

**THE HOUSE OF REPRESENTATIVES OF THE
PARLIAMENT OF THE REPUBLIC OF CROATIA**

1668

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I pass the

**DECISION
ON THE PROMULGATION OF THE CRIMINAL CODE**

I promulgate the Criminal Code, which was passed by the House of Representatives of the Parliament of the Republic of Croatia at its session on September 19th, 1997

Number: 081-97-1506/1
Zagreb, September 29th, 1997

President
of the Republic of Croatia
Dr. Franjo Tuđman

**CRIMINAL CODE
GENERAL PART
CHAPTER ONE (I)**

BASIC PROVISIONS

Basis and Limitation of Criminal Law Enforcement

Article 1

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

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

Principle of Legality

Article 2

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

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

Compulsory Application of More Lenient Law

Article 3

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

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

Principle of Guilt

Article 4

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

Types of Criminal Sanctions

Article 5

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

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

General Purpose of Criminal Sanctions

Article 6

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

Limitations in Prescribing the Contents of Criminal Sanctions and their Application

Article 7

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

Institution of Criminal Proceedings

Article 8

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

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

Right to Rehabilitation

Article 9

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

CHAPTER TWO (ii)

**APPLICABILITY OF THE CRIMINAL LEGISLATION
OF THE REPUBLIC OF CROATIA**

*Exclusion of Applying Criminal Legislation
to Children*

Article 10

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

Applicability of the Criminal Code to Young Perpetrators

Article 11

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

Application of the General Part of Criminal Code

Article 12

Provisions of the General Part of this Code shall apply to all criminal offenses under this Code and any other law.

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

Article 13

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

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

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

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

Article 14

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

- any criminal offense against the Republic of Croatia provided for in Chapter (xii) of this Code;
- the criminal offense of the counterfeiting money and securities of the Republic of Croatia as defined in Articles 274 and 275 of this Code;
- a criminal offense which the Republic of Croatia is bound to punish according to the provisions of international law and international treaties or intergovernmental agreements;
- a criminal offense against a Croatian state official or a civil servant relating to his/her office.

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

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

(4) The criminal legislation of the Republic of Croatia shall be applied to an alien who, outside the territory of the Republic of Croatia, commits against a foreign state or another alien a criminal offense for which, under the law in force in the place of crime, a punishment of five years of imprisonment or a more severe penalty may be applied.

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

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

Article 15

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

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

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

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

Article 16

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

- if the perpetrator has served in full the sentence applied to him/her in a foreign state;
- if the perpetrator has been acquitted by a final judgment in a foreign state, or he/she has been pardoned, or if the statutory time limitation has expired under the law in force at the place of crime;
- if, under the law in force at the place of the crime, criminal proceedings may be instituted only upon a motion, a consent or a private charge of the person against whom the criminal offense had been committed, and such a motion was not made or a private charge was not brought, or the consent was not given.

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

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

Inclusion of the Time Spent in Custody, or Imprisonment in a Foreign State

Article 17

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

Non-applicability of Criminal Legislation Due to Passage of Time

Article 18

(1) The criminal legislation of the Republic of Croatia may not be applied because of the statute of limitations specified in this Code from the time the offense has been committed, the punishment pronounced or other criminal sanction ordered.

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

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

Article 19

(1) Criminal proceedings for the purposes of applying the criminal legislation of the Republic of Croatia, except in cases of criminal offenses specified in Article 18, paragraph 2 of this Code, shall not be instituted when, since the perpetration of a criminal offense, the following time periods have elapsed:

- twenty-five years in the case of a criminal offense for which a punishment of a long-term imprisonment is prescribed;
- fifteen years in the case of a criminal offense for which a punishment of more than ten years of imprisonment is prescribed ;

- ten years in the case of a criminal offense for which a punishment of more than five years of imprisonment is prescribed ;
- five years in the case of a criminal offense for which a punishment of more than three years of imprisonment is prescribed;
- three years in the case of a criminal offense for which a punishment of more than one year of imprisonment is prescribed;
- two years in the case of a criminal offense for which a punishment of up to one year of imprisonment or a fine is prescribed.

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

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

Article 20

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

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

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

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

(5) The period prescribed by statutes of limitation commences anew after each interruption.

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

Period Prescribed by Statutes of Limitation to Execute Punishment

Article 21

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

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

Period Prescribed by Statutes of Limitation to Execute Security Measures

Article 22

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

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

Article 23

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

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

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

(4) The period prescribed by statutes of limitation shall commence anew after each interruption.

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

Non-applicability of the Statutes of Limitation

to the Execution of Punishment

Article 24

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

CHAPTER THREE (iii)

CRIMINAL OFFENSE

Manner of Perpetrating a Criminal Offense

Article 25

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

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

(3) The punishment of a perpetrator who has committed a criminal offense by omission can be mitigated, except in the case of a criminal offense which can be committed only by not acting.

Time of Perpetration of a Criminal Offense

Article 26

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

Place of Perpetration of a Criminal Offense

Article 27

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

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

Insignificant Offense

Article 28

There shall be no criminal offense, although its legal constituent elements have been realized, if the offense is obviously insignificant with regard to the manner of the perpetrator's acting, his/her fault, and the incurred consequence to the protected good and the legal system.

Self-Defense

Article 29

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

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

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

Necessity

Article 30

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

(2) The punishment of the perpetrator of a committed criminal offense shall be remitted if he/she acted so as to avert from himself/herself or from another an imminent or immediate danger not caused by him or her and which could not have been averted in any other way, provided that in doing so the harm that was done was equal to the harm that had been threatened.

(3) If, in the case referred to in paragraph 2 of this Article, the perpetrator was, due to negligence, mistaken about the circumstances for which the law prescribes remission of the sentence, he/she shall be sentenced for a criminal offense committed by negligence.

(4) There is no defense of necessity if the perpetrator is obligated to expose himself/herself to danger.

Coercion or Threat

Article 31

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

(2) If the perpetrator under coercion or under threat which could have been resisted, commits a criminal offense, the provisions of Article 30, paragraphs 2 and 3 of this Code shall apply, treating such coercion or threat as a danger for which the perpetrator was not personally at fault.

Lawful Use of Force

Article 32

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

Attempt

Article 33

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

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

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

Voluntary Abandonment

Article 34

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

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

(3) In the event of voluntary abandonment of the completion of a criminal offense, the perpetrator shall be punished for the acts which constitute another independent criminal offense.

The Principal and Accomplices

Article 35

(1) The principal is a person who, by his /her own affirmative action or omission to act or through another agent, commits a criminal offense.

(2) The accomplices are: the co-principals, the instigator and the abettor.

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

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

Punishment of Accomplices

Article 36

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

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

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

(4) An accomplice who voluntarily prevents the perpetration of a criminal offense shall be remitted of the punishment.

Instigation

Article 37

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

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

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

Aiding and Abetting

Article 38

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

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

CHAPTER FOUR (iv)

GUILT

Existence of Guilt

Article 39

A perpetrator is guilty of a criminal offense if at the time of the perpetration of a criminal offense he or she was mentally capable, acted with intent, or by negligence, when the law prescribes punishment for such a type of guilt, and if he or she was aware, or should and could have been aware, that his/her act was prohibited.

Mental Incapacity

Article 40

(1) A mentally incapable person shall not be guilty and no criminal sanction shall be imposed against him/her.

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

Voluntary Intoxication

Article 41

A perpetrator who volitionally brings himself/herself into a state in which he/she is incapable of understanding the significance of his/her acting, or of controlling his/her own will due to the consumption of alcohol, narcotic drugs or other substances shall not be deemed mentally incapable if, at the time of coming into such a state, an intent to commit an act, or negligence, existed, and when the law prescribes punishment for such a form of guilt.

Diminished Mental Capacity

Article 42

The punishment of a perpetrator who was of diminished mental capacity at the time of the perpetration of a criminal offense may be mitigated if the mental deficiency was not volitionally caused.

Punishability for Intentional and Negligent Acting

Article 43

(1) Only the acting with an intent to commit a criminal offense is punishable, unless the law also expressly provides for punishment for negligent acting.

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

Intent

Article 44

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

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

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

Negligence

Article 45

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

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

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

Ignorance or Mistake of Law

Article 46

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

(2) If ignorance or mistake was unreasonable, the punishment may be mitigated.

(3) Ignorance or mistake shall not be deemed unreasonable if anyone, and thus also the perpetrator, could have easily grasped the illegality of the offense, or if the perpetrator, because of his or her profession, occupation or service was supposed to know the relevant regulation.

Ignorance or Mistake of Fact

Article 47

(1) The perpetrator who, at the time of the perpetration of a criminal offense, was not aware of any of its legal constituent elements, shall not be held guilty.

(2) If the perpetrator's mistake regarding the legal constituent elements of the criminal offense is due to his/her negligence, he/she shall be held guilty insofar as the law prescribes punishment for such an offense also when committed by negligence.

(3) There shall be no criminal offense, although the perpetrator intentionally performed its legal constituent elements, if he/she at the time of the perpetration of a criminal offense mistakenly assumed that the circumstances existed, according to which, if they had actually existed, the conduct would have been lawful.

(4) If the perpetrator due to lawful negligence was ignorant of the circumstances which exclude illegality, he/she shall be punished for the perpetration of a criminal offense insofar as the law prescribes punishment for such an offense also when committed by negligence.

Liability in Special Cases Involving Criminal Offenses

Committed Through Public Media

Article 48

(1) The liability of an editor-in-chief for criminal offenses committed through the public media is prescribed by this Code in the same way as for any other perpetrator unless otherwise provided by this Article.

(2) If an editor-in-chief or a person acting on his/ her behalf at the time of the publication is not liable as a principal or as an accomplice in a criminal offense committed through the public media, he/she shall be held guilty:

- if, by the time of the conclusion of the main trial before the court of the first instance, the author remains unknown;
- if the information was published without the consent of the author;
- if at the time of publication there existed real or legal impediments as to the institution of criminal proceedings against the author, which still exist.

3) The editor-in-chief, or the person acting on his/her behalf, shall not be held guilty if he/she, for justified reasons, did not know of any of the circumstances quoted in paragraph 2 of this Article.

(4) Under the conditions provided for in paragraphs 1 and 2 of this Article, the following persons shall be held guilty:

- an editor or a publisher of a non-periodical publication, except if he denounces the author of the punishable contents and against whom there are no impediments to institute criminal proceedings;
- a printer of a non-periodical publication when there is no editor or publisher, or where there are impediments to institute criminal proceedings against such a person;
 - a manufacturer, in cases where a criminal offense is committed by means of audio appliances, video appliances or similar means of dissemination of public information;
 - if an editor, a publisher, a printer or a manufacturer are legal entities or governmental bodies, the person responsible for the activity of editing, publishing, printing or manufacturing shall be liable.

(5) In cases where the media referred to in this Article contains material that constitutes a criminal offense and which was produced in a foreign state, the importer shall be liable, while in the case of a legal entity, the responsible person of the importer shall be liable.

CHAPTER FIVE (v)

PUNISHMENT AND SENTENCING

Types of Punishments

Article 49

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

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

(3) A fine may be imposed both as the principle or a supplementary punishment.

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

The Purpose of Punishment

Article 50

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

Fine

Article 51

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

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

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

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

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

(6) On the basis of the official data of the State Bureau of Statistics, the average daily income referred to in paragraph 4 of this Article shall be determined and published by the Supreme Court of the Republic of Croatia every three months.

