonment of three months to five years.

(2) If the crime from item 1 is committed in a group, or with the use of firearms or some other dangerous utensil, the offender shall be punished with imprisonment of one to ten years.

Illegal freeing of an arrested person

Article 373

An official person who, in contrary to the law, frees a person deprived of freedom that was entrusted to him for guarding, or helps him escape, shall be punished with imprisonment of three months to five years.

Unlawful usurpation of objects during search or in a procedure for execution

Article 374

An official person who, during the search of a home, premises or persons, or in a procedure of execution, unlawfully takes away another's movable object, with the intention of usurpation, shall be punished with imprisonment of one to ten years.

Coercion against a judiciary employee

Article 375

(1) A person who by force or by serious threat, coerces a judge, a jury-judge, a public prosecutor, a public legal officer, or their deputy, to do, not to do, or to endure something, shall be punished with a fine, or with imprisonment of up to three years.

(2) If during the crime the persons from paragraph 1, or persons close to them, suffered physical injury,> the perpetrator shall be sentenced with imprisonment of one to three years.

(3) If during the crime the persons from paragraph 1 or persons close to them, suffered from severe body injury the perpetrator shall be sentenced with imprisonment from one to ten year.>

(3) The attempt of the crimes stipulated in the paragraph 1, 2 and 3 is punishable.

Evading prohibitions from sentences and legal consequences from a sentence

Article 376

(1) A person who enables another to perform a certain vocation, professional activity or function, or other matters, even though he knows that this is prohibited to him by a pronounced sentence, or by legal consequences from a sentence, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from item 1 was committed by an official person, he shall be punished with a fine, or with imprisonment of up to three years.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Failure to execute a court decision

Article 377

(1) An official or responsible person, who does not act upon a court decision that has come into effect, with which the decision was given to return a worker to work, shall be punished with a fine, or with imprisonment of up to one year.

(2) An official person, or a responsible person in a legal entity, who refuses to execute a court decision that has come into effect and is executable, which he is obliged to do, shall be punished with a fine, or with imprisonment of up to three years.

(3) Official or responsible person who refuses to execute a decision that has come into effect of the Constitutional Court of the Republic of Macedonia, which he is obliged to execute, shall be sentenced with imprisonment of one to five years.

(4) If the crime from items 1, 2 and 3 caused a more serious violation of the rights of another or a significant property damage, the offender of the crime stipulated in the paragraphs 1 and 2 shall be punished with imprisonment of one to five years and the perpetrator of the crime stipulated in paragraph 3 shall be sentenced with imprisonment of one to ten years.

(5) Official or responsible person or person obligated for that with court decision that will not act upon legally effective court decision issued in procedure for issuing an order for protection of rights, shall be sentenced with imprisonment of one to five years.

(6) If the crime stipulated in paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

32. CRIMES AGAINST LEGAL TRAFFIC

Falsifying a document

Article 378

(1) A person who prepares a false document, or alters a real document with the intention to use such a document as real, or who uses the false or altered document as if it was real, shall be punished with a fine, or with imprisonment of up to three years.

(2) The attempt is punishable.

(3) If the crime from item 1 was committed in regard to a public document, will, bond, check, public or official book, or some other book that must be maintained based on the law, the offender shall be punished with imprisonment of three months to five years.

(4) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Special cases of falsifying documents

Article 379

The following shall be considered to have committed an act of falsifying a document, and shall be punished according to article 378:

1) a person who without authorization fills in a statement that is of importance for the legal relations onto some paper, form, or some other object, on which another has already placed his signature;

2) a person who deceives another about the contents of a document, in order for this person to place his signature on it, thinking that he is signing under some other document or under some other contents;

3) a person who issues a document in the name of another, without his authorization, or in the name of a person who does not exist;

4) a person who as issuer of a document, adds to his signature that he has some position, title or rank, even though he does not have such a position, title or rank, and which has a significant influence upon the force of evidence of that document; and

5) a person who makes the document in such a way as to use, without authorization, a real stamp or sign.

Computer forgery

Article 379-a

(1) One that unauthorized will produce, input, change, delete or make useless, with an intention to use them as real, computer data or programs which are determined or suitable to serve as evidence of facts with a value for the legal relations or one that will use such data or programs as real, shall be sentenced with a fine > or imprisonment up to three years.

(2) If the crime stipulated in paragraph (1) is performed on computer data or programs that are used in the activities of the state authorities, public institutions, enterprises or other legal entities or individuals that perform activities of public interest or in the legal traffic with foreign countries or if significant damage is caused by their use, the stipulator shall be sentenced with imprisonment of one to five years.

(3) One that unauthorized produces, purchases, sells, holds or makes available to other special devices, means, computer programs or computer data intended for or suitable for performing the crimes stipulated in paragraph 1, shall be sentenced with a fine or imprisonment up to three years.

(4) The attempt of the crimes stipulated in the paragraphs 1 and 3 is punishable.

(5) The special devices, means, computer programs or data for performing of the crime shall be confiscated.

Use of a document with false contents

Article 380

(1) A person who uses as proof in the legal traffic a document, book or paper, for which he knows that it is false, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

Issuing and use of a false doctor's or veterinary certificate

Article 381

(1) A doctor or veterinarian, who issues a false doctor's or veterinary certificate, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from item 1 shall apply also to a person who uses a false doctor's or veterinary certificate as if it was real.

Shysterism

Article 381-a

One that, without registered activity, gives professional and legal assistance to citizens and legal entities for compensation, but is not attorney at law, , shall be sentenced with a fine or imprisonment up to one year.

33. CRIMES AGAINST THE PUBLIC ORDER

Preventing an official person in performing an official act

Article 382

(1) A person who by force or by serious threat to directly attack the life or body, prevents an official person in performing his official act or forces him to perform the official act, shall be punished with a fine, or with imprisonment of up to three years.

(2) If when the crime from item 1 was committed, the offender offended or mistreated the official person, or caused him body injuries, or threatened him with the use of a weapon, he shall be punished with imprisonment of three months to three years.

(3) A person who commits the crime from items 1 and 2 against an official person or a person who assists in performing work on public security or on the protection of the constitutional system of the Republic of Macedonia, in regard to preventing or discovering a crime, catching of a perpetrator of a crime, maintaining the public order and peace, or guarding a person deprived of freedom, shall be punished with imprisonment of three months to five years.

(4) The attempt of a crime from items 1 and 2 is punishable.

(5) If the perpetrator of a crime from items 1, 2 and 3 was provoked by unlawful or rude conduct by the official person or the person that assisted, he may be acquitted from punishment.

Attack upon an official person, when performing security activities

Article 383

(1) A person who attacks or seriously threatens to attack an official person or a person that assists him in the performing of activities of public safety or protection of the constitutional system of the Republic of Macedonia, in regard to preventing or discovering a crime, catching a perpetrator of a crime, maintaining the public peace and order, or guarding a person that was deprived of freedom, shall be punished with a fine, or with imprisonment of up to three years.

(2) If when the crime from item 1 was committed, the offender by using a weapon or some other dangerous utensil, mistreats or insults the official person or the person who assists, or inflicts body injury, he shall be punished with imprisonment of three months to five years.

(3) If when the crime from item 1 was committed, the official person or the person who assists him sustained a serious body injury, the offender shall be punished with imprisonment of one to ten years.

(4) If the offender of the crime from items 1 and 2 was provoked by the unlawful or rude conduct of the official person or the person that assists, he may be acquitted from punishment.

Participation in a crowd, which prevents an official person to perform an official act

Article 384

(1) A person who participates in a crowd which with joint action prevents or attempts to prevent an official person in performing an official act, or in the same way coerces him to perform an official act, shall be punished with imprisonment of three months to three years.

(2) The leader of the crowd shall be punished with imprisonment of one to five years.

Participation in a crowd which commits a crime

Article 385

(1) A person who participates in a crowd, which with joint action performs acts of violence against people, or damages or destroys property to a larger extent, shall be punished with a fine, or with imprisonment of up to three years.

(2) If during the action of the crowd, some person was killed or sustained serious body injury, or a damage to a large extent was caused, the participant in the crowd, for the participation itself, shall be punished with imprisonment of three months to five years.

(3) The leader of the crowd shall be punished with imprisonment of one to ten years.

Act of violence

Article 386

(1) A person who mistreats, roughly insults, endangers the safety or performs rough violence upon another, and with this causes a feeling of insecurity, threat or fear among the public, shall be punished with imprisonment of three months to three years.

(2) If the crime was committed in a group of two or more persons, or the violence was committed upon several citizens, or the offender injured bodily another, he shall be punished with imprisonment of six months to five years.

Organizing resistance

Article 387

(1) A person who organizes others to resistance or to disobedience towards lawful decisions or measures by a state authority, shall be punished with a fine, or with imprisonment of up to three years.

(2) If because of the crime from item 1, the implementation of a lawful decision or measure from the state organ failed or was rendered significantly more difficult, or he committed the crime as leader of a group, the offender shall be punished with imprisonment of one to five years.

Unlawful change of the territorial partition of the Republic of Macedonia

Article 388

A person who by use of force or serious threat to use force, or in some other unlawful manner, changes the territorial partition of the Republic of Macedonia that was determined by law, shall be punished with imprisonment of one to five years.