Substitution of Fine

Article 52

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

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

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

Imprisonment

Article 53

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

Substitution of Imprisonment

Article 54

- (1) When the court assesses and imposes imprisonment for the duration of up to six months, it may at the same time decide that such punishment, with the consent of the convict, be replaced with community service.
- (2) The decision to replace imprisonment with community service shall be based upon the assessment that, considering all the circumstances determining the type and range of the sentence, the execution of imprisonment would not be necessary to realize the purpose of punishment, and (at the same time) non-custodial measure would not be sufficient to accomplish the general purpose of criminal sanctions.
- (3) Community service shall be determined for a duration proportional to the imposed imprisonment, from a minimum of ten to a maximum of sixty working days. The period for performing community service shall neither be shorter than one month nor longer than one year.
- (4) In assessing the duration of community service, as well as the period for its performance, the court shall take into consideration the pronounced imprisonment which is being substituted and the perpetrator's possibilities regarding personal circumstances and employment.
- (5) When, upon the expiry of the determined period, the convict has not completed or has only partly completed the community service, the court shall render a decision on the execution of imprisonment for a period proportional to the unfulfilled community service.
- (6) The replacement of imprisonment with community service may also be applied in the case of substituting a fine with imprisonment pursuant to Article 52, paragraph 3 of this Code, when such an imprisonment does not exceed six months.

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

Conditional Release (Parole)

Article 55

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

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

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

Article 56

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

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

Mitigation of Punishment

Article 57

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

(2) The limits of mitigation are the following:

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

Remission of Punishment

Article 58

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

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

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

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

Article 59

The court may remit the perpetrator of the punishment if he/she has committed a criminal offense by negligence in the following cases:

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

b) if, immediately after the perpetration, the perpetrator made efforts to eliminate or diminish the consequences of the offense and if he/she completely or to a larger extent compensated for the damage caused by the offense.

Multiple Criminal Offenses

Article 60

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

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

a) if, for one of the multiple criminal offenses, the court assesses a long-term imprisonment and for another or other criminal offenses, imprisonment or a fine, the long-term imprisonment shall be pronounced;

b) if, for two or multiple criminal offenses, the court assesses long-term imprisonment, an aggregate sentence to forty years of imprisonment shall be pronounced;

c) if, for two or multiple criminal offenses, the court assesses imprisonment, the aggregate sentence of imprisonment must be longer than any individual sentence assessed, but can neither reach their sum total nor exceed fifteen years;

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

e) if, for each multiple criminal offense, imprisonment of a maximum of three years is prescribed, the aggregate sentence shall not exceed eight years;

f) if, for two or multiple criminal offense, the court assesses fines, the aggregate fine shall not exceed the statutory maximum;

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

h) if, for multiple criminal offenses, the court assesses imprisonment and imprisonment for juveniles, it shall impose an aggregate sentence of imprisonment, applying the rules laid down in paragraph 2, points a) to e).

Criminal Offenses Arising Out of the Same Criminal Transaction

Article 61

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

(2) Criminal offenses arise out of the same criminal transaction when the perpetrator intentionally commits a number of the same criminal offenses or offenses of the same type which, according to the manner of perpetration, the temporal connection and other material circumstances connecting them, constitute a whole.

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

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

Article 62

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

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

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

Inclusion of Custody and a Previously Served Sentence

Article 63

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

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

(3) Inclusion pursuant to the provisions of this Article means the equating of one day of custody, imprisonment for a contravention, imprisonment, long-term imprisonment or imprisonment of juveniles for a

criminal offense, as well as a fine equivalent of one daily income with one day of detention, and a fine for a contravention with the days of imprisonment pursuant to provisions of the Act on Contravention.

CHAPTER SIX (vi)

NON-CUSTODIAL MEASURES

Types of Non-Custodial Measures

Article 64

Non-custodial measures are: admonition and suspended sentence.

The Purpose of Non-Custodial Measures

Article 65

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

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

Admonition

Article 66

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

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

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

Suspended Sentence

Article 67

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

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

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

(4) A suspended sentence may be applied to the perpetrator of a criminal offense as specified in paragraph 3 of this Article when the court, by determining the type and the range of the punishment, pronounces imprisonment of up to two years or a fine, either for a single offense or for multiple offenses.

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

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

Obligations of the Person Under Suspended Sentence

Article 68

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

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

Revocation of Suspended Sentence

Article 69

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

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

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

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

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

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

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

A Suspended Sentence With Probation

Article 70

(1) When the conditions to impose a suspended sentence are realized but taking into consideration the circumstances in which the perpetrator of a criminal offense lives and his/her personality, when the court finds he/she needs assistance, protection or supervision in order to realize the obligation not to commit a new criminal offense within the period of probation, it may impose a suspended sentence with probation supervision.

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

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

Special Obligations Accompanying Supervision

Article 71

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

- a) to undertake a vocational training for a certain profession which he/she chooses with the professional assistance of a probation officer ;
- b) to accept employment which corresponds to his/her professional qualifications, skills and actual abilities to perform the working tasks, suggested or offered to him/her by a probation officer;
- c) to dispose of his/her income in accordance with the needs of persons he/she is bound to provide for under law and in accordance with advice offered by the probation officer;
- d) to undergo medical treatment necessary to eliminate physical or mental disorders which may stimulate the perpetration of a new criminal offense;
- e) to avoid visiting certain places, bars and shows which could offer an opportunity and instigation to commit a new criminal offense;
- f) to regularly keep in touch with the probation officer so as to be able to report on the circumstances which could stimulate the perpetration of another criminal offense.

Revocation of a Suspended Sentence With Probation

Article 72

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

CHAPTER SEVEN (vii)

SECURITY MEASURES

Types of Security Measures

Article 73

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

The Purpose of Security Measures

Article 74

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

Compulsory Psychiatric Treatment

Article 75

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

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

(3) The compulsory psychiatric treatment shall last until the termination of the reasons for which it has been ordered, but in any case until the punishment of imprisonment expires, upon the expiry of the period of probation by the application of a suspended sentence, and upon the completion of community service. In any of the above cases, the compulsory psychiatric treatment may not exceed three years.

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

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

(6) To the perpetrator of a criminal offense who does not submit himself/herself to compulsory psychiatric treatment along with community service, the execution of imprisonment may be ordered as in the case referred to in Article 54, paragraph 5 of this Code.

Compulsory Treatment of Addiction

Article 76

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

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

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

(4) Against the perpetrator of a criminal offense who does not submit himself/herself to the compulsory treatment for addiction along with community service, the execution of imprisonment shall be ruled as in the case under Article 54, paragraph 5 of this Code.

Prohibition to Engage in a Profession, Activity or Duty

Article 77

(1) The security measure of prohibition to engage in a profession, activity or duty may be ordered against a perpetrator who commits a criminal offense in regard to property entrusted or accessible to him/her on the basis of exercising a profession, activity or duty, if there is a danger that such an exercise could stimulate the perpetration of another criminal offense through the abuse of the profession, activity or duty with regard to the property entrusted or accessible to him/her.

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

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

Prohibition to Drive a Motor Vehicle

Article 78

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

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

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

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

Expulsion of an Alien from the Country

Article 79

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

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

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

Forfeiture

Article 80

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

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

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

Inclusion of Protective Measures Imposed for Contravention and Economic Transgressions

Article 81

Protective measures applied against the perpetrator of a contravention and economic transgressions corresponding in their substance to security measures referred to in this Chapter shall be included into the security measure ordered for a criminal offense, the description of which corresponds to the offense for which the measure was ordered.

CHAPTER EIGHT (viii)

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

Confiscation of Pecuniary Gain Acquired by a *Criminal Offense*

Article 82

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

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

(3) The pecuniary gain shall also be forfeited if it is owned by a third party on any legal ground if such a party, according to the circumstances in which he/she has acquired certain gain, knew or could and ought to have known that such gains were obtained as a result of a criminal offense.

(4) The injured party who, in the course of criminal proceedings, or within the maximum time-limit of three months after the final decision on the forfeiture of objects, wishes to realize his/her right in regard to the forfeited pecuniary gain through a civil action, shall have the right to reimbursement within a period of three months after the decision regarding his/her right.

Public Announcement of the Judgment

Article 83

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

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

Legal Consequences of Conviction

Article 84

(1) The legal consequences of conviction for a committed criminal offense are prescribed only by law.

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

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

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

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

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

Rehabilitation

Article 85

(1) After imprisonment, long-term imprisonment or imprisonment of juveniles have been served, remitted, or fall within the statute of limitations, the convicted persons shall exercise all citizen's rights determined by the Constitution, law or other regulations and shall acquire all the rights other than those that are limited as result of a security measure or a legal consequence of the conviction

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

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

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

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

- fifteen years from the day of a served, expired, or remitted sentence, in the case of a sentence to long-term imprisonment;

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

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

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

Criminal Record Data

Article 86

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

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

(3) Criminal records may, within the framework of their legal authorization, also be used by bodies of internal affairs for the purpose of discovering the perpetrator of a criminal offense. The data in question shall be considered a professional secret.

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

(5) A citizen shall have the right to demand the criminal record data for his/her own use, only if he/she can prove that such data are required for the purpose of the realization of his/her rights in a foreign state.

Amnesty

Article 87

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

Pardon

Article 88

Pardon shall grant to a specific individual immunity from criminal proceedings, complete or partial exemption from the execution of punishment, substitution of the imposed punishment by a more lenient one or by a suspended sentence, the annulment of a suspended sentence, early rehabilitation, the annulment or curtailment of the legal consequence of a sentence, the security measure of prohibition to drive a motor vehicle or the expulsion of an alien from the country.

CHAPTER NINE (ix)

THE MEANING OF THE TERMS USED IN THIS CODE

Article 89

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

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

(3) An *official person*, when referred to as the perpetrator of a criminal offense is an official elected or nominated to a representative body, a public official or a person performing official duties in bodies of the state administration, local self-government and administration, units of local self-government, the judiciary, the Constitutional Court of the Republic of Croatia, the State Attorney's Office, the Public Defense Attorney's Office or the Ombudsman's Office, the Office of the President of the Republic, or a body, an office or an expert agency of the Government of the Republic of Croatia and the Parliament of the Republic of Croatia, a judicial official, a judge of the Constitutional Court of the Republic of Croatia, the State Attorney of the Republic of Croatia and his/her deputies, the Public Defense Attorney of the Republic of Croatia and his/her deputies, the Ombudsman of the Republic of Croatia and his/her deputies or a notary public.

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

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

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

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

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

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

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

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

(12) A *state secret* is information which is stipulated as such by law, by some other regulation or by the bylaws of a competent body passed in accordance with the law, whose disclosure would cause harmful effects for the national security or the national interest of the Republic of Croatia.

(13) A *military secret* is information which is stipulated as such by law or some other regulation or by the bylaws of a competent body passed in accordance with the law.

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

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

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

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

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

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

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

(21) A *body of people* are at least five persons.

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

(23) An *organization of criminals* is an association of at least three persons gathered to commit criminal offenses. The activities of a higher-level organization of criminals are also directed towards realization and supervision of certain economic or other activities, using intimidation or violence to influence other persons to join them or to subdue to them. An organization of criminals is distinguished by a close connection among its members, its inner structure being based on hierarchical relationships and discipline and a division of work. An organization of criminals is the basis of the idea of organized crime.

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

(25) *Currency* denotes coins and bank-notes, being in circulation in the Republic of Croatia or in a foreign country in accordance with the law.

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

(27) A *movable object* also involves any generated or accumulated power for the purpose of providing light, heat or locomotion, including telephone units.

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

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

SPECIAL PART

CHAPTER TEN (x)

CRIMINAL OFFENCES AGAINST LIFE AND LIMB

Murder

Article 90

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

Capital Murder

Article 91

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

1. murders a child or a minor;
2. murders a female person knowing that she is pregnant;
3. murders another and by doing so intentionally endangers the life of one or more persons;
4. murders another in a very cruel or atrocious way;
5. murders from avarice;
6. murders another in order to commit or to cover up another criminal offense;
7. murders another out of unscrupulous vengeance or from other base motives;
8. murders an official person at the time when such a person acts in the execution of his/her duty of protecting constitutional order, safeguarding persons or property, discovering criminal offences, bringing in, arresting or preventing the escape of a perpetrator of a criminal offense, guarding persons deprived of liberty and keeping public order and peace.