Taking down or damaging an official stamp or sign

Article 389

(1) A person who takes down or damages an official stamp or sign which was placed by an official person for the security of the object or premises, or a person who without taking down or damaging the stamp or sign enters such premises or opens the secured object, shall be punished with a fine, or with imprisonment of up to three years.

(2) The attempt is punishable.

Taking away or destroying an official stamp or paper

Article 390

(1) A person who illegally takes away, hides, destroys, damages or in some other way makes unusable an official stamp, book or paper, or document, that belongs to a state authority or to some other legal entity that performs public authorizations, or which is located with them, shall be punished with a fine, or with imprisonment of up to three years.

(2) The attempt is punishable.

False presentation

Article 391

(1) A person who, with the intention for himself or for another, to acquire gain or to cause damage to another, presents himself as an official or military person, or who carries the signs of an official or military person without authorization, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from item 1 shall apply also to a person who commits an act for which only a specific official or military person is authorized to do.

Autocracy

Article 392

(1) A person who autocratically procures some right of his own, or a right that he considers belongs to him, shall be punished with a fine, or with imprisonment of up to six months.

(2) A person who autocratically procures some right of his own, or a right which he considers belongs to him, by using force or a serious threat to attack the life and body, shall be punished with a fine, or with imprisonment of six months to three years.

(3) The punishment from item 2 shall apply to a person who commits the crime from items 1 and 2 for another.

(4) Prosecution for the crime from item 1 is undertaken upon private suit, and for items 2 and 3 upon proposal.

Conspiracy to commit a crime

Article 393

A person who conspires with another to commit a crime, for which a punishment of imprisonment of three years or more may be pronounced, shall be punished with a fine, or with imprisonment of up to one year.

(2) The sentence stipulated in paragraph 1 shall be also imposed to one that will agree to a crime for which imprisonment of four years or more severe sentence is provided.

Criminal association

Article 394

(1) A person who creates a group or gang that has the aim of committing crimes for which a punishment of imprisonment of three years or more may be pronounced, shall be punished with imprisonment of one to five years.

(2) The member of the group or gang shall be punished with imprisonment of three months to three years.

(3) If the group or the gang has an intention to perform crimes for which sentence of imprisonment of at least eight years can be imposed, the organizer, shall be sentenced with imprisonment of at least four years, and the member of the group or the gang shall be sentenced with imprisonment of one to five years.

(4) A member of the group or gang, who discloses the group, respectively the gang, before he commits some crime in it or for it, shall be acquitted from punishment.

(5) The objects and the means that were used by the group or the gang for preparation of the crimes, as well as their finances shall be confiscated.

Terrorist organization

Article 394-a

(1) One that creates a group, gang or other criminal organization with intention to perform the following crimes: murder, body injuries, kidnapping persons, destruction of public facilities, transport systems, infrastructure facilities, information systems and other public structures, hijacking of planes or other means of public transportation, production, possessing or trade with nuclear weapons, biological, chemical and other types of weapons and dangerous materials, emission of dangerous radioactive, poisonous and other dangerous substances or causing fire and explosion, destruction of facilities for water supply, energy or other essential natural sources with intention creating sense of uncertainty or fear among the citizens or endangering of the constitutional setting of the country or the interests of international organization or foreign country, shall be sentenced with imprisonment of at least eight years.

(2) The member of the group, gang or other criminal organization, as well as one that provides finances or helps in other way, shall be sentenced with imprisonment of four to ten years.

(3) The sentence stipulated in paragraph 2, shall be also imposed to one who calls in public, encourages or supports the creation of terrorist organization.

(4) The perpetrator of the crime stipulated in paragraph 1 who will prevent the execution of the planned crimes through revealing or in other way, shall be sentenced with imprisonment of three months to three years and can also be pardoned.

(5) The perpetrator stipulated in paragraph 2 who will reveal the organization before he commits some of the crimes stipulated in paragraph 1, as its member, shall be pardoned.

(6) The objects and means intended for preparation of the crimes, as well as the finances for the organization shall be confiscated.

Manufacture and acquisition of weapons and means intended for committing a crime

Article 395

(1) A person who manufactures, procures, hides or enables another to get weapons, ammunition, explosive material, or means required to manufacture them, as well as poisons for which he knows were intended for committing a crime, shall be punished with imprisonment of three months to five years.

(2) If object of the crime stipulated in paragraph 1 is fire arms, arms which is forbidden for use or explosive or other material of greater scope, the perpetrator shall be sentenced with imprisonment of one to five years.

(3) A person who makes or gives to another a false key or some other means for breaking in, even though he knows that it is intended for committing a crime, shall be punished with imprisonment of three months to three years.

(4) The objects from stipulated in paragraphs 1 to 3 and the means for their manufacture, transfer and distribution shall be confiscated.

Unlawful manufacture, possession and sale with weapons or explosive materials

Article 396

(1) A person who without authorization manufactures, possesses, procures or does an exchange with firearms, ammunition or explosive materials, shall be punished with imprisonment of one up to ten years.

(2) If the subject of the crime from item 1 is a larger quantity of firearms, ammunition or explosive materials, the offender shall be punished with imprisonment of at least five years.

(3) The objects from items 1 and 2, and the means for their manufacture, transfer and distribution shall be confiscated.

Abuse of a sign for help and danger

Article 397

A person who by abusing a help sign or a danger sign, or with an unfounded calling for help, needlessly causes the going out of the state organs, the fire brigade, or some other competent help services, shall be punished with a fine, or with imprisonment of up to one year.

Gambling

Article 398

(1) A person who without authorization organizes gambling or some other game of chance that is prohibited, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from item 1 shall apply also to a person who, for a reward, makes available premises for gambling or in some other manner, for a reward, enables the gambling or attracts others for gambling.

(3) A person who during gambling uses false or marked playing cards or some other defraud, while no other more serious crime is involved, shall be punished with imprisonment of one to five years, and with a fine.

(4) The objects from the gambling, as well as the money of the offender present at the gambling, shall be confiscated.

Hindering a religious ceremony

Article 399

A person who unlawfully hinders the performance of a religious ceremony shall be punished with a fine, or with imprisonment of up to one year.

Desecration of a grave

Article 400

(1) A person who without authorization digs out, destroys or damages a grave or some other place where the deceased are buried, or roughly harms them, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person, who by the actions from item 1 desecrates two or more graves, shall be punished with a fine, or with imprisonment of up to three years.

Desecration of a deceased

Article 401

A person who unlawfully hides, carries away, damages, destroys or in some other way desecrates the remains of the deceased, shall be punished with a fine, or with imprisonment of up to one year.

Illegal crossing of the state border

Article 402

(1) A person who without the prescribed permission crosses or tries to cross the border of the Republic of Macedonia, armed or with the use of violence, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person dealing in illegal transfer of other persons across the border of the Republic of Macedonia, shall be punished with imprisonment of six months to five years.

(3) One who organizes a group, gang or other association with intention to perform the crimes stipulated in the paragraphs 1 and 2, shall be sentenced with imprisonment of one to five years.

34. CRIMES AGAINST HUMANITY AND INTERNATIONAL LAW

Genocide

Article 403

A person who with the intention of complete or partial destruction of some national, ethnic, racial or religious group, orders the murder or infliction of serious body injuries, or serious harm to the physical or mental health of members of a group, or forced resettlement of population, or to place the group under such living conditions as to bring about the complete or partial extermination of the group, or to apply measures that prevent birth among the members of the group, or to perform forced moving of the children to some other group, or a person who with the same intention, commits some of the above mentioned crimes, shall be punished with imprisonment of at least ten years, or with life imprisonment.

Crime against humanity

Article 403-a

One who, with an intention for systematic destruction of civil population, order committing murders, severe body injuries, physical extermination, slavery, deportation or forced displacement of the population, imprisonment or other type of depriving of freedom against the international law, torture, rape, sexual exploitation or slavery, forced prostitution, forced pregnancy, forced sterilization or any other type of severe sexual violence, exile based on political, racial, national, ethnic, cultural, religious or gender basis, forced taking away and

disappearing of persons, discrimination and separation based on racial, national, ethnic, political, cultural or other basis and other non-humane acts with deliberate causing physical or psychological suffer, or one that will commit some of the stipulated crimes with the same intention, shall be sentenced with imprisonment of at least ten years or life sentence.