Manslaughter

Article 92

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

Infanticide

Article 93

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

Killing on Request

Article 94

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

Negligent Homicide

Article 95

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

Aiding and Abetting Suicide

Article 96

(1) Whoever induces or aids and abets another to commit suicide which is accomplished shall be punished by imprisonment for six months to three years.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article against a juvenile, or against a person whose capability of understanding his/her own acts and of controlling his/her own will is significantly diminished, shall be punished by imprisonment for three months to five years.

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

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

Unlawful Termination of Pregnancy

Article 97

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

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

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

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

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

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

Bodily Injury

Article 98

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

Aggravated Bodily Injury

Article 99

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

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

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

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

Bodily Injury

Article 100

(1) Whoever inflicts serious bodily injury to another, or severely impairs a person's health (Article 99, paragraph 1) on the spur of the moment, after being brought without his/her fault into a state of strong irritation or fright by another person's attack, maltreatment or serious insult shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever inflicts particularly serious bodily injury to another, or very seriously impairs a person's health (Article 99, paragraph 2) on the spur of the moment, after being brought without his/her fault into a state of strong irritation or fright by a person's attack, maltreatment or serious insult, shall be punished by a fine or by imprisonment not exceeding three years.

(3) If the criminal offense of bodily injury resulting in death (Article 99, paragraph 3) has been committed on the spur of the moment, the perpetrator shall be punished by imprisonment for six months to five years.

Negligent Bodily Injury

Article 101

(1) Whoever inflicts serious bodily injury to another or severely impairs a person's health (Article 99, paragraph 1) by negligence shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever causes particularly serious bodily injury to another or severely impairs a person's health (Article 99, paragraph 2) by negligence shall be punished by a fine or by imprisonment not exceeding three years.

(3) If the criminal offense of bodily injury resulting in death (Article 99, paragraph 3) is committed by negligence, the perpetrator shall be punished pursuant to Article 95 of this Code.

Institution of Criminal Proceedings for Criminal Offenses of Bodily Injury

Article 102

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

(2) For the criminal offenses of aggravated bodily injury (Article 99, paragraph 1) bodily injury on the spur of the moment (Article 100, paragraph 1) and negligent bodily injury (Article 101, paragraph 1), if the perpetrator lives in or out of wedlock with the person against whom the criminal offense is committed, or is his/her relative by blood in a direct line, a sibling, an adopter or adoptee, criminal proceedings shall be instituted following a motion, except if the criminal offense is committed against a child or a juvenile.

Participation in an Affray

Article 103

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

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

Failure to Render Aid

Article 104

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

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

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

Deserting a Helpless Person

Article 105

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

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

CHAPTER ELEVEN (xi)

CRIMINAL OFFENCES AGAINST FREEDOMS AND THE RIGHTS OF MAN AND CITIZEN

Violation of the Equality of Citizens

Article 106

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

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

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

Violation of the Freedom of Expression

Article 107

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

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

Violating the Right to Peaceful Assembly and Public Protest

Article 108

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

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

Violation of the Freedom of Association

Article 109

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

Violation of the Freedom of Religion

Article 110

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

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

Violation of the Right to Strike

Article 111

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

Violation of the Right to Submit Petitions and Complaints

Article 112

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

Restriction of Printing and Distributing Printed Materials and of Broadcasting

Article 113

Whoever unlawfully restricts the printing, sale or distribution of books, journals, newspapers or other printed materials, or the producing and broadcasting of radio and television programs, as well as new agencies' programs, shall be punished by a fine or by imprisonment not exceeding one year.

Violation of the Right to Work and Other Labor Related Rights

Article 114

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

Violation of the Right to Health Care and Disability Protection

Article 115

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

Violation of the Freedom to Vote

Article 116

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

Denial of the Right to Vote

Article 117

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

Abuse of the Right to Vote

Article 118

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

Violation of the Secrecy of the Ballot

Article 119

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

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

Destruction of Ballot Documentation

Article 120

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

Electoral Fraud

Article 121

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

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

Infringing the Inviolability of a Person's Home

Article 122

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

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

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

Unlawful Search

Article 123

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

Unlawful Deprivation of Freedom

Article 124

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

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

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

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

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

Kidnapping

Article 125

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

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

(3) The court may refrain from imposing punishment if the perpetrator of the criminal offense referred to in paragraphs 1 and 2 of this Article voluntarily releases the hostage before his/her demands, for which kidnapping is committed, have been fulfilled.

Extortion of Statements by Coercion

Article 126

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

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

Maltreatment in the Execution of Service or Public Authority

Article 127

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

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

Coercion

Article 128

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

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

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

Article 129

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

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

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

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

Violating the Privacy of Correspondence and other Pieces of Mail

Article 130

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

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

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

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

Unauthorized Recording and Wiretapping

Article 131

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

(2) The punishment referred to in paragraph 1 of this Article shall be inflicted to a person who, by using special devices without authorization, taps or records a conversation or a statement not meant for him/her or who enables an unauthorized person to become familiar with a conversation or a statement listened to or

recorded without authorization, or, without authorization, taps or records another person's messages on a computer system.

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

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

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

Disclosure of Professional Secrets Without Authorization

Article 132

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

(2) The criminal offense referred to in paragraph 1 of this Article shall not apply if the secret is disclosed in the public interest or in the interest of another person which prevails over the interest of keeping the secret.

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

Unauthorized Use of Personal Data

Article 133

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

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

Disturbing the Peace of the Deceased

Article 134

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

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

CHAPTER TWELVE (xii)

CRIMINAL OFFENSES AGAINST THE REPUBLIC OF CROATIA

Treason

Article 135

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

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

Acceding to Occupation or Capitulation

Article 136

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

Endangering State Independence

Article 137

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

Assassination of the Highest State Officials

Article 138

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

Kidnapping the Highest State Officials

Article 139

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

Violence Against the Highest State Officials

Article 140

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

Anti-State Terrorism

Article 141

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

Armed Rebellion

Article 142

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

Act of Sabotage

Article 143

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

Disclosure of State Secrets

Article 144

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

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

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

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

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

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

Publishing the Contents of a State or Military Secret

Article 145

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

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

Espionage

Article 146

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

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

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

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

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

Preventing Fights Against Enemies

Article 147

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

Serving in the Enemy's Army

Article 148

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

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

Assisting the Enemy

Article 149

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

Undermining the Military and Defensive Power of the State

Article 150

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

Damaging the Reputation of the Republic of Croatia

Article 151

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

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

Article 152

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

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

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

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

Preparation of Criminal Offenses Against the Republic of Croatia

Article 153

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

Accessory After the Fact to Criminal Offenses Against the Republic of Croatia

Article 154

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

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

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

Article 155

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

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

CHAPTER THIRTEEN (xiii)

CRIMINAL OFFENSES AGAINST VALUES PROTECTED BY INTERNATIONAL LAW

Genocide

Article 156

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

War of Agression

Article 157

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

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

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

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

War Crimes Against the Civilian Population

Article 158

(1) Whoever, in violation of the rules of international law, at a time of war, armed conflict or occupation, orders an attack against the civilian population, settlements, civilian objects, individual civilians or *hors de combat*, resulting in loss of life, serious bodily injury or severe impairment to people's health, or orders an indiscriminate attack affecting the civilian population, or killings, torture or inhuman treatment of the civilian population, including the carrying out of biological, medical or other scientific experiments, the removal of tissues or organs for transplantation or causing great suffering or serious injury to body or health, or orders deportations or transfers, forced denationalization or the conversion of the population to another religion, or compulsion to prostitution or rape, or the imposition of measures of intimidation and terror; or whoever orders

hostages to be taken, collective punishment to be carried out, unlawful deportations to concentration camps and other unlawful confinements, the deprivation of the rights to a fair and just trial, coercion to be applied for people to serve in the armed forces of a hostile power or in its intelligence service or administration and to work in compulsive labor; or whoever imposes the starvation of the population, the confiscation of property, the unlawful and wanton destruction or large-scale appropriation of property not justified by military necessity, unlawful and disproportionately large contributions and requisitions, the devaluation of domestic currency or unlawful issuance of currency, or whoever commits any of the foregoing acts shall be punished by imprisonment for not less than five years or by long-term imprisonment.

(2) The same punishment as referred to in paragraph 1 of this Article shall be imposed on whoever, by violating the rules of international law at a time of war, armed conflict, occupation, orders: launching an attack against objects under special protection of international law or works or installations containing dangerous forces, such as dams, dykes and nuclear electrical generating stations; indiscriminate attacks affecting civilian objects under special protection of international law, as well as non-defended localities and demilitarized zones; long-term and widespread damage to the natural environment which can prejudice the health or survival of the population. Such punishment shall also be imposed on whoever commits any of the foregoing acts.

(3) Whoever, as part of an occupying power, in violation of the rules of international law, at a time of war, armed conflict or occupation, orders or performs the transfer of parts of the civilian population of the occupying force to the occupied territory shall be punished by imprisonment for not less than five years.

War Crimes Against the Wounded and Sick

Article 159

Whoever, in violation of the rules of international law, at a time of war or armed conflict, orders the killing, torture or inhuman treatment of the wounded, sick, shipwrecked persons or of medical or religious personnel, the conducting of biological and other scientific experiments on such persons, the removal of tissues or organs for transplantation, or causing great suffering or injury to physical integrity or health, or whoever orders the extensive unlawful and wanton destruction or appropriation of material, medical transports and supplies belonging to medical institutions or units not justified by military necessity, or whoever commits any of the foregoing acts shall be punished by imprisonment for not less than five years or by long-term imprisonment.

War Crime Against Prisoners of War

Article 160

Whoever, in violation of the rules of international law, orders the killing, torture or inhuman treatment of prisoners of war, including biological, medical or other scientific experiments, the removal of tissues or organs for transplantation, or the causing of great suffering or injury to physical integrity or health, or whoever compels a prisoner of war to serve in the forces of the hostile power, or orders a prisoner of war to be deprived of the rights to a fair and just trial, or whoever commits any of the foregoing acts shall be punished by imprisonment for not less than five years or by long-term imprisonment.

Unlawful Killing and Wounding the Enemy

Article 161

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

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

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

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

Article 162

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

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

Forbidden Means of Combat

Article 163

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

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

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

Injury of an Intermediary

Article 164

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

Brutal Treatment of the Wounded, Sick and Prisoners of War

Article 165

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

Unjustified Delay of the Repatriation of Prisoners of War

Article 166

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

Destruction of Cultural Objects or of Facilities Containing Cultural Objects

Article 167

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

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

Misuse of International Symbols

Article 168

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

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

International Terrorism

Article 169

(1) Whoever, with intent to harm a foreign state or an international organization, causes an explosion or fire or, by some generally dangerous act or device, endangers people or property or kidnaps a person or commits some other act of violence shall be punished by imprisonment for not less than three years.

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

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

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

Endangering the Safety of Internationally Protected Persons

Article 170

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

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

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

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

Taking of Hostages

Article 171

(1) Whoever kidnaps, seizes or detains and threatens to kill, to injure or to continue to detain another person in order to compel a certain state or an international organisation to do or abstain from doing any act as an explicit or implicit condition for the release of a hostage shall be punished by imprisonment for not less than one year.

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

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

Misuse of Nuclear Materials

Article 172

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

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

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

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

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

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

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

Abuse of Narcotic Drugs

Article 173

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

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

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

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

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

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

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

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

Racial and Other Discrimination

Article 174

(1) Whoever, on the basis of the difference of race, sex, color, national or ethnic origin, violates fundamental human rights and freedoms recognized by the international community shall be punished by imprisonment for six months to five years.

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

(3) Whoever publicly states or disseminates ideas on the superiority of one race over another or incites racial hatred or racial discrimination shall be punished by imprisonment for three months to three years.

Establishment of Slavery and Transport of Slaves

Article 175

(1) Whoever, in violation of the rules of international law, places another in slavery or in a similar status or keeps him/her in such a status, buys, sells, hands over to another person or mediates in the purchase, sale or handing over of such a person or induces someone else to sell his/her freedom or the freedom of the person he/she provides for or takes care of shall be punished by imprisonment for one to ten years.