War crimes against the civil population

Article 404

(1) A person who, by violating the rules of international law, during a war, armed conflict or occupation, orders an attack upon civil population, a settlement, certain civil persons or persons incapacitated for combat, which had as consequence death, serious body injury or serious disturbance to the health of the people; an attack without choosing the target, which strikes the civil population; to commit against the civil population murder, torture, inhuman acts, biological, medical or other scientific experiments, taking tissue or organs for the purpose of transplantation, inflicting grave suffering or injury to the body integrity or the health; resettlement and moving or forced denationalization or transfer to some other religion; coercion to prostitution or rape, sexual slavery or causing forced pregnancy, forced sterilization or other type sexual violence, the implementation of measures of fear and terror, taking hostages, collective punishment, illegal taking to concentration camps and other illegal arrests, depriving of the right to a proper and unbiased trial or implementation of sentence or execution without prior verdict issued by a legally based court in a procedure that provides the generally accepted court guarantees; coercion for service in the armed forces of the enemy or in its intelligence service or administration, enrolment and recruitment of minors under 15 years of age in the armed forces and their use through active participation in military activities; utilization of the presence of civilians or other protected persons as life shield in certain places or areas where the armed forces are acting coercion to forced labor, starving of the population, hindering of the approach to the humanitarian aid confiscation of property, pilfering of property of the population, illegal and self-willed destruction or usurpation of a larger extent of properties which is not justified by the military needs, taking an unlawful and excessive contribution and requisition, decreasing the value of the domestic currency or unlawful issue of money; or the person who commits some of the above mentioned crimes - shall be punished with imprisonment of at least ten years, or with life imprisonment.

(2) The punishment from item 1 shall apply to a person who by violating the rules of international law, during a war, an armed conflict or an occupation orders: an attack on cultural good which is under reinforced protection or other structures with special protection upon facilities specially protected by international law, buildings, means of transportation, material and medical units that use well known marks determined by the international law or personnel, installations, material, units or vehicles included in providing humanitarian aid or peace keeping missions and upon facilities and plants with a dangerous power, such as dams, embankments and nuclear power plants; without a choice of the targets to strike: hospitals and places where the sick wounded and other are gathering, civil constructions, which are under special protection by international law, prohibited places or demilitarized zones cities, villages, settlements or buildings that are not defended and are not military targets; long lasting and extensive destruction of the natural environment that could be damaging to the health or the survival of the population; or of cultural good that is under reinforced protection or its vicinity to be used as a support of a military action, destruction or possession of greater scope of cultural good, protected by the international law, stealing or vandal attacks on cultural goods protected by the international law the person who commits some of the above mentioned crimes.

(3) A person who, by violating the rules of international law, as an occupator, during a war, an armed conflict or an occupation, orders or executes a resettlement or deportation of the whole or of parts of the civil population to the occupied territory.

War crime against wounded and ill

Article 405

A person who, by violating the rules of international law, during a war or an armed conflict, and against wounded, ill, castaways or medical personnel, orders the committing of murders, torture, inhuman actions, biological, medical or other scientific experiments, taking of tissue or organs for transplantation, or inflicting grave suffering or injury to the body integrity or health, or illegal and self-willed destruction or usurpation of a large extent of materials, means for medical transport and stores from medical or religious institutions, or from units, which is not justified by the military needs, or the person who commits any of the above mentioned crimes, shall be punished with imprisonment of at least ten years, or with life imprisonment.

War crimes against prisoners of war

Article 406

A person who by violating the rules of international law, and against prisoners of war, orders the committing of murders, torture, inhuman behavior, biological, medical or other scientific experiments, taking of tissues or organs for transplantation, inflicting grave suffering or injury to the body integrity or to health, forcing to serve in the armed forces of the enemy, or depriving of the right to a proper and unbiased trial or to implement sentence or execution without prior verdict of a legally based court and procedure which provides the generally accepted court guarantees or illegally to be deported, displaced or held in custody or the person who commits any of the above mentioned crimes, shall be punished with imprisonment of at least ten years, or with life imprisonment.

Use of unallowed combat means

Article 407

(1) A person who during a war or an armed conflict orders the use of poisons or poisonous weapons, poisonous gases, gasses for suffocation or other type of gases or similar liquids, material or devices, personal mines, bullets that are easily spread in the human body, as well as bullets with hard capsule that does not cover the whole bullet or is bored, weapons, projectiles, material or other way of war that according to their nature cause unnecessary injuries or suffer or which have characteristics that are against the international war law, do not make difference between military and civil targets or other targets of combat means or a manner of combat which are prohibited by the rules of international law, or uses them himself, shall be punished with imprisonment of at least one year.

(2) The punishment from item 1 shall apply also to a person who by violating international law during a war or an armed conflict, orders that in the war there should be no surviving members of the enemy, or that the combat against the enemy should be on those principles.

(3) If because of the crime from item 1 many people died, the offender shall be punished with imprisonment of at least ten years, or with life imprisonment.

Approving or justifying of a genocide, crimes against humanity or military crimes

Article 407-a

(1) One that will publicly negate, roughly minimize, approve and justify the crimes stipulated in the articles 403 through 407, through an information system, shall be sentenced with imprisonment of one to five years.

(2) If the negation, minimizing, approval or the justification is performed with intention to pour hate, discrimination or violence against a person or group of persons due to their national, ethnic or racial origin or religion, the perpetrator, shall be sentenced with imprisonment of at least four years.