(2) Whoever, in violation of the rules of international law, buys, sells, hands over to another person or mediates in the purchase, sale or handing over of a child or a minor for the purposes of adoption, transplantation of organs, exploitation of labour by minors, or for other illicit purposes, shall be punished by imprisonment for not less than five years.

(3) Whoever, in violation of the rules of international law, transports persons who are in a position of slavery or in a similar status shall be punished by imprisonment for six months to five years.

Torture and Other Cruel, Inhuman or Degrading Treatment

Article 176

An official or another person who, acting upon the instigation or with the explicit or implicit consent of a public official, inflicts on a person physical or mental pain or severe physical or mental suffering for such purposes as to obtain from him/her or a third person information or a confession, or punishes him/her for a criminal offense he/she or a third person has committed or is suspected of having committed or who intimidated or coerced him/her or for any other reason based on discrimination of any kind, shall be punished by imprisonment for one to eight years.

Unlawful Transfer of Persons Across the State Border

Article 177

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

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

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

International Prostitution

Article 178

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

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

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

(4) The fact whether the person procured, enticed, or led away, forced or deceived into prostitution has already been engaged in prostitution is of no relevance for the existence of a criminal offense.

Hijacking an Aircraft or a Ship

Article 179

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

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

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

Piracy on the Sea and in the Air

Article 180

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

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

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

Endangering the Safety of International Air Traffic and Maritime Navigation

Article 181

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

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

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without an aim to commit the hijacking of a ship or a vessel (Article 179) or the criminal offense of piracy (Article 180), by the destruction of, or damage caused to air navigational facilities or other damage to the ship or vessel, by placing or carrying into the ship or vessel an explosive or other device or substance capable of destroying or damaging the ship or vessel, by giving false information about the voyage of the ship or the condition of the vessel, by an act of violence against the crew members of the ship or vessel, or by another act of violence, endangers the safety of the voyage of the ship or the safety of the vessel.

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

Failure to Render Aid at Sea and Inner Waters

Article 182

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

Broadcasting Without Authorization

Article 183

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

Abuse of International Telecommunication Signals

Article 184

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

Breaking or Damaging Underwater Cables and Pipelines

Article 185

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

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

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

Damaging the Reputation of a Foreign State and International Organization

Article 186

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

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

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

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

Article 187

(1) Whoever organizes a group of people or in some other way joins three or more persons in common action for the purpose of committing the criminal offenses referred to in Articles 156, 158, 159 and 160 of this Code shall be punished by imprisonment for one to eight years.

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

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

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

CHAPTER FOURTEEN (xiv)

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

Rape

Article 188

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

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

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

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

(5) If the perpetrator lives in wedlock with the person against whom the criminal offense referred to in paragraph 1 of this Article is committed, criminal proceedings shall be instituted following a motion.

Sexual Intercourse With a Helpless Person

Article 189

(1) Whoever performs sexual intercourse or a sexual act of the same nature with another person, taking advantage of his/her mental illness, temporary mental disorder, mental deficiency or some other more severe mental disturbance or any other condition which prevents such a person from resisting, shall be punished by imprisonment for six months to five years.

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

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

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

Sexual Intercourse by Duress

Article 190

Whoever forces another person to sexual intercourse or to a sexual act of the same nature with a serious threat serious malice, shall be punished by imprisonment for three months to five years.

Sexual Intercourse by Abuse of Position

Article 191

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

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

Sexual Intercourse with a Child

Article 192

(1) Whoever performs sexual intercourse or a sexual act of the same nature on a child shall be punished by imprisonment for one to eight years.

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

(3) Whoever by abusing his/her position (Article 191, paragraph 2), performs sexual intercourse or a sexual act of the same nature on a child, shall be punished by imprisonment for one to ten years.

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

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

Lewd Acts

Article 193

Whoever, in the cases referred to in Articles 188 to 192 of this Code, where such criminal offenses were not attempted, commits only a lewd act, shall be punished by imprisonment for three months to three years.

Satisfying Lust in the Presence of a Child or a Juvenile

Article 194

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

Pandering

Article 195

(1) Whoever, for profit, organizes or assists another person in offering sexual services shall be punished by a fine or imprisonment not exceeding one year.

(2) Whoever, for profit, by force, or by threat to use force, or by deceit forces or induces another to offer sexual services shall be punished by a fine or imprisonment not exceeding three years.

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

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

(5) The fact whether the person who is procured has already been engaged in prostitution is of no relevance on the existence of the criminal offense referred to in this Article.

Abuse of Children or Juveniles in Pornography

Article 196

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

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

Introducing Pornography to Children

Article 197

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

(2) The objects and materials referred to in paragraph 1 of this Article shall be forfeited.

Incest

Article 198

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

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

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

CHAPTER FIFTEEN (xv)

CRIMINAL OFFENSES AGAINST HONOR AND REPUTATION

Insult

Article 199

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

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

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

Defamation

Article 200

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

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

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

Exposure of Personal or Family Conditions

Article 201

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

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

Reproach for a Criminal Offense

Article 202

(1) Whoever reproaches another for a committed criminal offense for which he/she is convicted by a final court judgment shall be punished by a fine of up to one hundred daily incomes or imprisonment not exceeding three months.

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

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

Article 203

There shall be no criminal offense in the case of the insulting content referred to in Article 199 and Article 200, paragraph 2, the defamatory content referred to in Article 200, paragraphs 1 and 2, the matter concerning personal or family conditions referred to in Article 201 and the reproach for a criminal offense referred to in Article 202 of this Code, which are realized or made accessible to other persons in scientific or literary works, works of art or public information, in the discharge of official duty, political or other public or social activity, or journalistic work, or in the defense of a right or in the protection of justifiable interests, if, from the manner of expression and other circumstances, it clearly follows that such conduct was not aimed at damaging the honor or reputation of another.

Institution of Criminal Proceedings for Criminal Offenses Against Honor and Reputation

Article 204

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

(2) If the criminal offenses referred to in Articles 199 and 200 of this Code are committed against the president of the Republic of Croatia, the president of the Parliament of the Republic of Croatia, the prime minister of the Republic of Croatia, the president of the Constitutional Court of the Republic of Croatia, the president of the Supreme Court of the Republic of Croatia in connection with their work or position, criminal proceedings shall be instituted by the State Attorney by virtue of his/her office, having previously obtained written consent from these persons.

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

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

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

Article 205

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

CHAPTER SIXTEEN (xvi)

CRIMINAL OFFENSES AGAINST MARRIAGE, FAMILY AND YOUTH

Bigamy

Article 206

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

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

Allowing a Contract of an Illicit Marriage

Article 207

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

Breach of Family Obligations

Article 208

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

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

Failure of the Obligation to Provide Maintenance

Article 209

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

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

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

Abduction of a Child or a Juvenile

Article 210

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

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

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

Change in Family Status

Article 211

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

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

Child Desertion

Article 212

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

Neglect and Maltreatment of a Child or a Juvenile

Article 213

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

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

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

Nonmarital Cohabitation with a Juvenile

Article 214

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

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

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

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

Article 215

(1) Whoever obstructs the execution of educational and other measures stipulated by the court or state authorities for the protection of a child or a juvenile shall be punished by a fine or imprisonment not exceeding one year.

(2) A responsible employee working in an institution or governmental body who, with an aim or by negligence, fails to implement decisions of the court or governmental bodies aimed at protecting a child or a juvenile whose health or development therefore becomes endangered shall be punished by a fine or by imprisonment not exceeding three years.

CHAPTER SEVENTEEN (xvii)

CRIMINAL OFFENSES AGAINST PROPERTY

Larceny

Article 216

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

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

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

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

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

Grand Larceny

Article 217

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

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

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

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

(3) Imprisonment for one to eight years shall be inflicted on a perpetrator who commits a larceny (Article 216, paragraph 1) as a member of a group while carrying a weapon or dangerous instrument for attack or defense.

Robbery

Article 218

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

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

Larceny by Extortion

Article 219

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

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

Embezzlement

Article 220

(1) Whoever illegally appropriates the movable property of another which has been entrusted to him/her shall be punished by a fine or by imprisonment not exceeding one year.

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

(3) If the criminal offense referred to in paragraph 1 of this Article is committed by guardian, he/she shall be punished by a fine or by imprisonment not exceeding three months.

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

(5) Whoever illegally appropriates movable property of another which he/she has found or accidentally come across shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

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

Abstraction of Movable Property of Another

Article 221

(1) Whoever unlawfully takes away movable property of another, so as to keep it in his/her possession, without an aim to appropriate it shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

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

(3) Criminal proceedings for the criminal offense referred to in paragraph 1 of this Article shall be instituted by a civil action, while, if state property has been taken, criminal proceedings shall be instituted following a motion.

Malicious Mischief

Article 222

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

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

(3) Criminal proceedings for the criminal offense referred to in paragraph 1 of this Article shall be instituted by a private charge, unless the criminal offense referred to in paragraphs 1 and 2 of this Article is committed against a piece of protected cultural or natural heritage, or the damaged object is state property.

Damage and Use of Data of Another

Article 223

(1) Whoever damages, alters, deletes, destroys or renders unusable electronic data or computer programs of another shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever despite protective measures, accesses without being authorized electronic data or a computer program shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(3) Criminal proceedings for the criminal offense referred to in paragraph 1 of this Article, provided that the electronic data or computer programs do not belong to a governmental body, shall be instituted following a motion.

(4) Special devices and means which were used in the perpetration of the criminal offense referred to in paragraphs 1 and 2 of this Article shall be forfeited.

Fraud

Article 224

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

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

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

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

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

(6) Whoever commits the criminal offense referred to in paragraph 1 of this Article solely for the purpose of causing damage to another shall be punished by a fine or by imprisonment not exceeding one year.

(7) An attempt of the criminal offense referred to in paragraphs 1, 2 and 3 of this Article is punishable.

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

Misuse of Insurance

Article 225

(1) Whoever, with an aim to collect insurance money from an insurer, destroys, damages or hides the object insured against destruction, damage, loss or larceny and subsequently reports the loss shall be punished by a fine or by imprisonment not exceeding one year.

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

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

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

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

Misuse of a Check and a Credit Card

Article 226

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

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

Breach of Trust

Article 227

(1) Whoever, in representing the interests of a person or in taking care of such a person's property fails to carry out his/her statutory duty or abuses the authority vested in him/her by statute or by a contract, causing thereby injury to the person whose interests he/she represents, shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed by a guardian or attorney-at-law, he/she shall be punished by imprisonment for three months to three years.

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

Violation of Another Person's Rights

Article 228

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

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

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

Violation of Copyright or of the Rights of Performing Artists

Article 229

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

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

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

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

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

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

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

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

Article 230

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

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

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

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

(5) If, by the perpetration of the criminal offense referred to in paragraphs 1, 2, and 3 of this Article, considerable pecuniary gain is acquired or considerable damage is caused, while the perpetrator acts with intent to acquire such pecuniary gain or to cause such damage, he/she shall be punished by imprisonment for 6 months to five years.

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

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

Article 231

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

transfers across the border or makes it accessible to the public shall be punished by a fine or by imprisonment not exceeding one year.

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

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

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

Violation of Patent Rights

Article 232

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

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

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

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

Usurious Contract

Article 233

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

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

Extortion

Article 234

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

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

Blackmail

Article 235

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

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

Concealing

Article 236

Whoever purchases, receives in pledge or otherwise acquires, conceals or resells an object which he/she knows was acquired by a criminal offense or what has been received for such an object as result of a sale or exchange, shall be punished by a fine or by imprisonment not exceeding three years.

Institution of Criminal Proceedings for Criminal Offenses Against Property

Article 237

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

CHAPTER EIGHTEEN (xviii)

CRIMINAL OFFENSES AGAINST PEOPLE'S HEALTH

Transmission of Contagious Diseases

Article 238

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

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

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

Transmission of Venereal Diseases

Article 239

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

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

Medical Malpractice

Article 240

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

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

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

Arbitrary Medical Treatment

Article 241

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

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

(3) There shall be no criminal offense referred to in paragraphs 1 and 2 of this Article when the law prescribes compulsory medical treatment, or treatment, surgical or other medical intervention performed on a person who is not conscious or is not capable of reasoning, when a close member of the family or legal representative is not accessible and when the postponement of treatment or intervention would endanger such a person's life or would cause a considerable deterioration of his/her health.

Illicit Transplantation of Parts of the Human Body

Article 242

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

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

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

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

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

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

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

Failure to Render Medical Aid

Article 243

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

Quackery

Article 244

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

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

Preparation and Production of Hazardous Drugs

Article 245

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

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

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

Carelessness in Preparation and Dispensing of Drugs

Article 246

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

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

Production and Circulating of Harmful Foodstuffs

Article 247

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

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

Careless Inspection of Meat Food

Article 248

(1) A veterinarian or another person authorized to inspect livestock for slaughter or meat intended for human nutrition who inspects livestock and meat contrary to professional standards or who does not perform the inspection which he/she is bound to perform, thus allowing the circulation of meat which is harmful to human health, shall be punished by a fine or by imprisonment not exceeding one year.

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

Serious Criminal Offenses Against People's Health

Article 249

(1) If, by the criminal offenses referred to in Article 238, paragraphs 1 and 2, Article 240, paragraphs 1 and 2, Article 241, paragraphs 1 and 2, Article 242, paragraphs 1 and 3, Article 243, Article 244, paragraphs 1 and 2, Article 246, paragraph 1, Article 247, paragraph 1 and Article 248, paragraph 1 of this Code, serious bodily injury to a person is caused, or his/her health is severely impaired, or the existing illness considerably deteriorates, the perpetrator shall be punished by imprisonment for one to eight years.

(2) If, by the criminal offenses referred to in paragraph 1 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for three to ten years.

(3) If, by the criminal offense referred to in Article 238, paragraph 3, Article 240, paragraph 3, Article 245, paragraph 2, Article 246, paragraph 2, Article 247, paragraph 2 and Article 248, paragraph 2 of this Article, serious bodily injury to a person is caused, or his/her health is severely impaired, or the existing illness considerably deteriorate, the perpetrator shall be punished by imprisonment for six months to five years.

(4) If, by the criminal offenses referred to in paragraph 3 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for one to eight years.

CHAPTER NINETEEN (xix)

CRIMINAL OFFENSES AGAINST THE ENVIRONMENT

Environmental Pollution

Article 250

(1) Whoever, contrary to the regulations, pollutes the air, soil, running, still or ground water, watercourses or the sea, or in some other way imperils the quality of air, soil, water, watercourses or the sea or the natural genetic harmony of biological diversity within a wide area and to an extent which can worsen the conditions of life of humans or animals, or endanger the existence of forests, plants and other vegetation, shall be punished by imprisonment for three months to five years.

(2) The same punishment referred to in paragraph 1 of this Article shall be inflicted on whoever pollutes the air, soil, running, still or ground water, watercourses or the sea, or in some other way imperils the quality of the air, soil, watercourses or the sea or the natural genetic harmony of biological diversity, thus causing danger for the life or health of humans or animals, or causes destruction or substantial damage to forests, plants and other vegetation within a wider area.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

Endangering the Environment by Noise

Article 251

(1) Whoever, contrary to the regulations, makes noise which is apt to cause substantial damage to the health of a number of persons shall be punished by a fine or by imprisonment not exceeding three years.

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

Endangering the Environment by Waste Disposal

Article 252

(1) Whoever, contrary to the regulations, disposes, deposits, collects, stores, treats or transports waste or in general handles it in a way which endangers the quality of the air, soil, water, watercourses or the sea within a wider area and to an extent which can worsen the conditions of life of humans or animals or endanger the existence of forests, plants and other vegetation shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever disposes, deposits, collects, stores, treats or transports waste or in general handles it in a way which endangers the quality of the air, soil, watercourses or the sea, thus causing danger for the life or health of humans or animals, or causes destruction or substantial damage to forests, plants and other vegetation within a wide area.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding one year.

*Importing of Radioactive or Other Hazardous Waste Into
the Republic of Croatia*

Article 253

(1) Whoever, contrary to the regulations, imports into the Republic of Croatia radioactive or other hazardous waste harmful to the life or health of humans shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever, by abusing his/her official position or authority, contrary to the regulations, enables radioactive or other hazardous waste harmful to the life or health of humans to be imported into the Republic of Croatia shall be punished by imprisonment for six months to five years.

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

Endangering the Environment with Installations

Article 254

(1) Whoever, contrary to the regulations, puts into operation or runs installations, or cancels the manufacturing processes in which hazardous substances are released which may endanger the quality of the air, soil, water, watercourses or the sea within a wide area and to an extent which can worsen the conditions of the life of humans or animals or endanger the existence of forests, plants and other vegetation shall be punished by a fine or by imprisonment not exceeding one year.

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

Transmission of Contagious Diseases among Animals and Plants

Article 255

(1) Whoever fails to comply with regulations or directions by which a competent state authority imposes measures for the suppression or prevention of contagious diseases among animals or plants, thus raising the danger of the spreading of such a disease or its agents or plant pests shall be punished by a fine or by imprisonment not exceeding one year.

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

Production of Harmful Drugs for Animals

Article 256

Whoever produces for the purpose of sale or circulates drugs for the treatment or prevention of infection among animals and which are dangerous for their life or health, so that consequently a large number of animals perishes, or the spreading of the contagious disease occurs, shall be punished by a fine or by imprisonment not exceeding one year.

Veterinary Malpractice

Article 257

(1) A veterinarian or veterinary assistant who, in rendering veterinary aid, or carrying out an examination, inoculation or treatment of an animal, does not adhere to the rules of the veterinary profession, so that consequently sickness, the deterioration of sickness or the death of the animal occurs, shall be punished by a fine or by imprisonment not exceeding one year.

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

Poaching Game

Article 258

(1) Whoever hunts game during the closed season or within an area where hunting is forbidden, or whoever hunts protected fauna species, or whoever hunts wild game of a particular species without the special license required for such hunting, or whoever hunts in a manner or with devices which are prohibited by regulation or which destroy game on a large scale, or whoever moves game from its habitat to another place without the approval of a competent state authority shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever hunts on the hunting ground of another, if his or her act does not constitute a criminal offense against property shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Poaching Fish

Article 259

(1) Whoever catches fish or other freshwater or sea animals or organisms during the closed season or within an area where fishing is forbidden, or whoever catches protected fish or other water or sea animals or organisms which are forbidden to be caught, or whoever catches fish or other freshwater or sea animals or organisms of particular species without the special license required for such catching, or whoever catches fish or other freshwater or sea animals or organisms using explosives, electric power, poison, dazing preparations or in

some other manner or with devices which are harmful to their procreation or which are prohibited by regulations, or whoever moves fish or other freshwater or sea animals or organisms from their habitat to another place without the approval of a competent state authority, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever catches fish or other freshwater or sea animals or organisms in the fishing preserve of another, if his or her act does not constitute a criminal offense against property shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(3) Criminal proceedings for the criminal offense referred to in paragraph 2 of this Article shall be initiated by a civil action.

Torturing Animals

Article 260

(1) Whoever severely maltreats an animal or exposes it to unnecessary sufferance or causes it unnecessary pains or exposes it to suffering as a result of giving vent to base instincts shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article so as to win a bet or otherwise procure pecuniary gain shall be punished by a fine or by imprisonment not exceeding one year.

(3) Whoever, by negligence or by withholding food or water or otherwise exposing an animal during its transport to a difficult condition through a long period of time shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

Devastation of Forests

Article 261

(1) Whoever, contrary to regulations or to the directions of competent state authorities, lumbers or clears a forest or whoever barks trees or in some other way devastates a forest, while not committing thereby some other criminal offense for which a more severe punishment is prescribed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article in a specially protected forest or in a forest which is a constituent part of a specially protected nature areas shall be punished by a fine or by imprisonment not exceeding two years.

Serious Criminal Offenses Against the Environment

Article 262

(1) If, by the criminal offense referred to in Article 250, paragraphs 1 and 2, Article 251, paragraph 1, Article 252, paragraphs 1 and 2, Article 253, paragraphs 1 and 2 and Article 254, paragraph 1 of this Code, serious bodily injury or severe impairment to the health of a number of persons is caused, or the death of one or more persons is caused, or if the changes caused by the pollution cannot be eliminated for a considerable period of time, or if an ecological catastrophe is caused, the perpetrator shall be punished by imprisonment for one to ten years.

(2) If, by the criminal offense referred to in Article 250, paragraph 3, Article 251, paragraph 2, Article 252, paragraph 3 and Article 254, paragraph 2 of this Code, the death of one or more persons is caused, or serious bodily injury or severe impairment to the health of a number of persons is caused, or if the changes caused by the pollution cannot be eliminated for a considerable period of time, or the quality of the environment is essentially diminished, the perpetrator shall be punished by imprisonment for one to five years.

(3) If by the criminal offense referred to in Article 255, paragraph 1, Article 256, paragraph 1 and Article 257, paragraph 3 of this Code, extensive material damage is caused, the perpetrator shall be punished by imprisonment for one to five years.

(4) If by the criminal offense referred to in Article 255, paragraph 2 and Article 257, Section 2 of this Code, extensive material damage is caused, the perpetrator shall be punished by imprisonment for one to three years.

CHAPTER TWENTY (xx)

CRIMINAL OFFENSES AGAINST THE PUBLIC SAFETY OF PERSONS AND PROPERTY AND SAFETY IN TRAFFIC

Endangering Life and Property by Dangerous Public Acts or Means

Article 263

(1) Whoever endangers the life or limb of people or property of considerable value by fire, flood, an explosive, poison or poisonous gas, ionizing radiation, mechanical force, electric or other power, or by some publicly dangerous act or publicly dangerous objects shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on an official or responsible person who does not install the statutory prescribed devices for protection against fire, explosion, flood, poison, poisonous gases or ionizing radiation, or does not maintain such devices in working condition, or fails to activate them in case of need, or fails to act in accordance with the regulations or technical rules on safety measures, endangering thereby the life and limb of people or property of considerable value.

(3) If the criminal offenses referred to in paragraphs 1 and 2 of this Article are committed at a place where a number of persons is gathered the perpetrator shall be punished by imprisonment for one to eight years.

(4) Whoever commits the criminal offenses referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding three years.

Destruction or Damage of Public Utility Installations

Article 264

(1) Whoever destroys, damages, changes, renders unusable, removes or disconnects a public utility installation for water, heat, gas, electric or other power, or does likewise to a communications system installation, thus causing disorder to the ordinary life of citizens, shall be punished by imprisonment for six months to five years.

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

Damage of Safety Equipment at Work

Article 265

(1) Whoever destroys, damages, removes, disconnects or otherwise renders unusable or inefficient safety equipment in a mine, factory, workshop or another place where a work is performed, and thereby

endangers life and limb of people or property of considerable value, shall be punished by imprisonment for one to five years.

(2) A responsible person in a mine, factory, workshop, or another place where a work is performed does not install safety equipment, or does not maintain them in working condition, or fails to put them in operation in case of need, or fails to act in accordance with regulations on measures of safety at work, endangering thereby life and limb of people or property of considerable value, shall be punished by a fine or imprisonment not exceeding three years.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 of this Article by negligence, shall be punished by a fine or imprisonment not exceeding one year.

Dangerous Execution of Construction Works

Article 266

(1) Whoever in designing, supervision or construction of a building or execution of any construction work, or demolition of a building, by acting contrary to regulations or generally recognized professional standards, endangers life of people or property of considerable value, shall be punished by a fine or imprisonment not exceeding three years.