Misuse of chemical or biological weapons

Article 407-b

(1) One that will produce or improve, purchase, house, sell or buy, or mediate in buying or selling, owns, transfers or transports chemical or biological weapons or any type of war device forbidden by the rules of the international right, shall be sentenced with imprisonment of three months to three years.

(2) One who, during a war or armed conflict, will order use of chemical or biological weapons or any type of war device or will fight in a manner that is forbidden by the rules of the international law, shall be sentenced with imprisonment of at least one year.

(3) If as a result of the crime stipulated in paragraphs 1 and 2, death of larger number of people occurs, the perpetrator shall be sentenced with imprisonment of at least five years or life sentence.

(4) The objects of the paragraphs 1 and 2 and the means for their production shall be confiscated.

Unlawful killing and wounding of an enemy

Article 409

(1) A person who by violating the rules of international law during a war or an armed conflict, kills or wounds an enemy who has laid down his weapons, or who unconditionally surrendered, or remained without defense means, shall be punished with imprisonment of at least one year.

(2) A person who will wound or kill enemy in a cruel or subversive manner, out of self-interest or with other low motives, or if several persons are killed, the offender shall be punished with imprisonment of at least ten years, or with life imprisonment.

Unlawful confiscation of objects from killed and wounded on the battleground

Article 410

(1) A person who orders the unlawful taking away of objects from the killed or wounded on the battleground, or the person who commits such a taking away, shall be punished with imprisonment of one to five years.

(2) If the crime from item 1 was committed in a cruel way, the offender shall be punished with imprisonment of one to ten years.

Violation of a parliamentary

Article 411

A person who by violating the rules of international law during a war or an armed conflict insults, mistreats or holds a parliamentary or his escort, or who hinders their return, or in some other way violates their inviolability, shall be punished with imprisonment of six months to five years.

Cruel behavior with wounded, ill or with prisoners of war

Article 412

A person who by violating the rules of international law behaves cruelly with the wounded, the ill or with the prisoners of war, or who makes it impossible or who prevents them from using the rights which belong to them according to those rules, shall be punished with imprisonment of six months to five years.

Unjustified delay in repatriation of prisoners of war

Article 413

A person who by violating the rules of international law, after the termination of the war or the armed conflict, orders or executes an unjustified delay in the repatriation of the prisoners of war or of civilians, shall be punished with imprisonment of six months to five years.

Destruction of goods under temporary protection or cultural heritage

Article 414

(1) A person who by violating the rules of international law during a war or an armed conflict, destroys goods under temporary protection or cultural heritage and constructions, religious structures or institutions intended for science, art, education or for humanitarian purposes, shall be punished with imprisonment of at least one year.

(2) If with the crime from item 1 a clearly distinctive facility is destroyed, which is under special protection of international law as a cultural and spiritual heritage of the people, the offender shall be punished with imprisonment of at least five years.

Instigation to aggressive war

Article 415

A person who calls out or instigates to aggressive war shall be punished with imprisonment of one to ten years.

Abuse of international signs

Article 416

(1) A person who abuses or without authorization carries the flag or the sign of the Organization of the United Nations, or the signs or flag of the Red Cross, or signs that correspond to them, international telecommunication signs, signs of cultural heritage or other acknowledged international signs with which certain facilities are marked, shall be punished with imprisonment of three months to three years.

(2) The sentence stipulated in paragraph 1 shall be also imposed to one that misusing truth flag, war signs or uniform of the enemy will cause death or severe body injury to some person.

(3) A person, who commits the crime from item 1 and 2 in a zone of military operations, shall be punished with imprisonment of six months to five years.

Organizing group and urging for commitment of genocide and war crimes

Article 416-a

(1) One who will organize a group with an intention to commit crimes stipulated in the articles 403 through 416, shall be sentenced with imprisonment of at least eight years.

(2) One who will become a member of the group stipulated in paragraph 1, shall be sentenced with imprisonment of at least four years.

(3) Member of the group stipulated in the paragraph 2, who will disclose the group before he/she commits crime as its member or in its behalf, shall be pardoned.

(4) One that calls on or urges for commitment of the crimes stipulated in the articles 403 through 416, shall be sentenced with imprisonment of one to ten years.

Accountability of the commandants and other superiors

Article 416-b

(1) The military commandant or the person that acts on such position is criminally accountable for all crimes stipulated in the articles 403 through 416-a, committed during war or any type of armed conflict, international or domestic, by members of regular or paramilitary armed formations under his/her direct command and control, if he/she knew or according to all circumstances was obligated and could know that they prepare or commit such crimes, or if he/she failed to take all necessary and reasonable measures to prevent their commitment or if he/she prevented or failed to press criminal charges against the perpetrators of the crimes.