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

Handling Publicly Dangerous Substances

Article 267

(1) Whoever without authority makes, manufactures, collects, hides or transports contrary to regulations ionizing or other substances which can cause a public danger to the live of people or property of considerable value, or whoever enables another to acquire such substances without authority, or prevents another to acquire them with authority, shall be punished by a fine or imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever contrary to regulations on traffic of explosives or easily inflammable materials hands over the explosive or easily inflammable material to be transported by a public transport conveyance, or transports such material himself/herself using a public transport conveyance.

(3) Ionizing or other substances referred to in paragraph 1 of this Article shall be forfeited.

Destroying or Damaging of Danger Signs

Article 268

(1) Whoever destroys, damages, removes or in any way renders unusable or unnoticeable a sign or device warning of certain danger or serving for the safety of land, sea, water or air traffic, shall be punished by a fine or imprisonment not exceeding one year.

Failure to Avert a Danger

Article 269

(1) Whoever fails to undertake measures to avert immanent danger of fire, flood, explosion, traffic accident or some other immanent danger to the life of people or property of considerable value, by timely

notifying competent service or in some other way, although he/she could have done so without considerable danger to himself/herself or another, shall be punished by a fine or imprisonment not exceeding one year.

(2) Whoever, by dissuasion or in some other way, thwarts another in undertaking measures toward averting a public danger to the life of people or property of considerable value, shall be punished by a fine or imprisonment not exceeding two years.

(3) An attempt of the criminal offense referred in paragraph 2 of this Article is punishable.

Failure to Participate in Averting of a Public Danger

Article 270

Whoever, contrary to the order of a competent state authority, without justified reason refuses to participate in averting of a public danger to the life of people and property of considerable value, shall be punished by a fine of up to one hundred daily incomes or imprisonment not exceeding three months.

Serious Criminal Offenses Against Public Safety

Article 271

(1) If by the criminal offense referred to in Article 263, paragraphs 1, 2 and 3, Article 264, paragraph 1, Article 265, paragraphs 1 and 2 and Article 266, paragraph 1 of this Code serious bodily injury of another or extensive material damage is caused, the perpetrator shall be punished by imprisonment for one to ten years.

(2) If by the criminal offense referred to in Article 263, paragraphs 1, 2 and 3, Article 264, paragraph 1, Article 265, paragraphs 1 and 2 and Article 266, paragraph 1 of this Code the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for three to twelve years.

(3) If by the criminal offense referred to Article 263, paragraph 4, Article 264, paragraph 2, Article 265, paragraph 3, Article 266, paragraph 2 of this Code serious bodily injury of another or extensive material damage is caused, the perpetrator shall be punished by imprisonment for six months up to five years.

(4) If by the criminal offense referred to in Article 263, paragraph 4, Article 264, paragraph 2, Article 265, paragraph 3 and Article 266, paragraph 2 of this Code the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for one to eight years.

Causing Traffic Accident

Article 272

(1) Whoever, by violating regulations on traffic safety, endangers the traffic in such a manner that he/she causes an accident in which another is seriously bodily injured, or extensive material damage is caused to another, shall be punished by imprisonment for six months to five years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or imprisonment not exceeding three years.

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

(4) If by the criminal offense referred in paragraph 2 of this Article the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for six months to five years.

*Failure to Render Aid to a Person Being Seriously Bodily
Injured in a Traffic Accident*

Article 273

(1) A driver of a motor vehicle or some other transportation conveyance who leaves without aid a person who is seriously bodily injured by the motor vehicle or transportation conveyance, shall be punished by a fine or imprisonment not exceeding one year.

(2) If by the criminal offense referred to in paragraph 1 of this Article the death of one or more persons is caused, the perpetrator shall be punished by a fine or imprisonment not exceeding three years.

CHAPTER TWENTY-ONE (xxi)

**CRIMINAL OFFENSES AGAINST THE SAFETY OF PAYMENT AND BUSINESS
OPERATIONS**

Counterfeiting of Money

Article 274

(1) Whoever counterfeits money with an aim that it be brought into circulation as genuine, or whoever alters genuine money with an aim that it be brought into circulation, or whoever brings such counterfeit money into circulation, shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever procures counterfeit money with an aim that it be brought into circulation as genuine.

(3) Whoever brings into circulation counterfeit money received by him/her as genuine, being aware that it has been counterfeited or altered, shall be punished by a fine or by imprisonment not exceeding one year.

(4) Counterfeit money shall be forfeited.

Counterfeiting of Securities

Article 275

(1) Whoever counterfeits securities issued pursuant to regulations with the intent that they be brought into circulation as genuine, or whoever alters genuine securities to give them the appearance of a higher value with an aim that they be brought into circulation as genuine, or whoever brings such securities into circulation, shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever procures counterfeit securities with an aim that they be brought into circulation as genuine.

(3) Whoever brings into circulation securities received by him/her as genuine, knowing or finding out that these have been counterfeited or altered, shall be punished by a fine or by imprisonment not exceeding one year.

(4) Counterfeit securities shall be forfeited.

Counterfeiting of Value Tokens

Article 276

(1) Whoever counterfeits tax stamps or postage stamps or other value tokens issued pursuant to regulations, or whoever alters some of these genuine value tokens with an aim that they be used as genuine or conveyed to another for use, or whoever uses such counterfeit tokens as genuine or procures them with such an aim, shall be punished by imprisonment for six months to five years.

(2) Whoever removes the seal from a value token or in some other way treats the already used value token so as to give it the appearance of an unused token, or whoever uses or sells an already used value token as valid, shall be punished by a fine or by imprisonment not exceeding three years.

(3) Counterfeit value tokens shall be forfeited.

*Manufacturing, Supplying, Possessing, Selling
or Providing of Instruments of Forgery*

Article 277

(1) Whoever manufactures, supplies, possesses, sells or provides instruments for counterfeiting value tokens issued pursuant to regulations shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever manufactures, supplies, possesses, sells or provides instruments for counterfeiting money or securities issued pursuant to regulations shall be punished by imprisonment for six months to five years.

(3) The instruments referred to in paragraphs 1 and 2 of this Article shall be forfeited.

*Forgery of Trade-Marks,
Measures and Weights*

Article 278

(1) Whoever, with an aim to use as genuine, makes false trademarks used for the identification of domestic or foreign commodities, such as seals, stamps or hallmarks for branding gold, silver, livestock, wood or some other commodities, or alters such genuine trademarks, or whoever uses false trademarks as genuine, shall be punished by imprisonment for three months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever forges measures or weights.

(3) Whoever, without authority manufactures, supplies, sells or provides instruments to make trademarks or false measures and weights shall be punished by a fine or by imprisonment not exceeding three years.

(3) False trademarks, measures and weights shall be forfeited.

Money Laundering

Article 279

(1) Whoever, in banking, financial or other economic operations, invests, takes over, exchanges or otherwise conceals the true source of money, objects or rights procured by money which he/she knows to be acquired by a criminal offense for which imprisonment for five years can be imposed, or by a criminal offense committed as a member of a group or criminal organization, shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 this Article shall be inflicted on whoever acquires, possesses or brings into circulation for himself/herself or for another the money, objects or rights referred to in paragraph 1 of this Article, although at the moment of acquisition he/she knew the origin of such.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 of this Article as a member of a group or a criminal organization shall be punished by imprisonment for one to ten years.

(4) Whoever, committing the criminal offense referred to in paragraphs 1 and 2 of this Article acts negligently regarding the fact that the money, objects or rights are acquired by the criminal offense referred to in paragraph 1 of this Article shall be punished by imprisonment for three months to three years.

(5) If the money, objects or rights referred to in paragraphs 1, 2 and 4 of this Article are acquired by a criminal offense committed in a foreign state, such an offense shall be evaluated pursuant to the provisions of Croatian criminal legislation taking into consideration the provisions of Article 16, paragraphs 2 and 3 of this Code.

(6) The money and objects referred to in paragraphs 1, 2 and 4 of this Article shall be forfeited while the rights referred to in paragraphs 1, 2 and 4 shall be pronounced void.

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

Violating Equality in Performing Economic Activities

Article 280

(1) Whoever, by abusing his/her official position or authority, limits the free movement of capital, labor and means of reproduction within a certain area, withholds or limits the right of a company to be engaged within a certain area in trading with commodities and services, places a company at a disadvantageous position in relation to other companies or organizations regarding conditions of working or of trading with commodities and services, or limits the free exchange of commodities and services shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever exploits his/her social position or influence so that the offense referred to in paragraph 1 is committed.

Preference of Creditors

Article 281

(1) Whoever, with knowledge of his/her insolvency, gives in payment of a debt or otherwise a preference to a creditor in collecting claims, causing thus damage to at least one of his/her other creditors, shall be punished by a fine or by imprisonment not exceeding one year.

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

Misuse of Bankruptcy

Article 282

(1) Whoever, with knowledge of his/her own indebtedness or insolvency, stops collecting his/her claims with an aim to diminish the future bankruptcy estate, spends excessively, gives away property considerably below its value, assumes unreasonable liability, recklessly takes or gives loans, does business with an insolvent person, omits collecting his/her claims on time, or in some other way which is in obvious

contrariety to the requirements of the proper conduct of business, decreases his/her assets shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a responsible person in a legal entity who commits the criminal offense specified in paragraph 1 of this Article.

(3) Whoever commits a criminal offense referred to in paragraphs 1 and 2 of this Article by negligence shall be punished by a fine or by imprisonment not exceeding three years.

Malpractice in Compulsory Settlement or Bankruptcy Proceedings

Article 283

(1) Whoever, in compulsory settlement or in bankruptcy proceedings, files a false claim or claims in a false order of settlement, so as to realize a right not due to him or her, shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a creditor, member of a board of creditors, or a bankruptcy trustee who, for himself/herself or for another, accepts pecuniary gain or a promise of pecuniary gain to vote in a certain way, or to omit to vote, or to act in some other manner in order to damage at least one creditor in the compulsory settlement or bankruptcy proceedings.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever gives or promises pecuniary gain to a creditor, a member of a board of creditors or a bankruptcy trustee to commit the criminal offense referred to in paragraph 2 of this Article.

Deceiving Buyers

Article 284

(1) Whoever, with an aim to deceive buyers, brings into circulation products bearing a mark containing data not corresponding to the contents, kind, origin or quality of the product, or puts a mark of protection on products which are not protected, or brings into circulation products which by their weight or quality do not correspond to standards assumed for such products, or brings into circulation products bearing no indication as to their contents, kind, origin or quality when such an indication is prescribed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever, with an aim to deceive buyers, falsely announces reductions in the prices of products, the sale of goods at reduced prices or otherwise by false advertising deceives buyers regarding the prices of the products he/she sells, shall be punished by a fine not exceeding one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Infringement of Industrial Property Rights and Unauthorized Use of Another's Company Name

Article 285

(1) Whoever, contrary to regulations on industrial property, infringes another's seal, model or pattern, the mark of origin of a product, or some other industrial property right, except that of invention (Article 232), shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without authorization makes, imports, carries across the border, offers, brings into circulation, stores or uses a product protected pursuant to paragraph 1 of this Article.

(3) Whoever without authorization uses a trademark of another or inserts into it features of respective special marks or characteristics of the rights referred to in paragraph 1 of this Article, shall be punished by a fine or by imprisonment not exceeding three years.

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

(5) Instruments which are intended to be used or are used for the perpetration of the criminal offense referred to in paragraph 1 of this Article shall be forfeited and destroyed.

Evasion of Tax and Other Levies

Article 286

Whoever, with an aim that he/she or another evades wholly or in part payment of tax, social security or health insurance contributions, other statutory contributions or levies, furnishes false data on legally acquired income, on items or other facts relevant for the assessment of such an obligation, or whoever, with the same aim, in the case of a mandatory tax return, does not report legally acquired income, or an item or other facts relevant for the assessment of such obligations which he/she is bound to report by law, whereas the amount of the obligation whose payment is being evaded exceeds ten thousand Kunas, shall be punished by imprisonment for six months to five years.