(2) The superior is criminally accountable for all crimes stipulated in articles 403 through 416-a, committed during armed conflict or in peace by his/her inferiors during performing

official or other duty or working obligation, if he/she knew or according to all circumstances was obligated and could know that they prepare or commit such crimes, or if he/she failed to take all necessary and reasonable measures to prevent their commitment or if he/she prevented or failed to press criminal charges against the perpetrators of the crimes.

Accountability of the inferior for crime committed upon order by the superior

Article 416-c

(1) The commitment of the crimes stipulated in the articles 403 through 416-a upon an order by a military commandant or other superior does not release the inferior of criminal accountability.

(2) The inferior who will commit a crime stipulated in the articles 403 through 416-a upon request by the superior or upon lawful decision, if he/she had legal obligation to obey the order or decision, and he/she did not know that it is illegal, and from the circumstances it was not obvious.

Racial or other discrimination

Article 417

(1) A person who based on the difference in race, color of skin, nationality or ethnic belonging, violates the basic human rights and freedoms, acknowledged by the international community, shall be punished with imprisonment of six months to five years.

(2) The punishment from item 1 shall apply also to a person who persecutes organizations or individuals because of their efforts for equality of the people.

(3) A person who spreads ideas about the superiority of one race above some other, or who advocates racial hate, or instigates to racial discrimination, shall be punished with imprisonment of six months to three years.

Founding a slave relationship and transportation of persons in slavery

Article 418

(1) A person who by violating the rules of international law places another in slavery or in some similar relationship, or keeps him under such relationship, buys him, sells him, hands him over to another, or mediates in the buying, selling or handing over of such a person, or instigates another to sell his freedom or the freedom of a person he is keeping or caring for, shall be punished with imprisonment of one to ten years.

(2) A person, who transports persons under a slavery or similar relationship from one country to another, shall be punished with imprisonment of six months to five years.

(3) A person, who commits the crime from items 1 and 2 against a juvenile, shall be punished with imprisonment of at least five years.

Trafficking in Human Beings

Article 418-a

(1) The one that by force, serious threats, delusions or other forms of coercion, by kidnapping, by deceit and abuse of his/her own position and abusing the pregnancy or the position of weakness of somebody else, or the physical or mental disability of another, or, by giving or receiving money or other benefits in order to obtain agreement of the person that has control over another person, recruits, transports, transfers, buys and sells persons, harbors or accepts persons for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, unlawful adoption, or similar relationship it or illicit transplantation of human organs, shall be punished with imprisonment of at least four years”.

(2) The one that buys, sells, keeps and takes children or minors in purpose of exploitation shall be punished with imprisonment of at least eight years.

(3) The one that takes away or destroys the ID, passport or other identification document in order to commit the crime from paragraphs (1) and (2) of this article, shall be punished with imprisonment of at least four years.

(4) The one who uses or makes it available for another to use sexual services from persons, with the knowledge that they are victims of human trafficking shall be punished with imprisonment from six months to five years.

(5) If the crime of paragraph (4) is performed with a child or minor, the offender shall be punished with imprisonment of at least eight years.

(6) If the action in the paragraph (1) is committed by a legal entity, this shall be punished with a fine.

(7) The items and vehicles used for committing the crime shall be confiscated.

Smuggling of migrants

Article 418-b

(1) The one that by force or by serious threat commits an assault on somebody's life and body, by kidnapping, deception, manipulation, by abuse of his/her own position and the position of weakness of somebody else, illegally transfers migrants over the state border, and the one that makes, acquires or possesses a false traveling documents for such purpose shall be punished with imprisonment of at least 4 years.

(2) The one that recruits, transports, transfers, buys and sells, harbors or accepts migrants shall be punished with imprisonment of one to five years.

(3) If, while committing the offences from paragraphs (1) and (2), the life and the health of a migrant is threatened, or the migrant is subject to particularly degrading conduct or brutality, or the migrant is prevented from exercising his/her rights determined by international law, the perpetrator shall be punished with imprisonment of at least eight years.

(4) If the crime from paragraphs (1) and (2) is committed against a juvenile, the perpetrator shall be punished with the imprisonment of at least eight years.

(5) The items and vehicles used for committing the crime shall be confiscated.

Organizing a group and abetment in performing crimes of trafficking in humans and smuggling of migrants

Article 418-c

(1) The one who organizes a group, gang or other association for performing the crimes from Articles 418-a and 418-b shall be punished with imprisonment of at least eight years.

(2) The one who becomes member of the group, gang or other association from paragraph (1), or in some other way helps the group, the gang or the association, shall be punished with imprisonment of at least one year.

(3) The member of the group from paragraph (1), who informs against the group before it commits the crime shall be released from punishment.

(4) The one who invokes, abets or supports the perpetration of the crimes from Articles 418-a and 418-b shall be punished with imprisonment of one to ten years.

International terrorism

Article 419

(1) A person who with the intention of harming a foreign state or some international organization, commits a kidnapping of another or some other act of violence, causes an explosion or fire, or with some other generally dangerous act or by generally dangerous means causes a danger to the life of people and to property to a significant value, shall be punished with imprisonment of at least three years.

(2) If because of the crime from item 1, one or more persons died, or a damage was caused of a large extent, the offender shall be punished with imprisonment of at least five years.

(3) If when committing the crimes from item 1, the offender kills another with intent, he shall be punished with imprisonment of at least ten years, or with life imprisonment.

Endangering persons under international protection

Article 420

(1) A person who commits kidnapping or some other act of violence against a person under international legal protection, or who attacks his official premises, private home or transportation means, shall be punished with imprisonment of at least one year.

(2) If because of the crimes from item 1, one or more persons died, the offender shall be punished with imprisonment of at least five years.

(3) If when committing the crime from item 1, the offender kills another with intent, he shall be punished with imprisonment of at least ten years, or with life imprisonment.

(4) A person who endangers the safety of a person from item 1 with a serious threat to attack him, his official premises, private home or transportation means, shall be punished with imprisonment of one to ten years.

Taking hostages

Article 421

(1) A person who commits a kidnapping of another and threatens to kill him, to hurt him or to keep him hostage, with the intention of coercing some state or international organization to do or not to do something, as an explicit or silent condition for freeing the hostage, shall be punished with imprisonment of at least one year.

(2) If because of the crime from item 1, the kidnapped person dies, the offender shall be punished with imprisonment of at least five years.

(3) If during the committing of the crime from item 1 the offender killed the kidnapped person with intent, he shall be punished with imprisonment of at least ten years, or with life imprisonment.

Piracy

Article 422

(1) A member of the crew or a passenger of a ship or an aircraft, who with the intention of acquiring gain for himself or for another, or to cause damage to another, at a place which does not fall under the authority of any state, who commits an act of violence or some other coercion against some other ship or aircraft, or against the persons who find themselves in it, or a plundering of the objects from the ship or the aircraft, shall be punished with imprisonment of at least one year.

(2) If because of the crimes from item 1, one or more persons die, or the destruction of the ship or aircraft was caused, or some other property damage was caused to a large extent, the offender shall be punished with imprisonment of at least five years.

35. TRANSITION AND END PROVISIONS

Instruction for court operation in maintaining penal records

Article 423

The Minister of Justice shall issue instructions for the operation of the courts in maintaining penal records within 30 days from the day this Code comes into effect.

Article 423-a

The Court rulebook shall determine the actions of the courts for keeping the criminal records according to the article 106 of the Criminal Code, in 30 days from the day of effectuation of this Law.

Transfer of data from the penal records

Article 424

(1) The Ministry of Internal Affairs is bound within one year from the coming into effect of this Law to transfer to the penal records of the competent courts all the data from the penal records maintained by the authorities of that Ministry.

(2) After this period from paragraph 1 expires, the Ministry of Justice shall review the records of the Ministry of Internal Affairs in order to determine whether the data on condemned persons has been removed, and it shall inform about this the Parliament of the Republic of Macedonia.

Termination of criminal-legal provisions

Article 425

On the day this Code comes into effect, the criminal-legal provisions of the Criminal Code of the Republic of Macedonia - General and Special Part ("Official Bulletin of SFRY", No. 44/76, 34/84, 74/87, 57/89, 3/90, and 38/90, and "Official Bulletin of the Republic of Macedonia ", No. 25/92 and 32/93), and the Criminal Code of the Republic of Macedonia ("Official Bulletin of SRM" No. 25/77, 23/84, 50/87, 36/89, 7/90, and "Official Bulletin of the Republic of Macedonia " No. 28/91, 24/92, and 49/93), as well as item 1 - Crimes, and articles 278, 279, 280, 281 and 282 of the Law on Customs ("Official Bulletin of the Republic of Macedonia", No. 20/93), and articles 26, 27 and 28 of the Law on the Conditions for Taking, Exchange, Transfer and Transplantation of Parts of the Human Body for Medical Treatment ("Official Bulletin of the Republic of Macedonia ", No. 30/95), cease to be in effect.

Coming into effect of the Code

Article 426

This Code comes into effect on the eighth day from the day it is published in the "Official Bulletin of the Republic of Macedonia", and it shall be applied from 1 November 1996.