Violation of the Obligation to Keep Business Books

Article 287

Whoever fails to keep trade or business books which he/she is required to keep pursuant to law, or keeps them in such a way that examination of business operations or pecuniary status is rendered difficult, or destroys, conceals, damages to a large extent or otherwise renders unusable trade or business books and records which he/she is bound to keep, shall be punished by imprisonment for three months to five years.

Creation of a Monopolistic Position in the Market

Article 288

Whoever in a company or other legal entity enters into an agreement by which another company or organization is restrained from the free circulation of goods or services within a determined area or with certain companies or organizations or enters into an agreement by which in some other way a monopolistic position is created in the market for a company or organization shall be punished by imprisonment for six months to five years.

Unfair Competition in Foreign Trade Operations

Article 289

(1) A representative of a company who, knowing that another local company has reached agreement with a foreign company regarding a foreign trade operation, or that the conclusion of a contract is forthcoming, makes an offer to sell or purchase the same kinds of goods or render the same service to this foreign company, so that as a result the foreign company withdraws from concluding the contract, or forms a contract under less favorable terms to the local firm, shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the perpetrator of the criminal offense referred to in paragraph 1 of this Article realizes a pecuniary gain, he/she shall be punished by imprisonment for six months to five years.

Illicit Trade in Gold

Article 290

(1) Whoever, contrary to regulations, sells or buys gold or gold coins which have considerable value, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever organizes a network of middlemen or resellers for the purpose of committing the criminal offense referred to in paragraph 1 of this Article shall be punished by a fine or by imprisonment not exceeding three years.

(3) The gold and gold coins which are the subject of the criminal offense referred to in paragraphs 1 and 2 of this Article shall be forfeited.

Economic Mismanagement

Article 291

A responsible person in a legal entity not holding a majority interest who, by knowingly violating the law or other regulations on business operations, obviously conducts business carelessly and causes thereby considerable pecuniary damage to such a legal entity shall be punished by a fine or by imprisonment not exceeding three years.

Abuse of Authority in Economic Business Operations

Article 292

(1) A responsible person in a legal entity who, with an aim to acquire illegal pecuniary gain for his/her own legal entity or any other legal entity,

- creates or keeps illicit funds within the country or in a foreign state,
 - falsely presents the position and flow of funds and the success of business operations by drawing up deeds of untrue content, false balances, estimates or stock-inventories, or other types of false representation or concealment of facts,
 - puts the legal entity in a more favorable position when obtaining funds or other favors which would not be conceded to the legal entity pursuant to the existing regulations,
 - in fulfilling obligations towards budgets and funds, withholds funds due to these,
 - uses earmarked funds disposed of contrary to their purpose,
 - in some other way seriously violates the law or rules of business operations regarding the use and management of property,
- shall be punished by imprisonment for six months to five years.

(2) If by the criminal offense referred to in paragraph 1 of this Article, considerable pecuniary gain is acquired, while the perpetrator acted with intent to acquire such gain, he/she shall be punished by imprisonment for one to eight years.

Fraud in Economic Operations

Article 293

(1) Whoever, as a representative or agent of a legal entity, with an aim to acquire illegal pecuniary gain for this or another legal entity, by use of uncollectible payment orders, uncovered checks, or who otherwise

misleads another or keeps such a person in mistaken belief, inducing him/her to the detriment of his/her own property or the property of another to do or not to do something, shall be punished by imprisonment for six months to five years.

(2) If, by the perpetration of the criminal offense referred to in paragraph 1 of this Article considerable pecuniary gain is acquired or considerable damage is caused, while the perpetrator acts with an aim to acquire such gain or to cause such damage, he/she shall be punished by imprisonment for one to eight years.

Entering into a Prejudicial Contract

Article 294

(1) Whoever, as a representative or an agent of a legal entity in which he/she does not hold a majority interest, concludes a contract which he/she knows to be prejudicial to the legal entity, or enters into a contract contrary to the authority given to him/her, causing thereby damage to the legal entity, shall be punished by imprisonment for six months to five years.

(2) If the perpetrator of the criminal offense referred to in paragraph 1 of this Article accepts a bribe for so acting, he/she shall be punished by imprisonment for one to ten years.

Disclosure and Unauthorized Procurement of a Business Secret

Article 295

(1) Whoever, without authorization, communicates, delivers or in some other way makes accessible to another data which are a business secret, or whoever collects such data with an aim to deliver them to an unauthorized person, shall be punished by imprisonment for one to five years.

(2) If data which are a business secret are disclosed or acquired with a view to transmitting them abroad, or if the perpetrator accepts a bribe for so acting, he/she shall be punished by imprisonment for one to ten years.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 by negligence shall be punished by imprisonment not exceeding two years.

Illicit Manufacturing

Article 296

(1) Whoever manufactures or processes items or goods whose production is forbidden, and if, by such an act, some other criminal offense for which a more severe punishment is prescribed has not been committed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Items and goods which are illicitly manufactured shall be forfeited.

Illicit Trade

Article 297

(1) Whoever, without authorization, buys, sells or exchanges items or goods whose distribution is forbidden or limited, and if, by such an act, some other criminal offense for which a more severe punishment is prescribed has not been committed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Items and goods which are illicitly traded shall be forfeited.

Avoiding Customs Control

Article 298

(1) Whoever carries a large quantity of goods across the customs line, avoiding measures of customs control, shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever organizes a group or persons for the perpetration of the criminal offense referred to in paragraph 1 of this Article, or a network of resellers or middlemen for the sale of goods not cleared by customs, shall be punished by imprisonment for six months to five years.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever carries across the customs line, avoiding measures of customs control, goods whose manufacture or distribution are limited or forbidden.

(4) Whoever organizes a group or persons for the commission of the criminal offense referred to in paragraph 3 of this Article, shall be punished by imprisonment for one to eight years.

(5) The attempt of the criminal offense referred to in paragraphs 1 and 3 of this Article is punishable.

(6) Goods which are the subject of the criminal offense referred to in paragraph 1 of this Article shall be forfeited.

CHAPTER TWENTY-TWO (xxii)

CRIMINAL OFFENSES AGAINST THE JUDICIARY

Failure to Report the Preparation of a Criminal Offense

Article 299

(1) Whoever knows that the perpetration of a serious criminal offense, for which a punishment of five years of imprisonment or a more severe punishment is prescribed by law, is being prepared and fails to report this when it is still possible to avert its perpetration, and such an offense is attempted or committed, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article regarding a criminal offense for which long-term imprisonment is prescribed by law, shall be punished by imprisonment for three months to three years.

(3) There shall be no criminal offense referred to in paragraphs 1 and 2 of this Article if it is committed by a person who lives in or out of wedlock with the person who is preparing the criminal offense, or if such a person is his/her relative by blood in a direct line, or a sibling, or an adopter or adoptee.

(4) The punishment can be mitigated for the perpetrator of the criminal offense referred to in paragraph 2 of this Article who is, with the person who is preparing the perpetration of a criminal offense, in some respective relationship referred to in paragraph 3 of this Article.

Failure to Report a Criminal Offense

Article 300

(1) Whoever knows that a serious criminal offense, for which long-term imprisonment is prescribed by law, was committed and fails to report it, although he/she knows that by reporting it the discovery of the offense

or the perpetrator would be enabled or considerably facilitated, shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on an official or responsible person who fails to report the perpetration of a criminal offense which comes to his/her knowledge in discharge of his/her duty, if, for such a criminal offense, criminal proceedings are not instituted by a private charge or following a motion.

(3) There shall be no criminal offense referred to in paragraphs 1 and 2 of this Article if it is committed by a person who lives in or out of wedlock with the person who has perpetrated unreported criminal offense, or is to such a person a relative by blood in a direct line, a sibling, an adopter or adoptee, attorney-at-law, defense counsel, notary public, physician, dentist, midwife or other health provider, psychologist, guardian, religious confessor or by another person in the performance of his/her profession.

Accessory After the Fact

Article 301

(1) Whoever harbors or conceals the perpetrator of a serious criminal offense for which a punishment of five years of imprisonment or a more severe punishment is prescribed by law or aids him/her not to be discovered by concealing instruments with which the criminal offense was committed, the traces or proceeds* of the criminal offense or otherwise aids him/her, shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever harbors or conceals a person who is convicted to imprisonment, or otherwise obstructs the execution of such a punishment.

(3) A punishment may not be inflicted on the perpetrator referred to in paragraph 2 of this Article which is more severe than the one to which the person to whom the perpetrator rendered aid was convicted.

(4) There shall be no criminal offense referred to in paragraphs 1 and 2 of this Article if it is committed by a person who lives in or out of wedlock with the person who is offered help, or if such a person is to him/her a relative by blood in a direct line, a sibling, or an adopter or adoptee.

* objects derived from or obtained through the perpetration of the criminal offense.

False Report of a Criminal Offense

Article 302

(1) Whoever reports that a person has committed a criminal offense for which criminal proceedings are not instituted by a private charge or following a motion, despite knowing this not to be true, or whoever, by supposition of traces or otherwise, causes the institution of criminal proceedings against a person whom he/she knows not to be the perpetrator of the criminal offense shall be punished by a fine or imprisonment not exceeding three years.

(2) Whoever reports that a criminal offense, for which criminal proceedings are not instituted by a private charge or following a motion, was committed, despite knowing this not to be true, or whoever charges himself/herself with the perpetration of a criminal offense, although he/she has not committed it, shall be punished by a fine of up to one hundred daily incomes or imprisonment not exceeding three months.

Making a False Statement

Article 303

(1) A witness, expert-witness, translator or interpreter who, in proceedings before the court, administrative proceedings, proceedings before a notary public or disciplinary proceedings, makes a false statement shall be punished by a fine or by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a party in proceedings who makes a false statement, if, on such a statement the final decision in these proceedings is based.

(3) If, as a result of the criminal offense referred to in paragraph 1 of this Article, serious consequences for the accused in criminal proceedings are caused, the perpetrator shall be punished by imprisonment for three months to five years.

(4) If the perpetrator of the criminal offense referred to in paragraph 1 of this Article, prior to the final decision, voluntarily withdraws his/her false statement, the court may remit the punishment.

Obstruction of Evidence

Article 304

(1) Whoever, in proceedings before the court, administrative proceedings, proceedings before a notary public or disciplinary proceedings, by force, threat or another form of coercion, or by the promise of a gift or some other benefit, induces the witness or expert-witness to make false testimony, shall be punished by imprisonment for six months to five years.

(2) Whoever, with an aim to prevent or considerably hamper the presentation of evidence in proceedings before the court, administrative proceedings, proceedings before a notary public or disciplinary proceedings, conceals, damages or destroys an object or document of another serving as evidence shall be punished by a fine or by imprisonment not exceeding one year.

(3) The same punishment as referred to in paragraph 2 of this Article shall be inflicted on whoever, with an aim to prevent or considerably hamper the presentation of evidence in proceedings before the court or in administrative proceedings, removes, destroys, relocates or shifts a boundary stone, geodetic mark, or in general any other mark intended to indicate ownership or some other real property right, or a water right, or whoever, with the same aim, falsely installs such a mark.

Breach of Secrecy of Proceedings

Article 305

(1) Whoever, without authorization, discloses what has come to his/her knowledge in proceedings before the court, administrative proceedings, proceedings before a notary public or disciplinary proceedings or what, pursuant to the law or a decision based upon the law, is deemed to be a secret, shall be punished by a fine of up to one hundred daily incomes or by imprisonment not exceeding three months.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without the court's permission, publishes the course of criminal proceedings against a juvenile or the decision in such proceedings.

Sedition of Persons in Official Detention

Article 306

(1) Whoever, in an institution wherein he/she is placed pursuant to a lawful decision depriving him/her of liberty, participates in gathering persons who are deprived of liberty, with an aim to set themselves free by

force, or to jointly attack official persons in such an institution, or to coerce them by force, or threat of immediate use of force, to do or omit to do an act in breach of their duty shall be punished by imprisonment for three months to three years.

(2) The perpetrator of the criminal offense referred to in paragraph 1 of this Article who uses force or threatens to use it shall be punished by imprisonment for six months to five years.

(3) To a perpetrator of the criminal offense referred to in paragraph 1 of this Article who, on the call of an official person, abstains from assembling, the court may remit the punishment.

Escape of a Detained Person

Article 307

(1) Whoever, by force or threat of immediate attack upon the life or limb of a person escapes from the institution wherein he/she is placed pursuant to a lawful decision depriving him/her of liberty shall be punished by imprisonment for three months to three years.

(2) Whoever, by force or threat of immediate attack upon the life or limb of a person or by deceit, enables to escape a person who is deprived of liberty pursuant to a lawful decision shall be punished by a fine or by imprisonment not exceeding one year.

Thwarting Prohibitions Contained in Security Measures and Legal Consequences of Conviction

Article 308

(1) Whoever enables a person to perform a certain profession, activity, duty, or certain jobs, despite knowing that against such a person a security measure is applied, or against whom the legal consequences of a conviction have become effective, for reasons of which such performance is forbidden or is not allowed, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(2) The same punishment referred to in paragraph 1 of this Article shall be inflicted on whoever enables a person to drive a motor vehicle, although he/she knows that the security measure of the prohibition to drive a motor vehicle is ordered against such a person.

Duress Against Judicial Officials

Article 309

(1) Whoever makes demands on a judge, State Attorney, notary public, Public Defense Attorney by force, threat or another form of coercion, to undertake actions or pass a decision, within or outside the framework of his/her authority, or whoever mediates in such acts or demands, if by so acting some other criminal offense for which a more severe punishment is prescribed is not committed, shall be punished by imprisonment for six months to five years.

(2) Whoever, during proceedings before a court, but prior to the rendering of the final judgment, expounds his/her opinion in the public media, at a public rally or in front of a body of persons on how the official engaged in the administration of justice should act in this case, or which decisions should be passed, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

(3) There shall be no criminal offense referred to in paragraph 2 of this Article if the act is committed by the defendant or his/her defense counsel, if they express their opinion upon an official statement to the general public by the State Attorney or the judge involved in the respective case.

Unlicensed Legal Services

Article 310

(1) Whoever is engaged in offering legal aid without authorization, shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without authorization offers legal aid to another for reimbursement settled in advance or settled subsequently.

CHAPTER TWENTY-THREE (xxiii)

CRIMINAL OFFENSES AGAINST AUTHENTICITY OF DOCUMENTS

Forgery of a Document

Article 311

(1) Whoever fabricates a false document or falsifies a genuine one, for the purpose of using such a document as genuine, or whoever uses false or falsified document as genuine, or procures one for use, shall be punished by a fine or by imprisonment not exceeding three years.

(2) Whoever commits the criminal offense referred to in paragraph 1 of this Article in regard of a public document, certificate of citizenship, will, bill of exchange, check, public or official book which has to be kept pursuant to the law shall be punished by imprisonment for three months to five years.

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

Forgery of an Official Document

Article 312

(1) An official or responsible person who, in an official or business document, book or file enters untrue data, or does not enter an important fact, or with his/her signature and/or official seal verifies such a document, book or file with untrue contents, or who with his/her signature and/or official seal enables a document, book or file with untrue contents to be prepared, shall be punished by imprisonment for three months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on an official or a responsible person who uses in a service or business an untrue official or business document, book or file as if they were true, or who destroys, conceals, or damages to a large extent or otherwise renders unusable a true document, book or file.

Special Cases of Forgery of a Document

Article 313

(1) The following persons shall also be deemed perpetrators of the criminal offense of forging a document:

- a) whoever, without authorization, inserts a statement having value in legal relationships in any paper, blank or other object duly signed by another person,
- b) whoever deceives another regarding the contents of a document, so that he/she signs such a document in the belief of signing some other document or contents,
- c) whoever issues a document on behalf of another without his/her authorization, or on behalf of a non-existing person,
- d) whoever, in issuing a document, adds to his/her signature a position or rank which he/she does not hold, while this has an essential influence upon the evidentiary value of the document,
- e) whoever drafts a document in such a way that he/she without authorization uses the genuine seal or mark.

Making, Supplying, Possessing, Selling or Providing Means of Forging Documents

Article 314

(1) Whoever makes, supplies, possesses, sells or provides the means of forging documents shall be punished by a fine or by imprisonment not exceeding three years.

(2) The means of forging referred to in paragraph 1 of this Article shall be forfeited.

Certification of Untrue Content

Article 315

(1) Whoever, by deceiving a competent body, causes such a body in a public document, minutes or a book to certify any untrue content intended to serve as evidence in legal relationships shall be punished by imprisonment for three months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever uses such a document, minutes or a book, despite knowing it to be untrue.

Issuance and Use of False Medical or Veterinary Health Certificates

Article 316

(1) A physician, dentist or veterinarian who issues a false medical or veterinary certificate shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever makes use of a medical or veterinary certificate, despite knowing it to be false, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

CHAPTER TWENTY-FOUR (xxiv)

CRIMINAL OFFENSES AGAINST PUBLIC ORDER

Obstructing an Official in the Performance of an Official Duty

Article 317

(1) Whoever, by force or threat of immediate use of force prevents an official from performing an official act falling within the scope of his/her authority or, by using the same means, coerces him/her to perform an official act shall be punished by imprisonment for three months to three years.

(2) Whoever, in the course of committing the criminal offense referred to in paragraph 1 of this Article, maltreats an official, inflicts slight bodily injury upon him/her or threatens to use a weapon shall be punished by imprisonment for six months to five years.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 of this Article against a person authorized to help an official in the performance of an official act shall be punished as if he/she had committed the offense against the official.

(4) If the perpetrator of the offense referred to in paragraphs 1, 2 and 3 of this Article was provoked by unlawful, inconsiderate or rude treatment on the part of the official or the person authorized to help him/her, the court may remit the punishment.

Attacking an Official

Article 318

(1) Whoever, apart from the cases referred to in Article 317 of this Code, attacks or seriously threatens an immediate attack on an official or a person authorized to help an official in the performance of his/her duties falling within the scope of internal affairs to prevent and discover criminal offenses, apprehend perpetrators of criminal offenses, or safeguard public order and peace, shall be punished by imprisonment for three months to three years.

(2) The same punishment as referred in paragraph 1 of this Article shall be inflicted on whoever commits the criminal offense referred to in paragraph 1 of this Article against a person entrusted to guard persons who have been deprived of liberty by a legal decision or in a legal manner.

(3) Whoever, in the course of committing the criminal offense referred to in paragraphs 1 and 2 of this Article, maltreats, inflicts slight bodily injury on an official or person authorized to help him/her, or threatens to use a weapon, shall be punished by imprisonment for six months to five years.

(4) If the perpetrator of the offense referred to in paragraphs 1, 2 and 3 of this Article was provoked by unlawful, inconsiderate or rude treatment on the part of the official or the person authorized to help him/her, the court may remit the punishment.

Participation in a Group Obstructing or Attacking an Official

Article 319

(1) Whoever participates in a group which, by joint action, commits the criminal offense referred to in Articles 317 and 318 of this Code, for mere participation in the group shall be punished by a fine or by imprisonment not exceeding one year.

(2) The organizer or leader of the group referred to in paragraph 1 of this Article shall be punished by imprisonment for one to five years.

Unlawful Change of Organization of Local Government Self-Government or State Administration

Article 320

Whoever, by force, threat to use force or in some other unlawful way, changes the organization of local government, self-government or state administration within the territory of the Republic of Croatia as established by the law shall be punished by imprisonment for one to five years.

Incitement to Resistance

Article 321

(1) Whoever incites another to resist the decisions or measures of state bodies issued within the scope of their authority or against an official performing an official act within his/her authority shall be punished by a fine or by imprisonment not exceeding three years.

(2) If the criminal offense referred to in paragraph 1 of this Article results in frustrating or in causing considerable difficulties in the implementation of a decision or measure issued by state bodies within the scope of their authority or an official act performed by an official within his/her authority the perpetrator shall be punished by imprisonment for six months to five years.

Spreading False and Alarming Rumors

Article 322

Whoever asserts, disseminates or spreads rumors which he/she knows to be false with an aim to cause anxiety among a large number of citizens and where such anxiety really occurs shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

Removal and Damage of an Official Seal and Mark

Article 323

(1) Whoever removes or damages an official seal or mark which an authorized official places for the purpose of securing objects or premises, or whoever enters upon such premises or opens the secured object without removing or damaging the seal or mark, shall be punished by a fine or by imprisonment not exceeding one year.

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

*Removal or Destruction of an Official Seal
or Official Document*

Article 324

(1) Whoever unlawfully removes, hides, destroys, damages or otherwise renders unusable an official seal, book, file or document belonging to or in the possession of a governmental body or organization exercising public service shall be punished by a fine or imprisonment not exceeding three years.

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

*Damage, Destruction and Illicit Export of a Piece
of Cultural or Natural Heritage*

Article 325

(1) Whoever damages or destroys a piece of cultural or natural heritage protected by the provisions of a special statute shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without the permission of a competent body, exports or removes to a foreign country a piece of cultural or natural heritage, or after removing the same, does not return it to the country within the time limit stipulated in the permission.

(3) If, as a result of the criminal offense referred to in paragraphs 1 and 2 of this Article considerable damage occurs, or if the piece of cultural heritage referred to in paragraphs 1 and 2 of this Article is of national importance, the perpetrator shall be punished by imprisonment for six months to five years.

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

*Illicit Research Activities and
Usurpation of Cultural Heritage*

Article 326

(1) Whoever, without the permission of a competent body, performs conservation, restoration, exploration, or other works on a piece of cultural heritage, or despite a ban, or without the permission of a competent body, performs archaeological excavations or searches, as a result of which such cultural property is destroyed, severely damaged, or loses the character of a piece of cultural heritage, shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed against a piece of cultural heritage of particular value or importance, or if considerable damage is caused, the perpetrator shall be punished by a fine or by imprisonment not exceeding three years.

(3) Whoever usurps or takes away property constituting a piece of cultural heritage which was excavated or found in the course of archaeological or other discoveries, or otherwise, shall be punished by a fine or by imprisonment not exceeding three years.

(4) The attempt of the criminal offense referred to in paragraphs 2 and 3 of this Article is punishable.

Destruction or Concealment of Archives

Article 327

(1) Whoever, contrary to regulations, destroys, conceals or renders unusable registered and archival materials, or removes them to a foreign country without the approval of a competent governmental body, shall be punished by a fine or by imprisonment not exceeding three years.

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

False Presentation

Article 328

(1) Whoever falsely introduces himself/herself as an official or military person, or wears without authority any insignia of an official or a military person with an aim to acquire benefit for himself/herself or another, or to cause damage to another, shall be punished by a fine or imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever performs any action which only an official or military person is authorized to perform.

Arbitrary Conduct

Article 329

(1) Whoever arbitrarily acquires his/her own right or a right he/she deems to appertain to him/her, shall be punished by a fine of up to one hundred and fifty daily incomes or by imprisonment not exceeding six months.

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

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

Illegal Debt Collection

Article 330

(1) Whoever, for the purpose of collecting a debt, appropriates the movable property of another by force, or threat of immediate attack upon his/her life or limb or life or limb of persons close to him/her, shall be punished by imprisonment for three months to five years.

(2) Whoever, for the purpose of collecting a debt, coerces another by force or a serious threat to do or omit to do something to the detriment of his/her property or the property of another shall be punished by imprisonment for three months to three years.

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

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

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

Violent Behavior

Article 331

Whoever, to give vent to his/her base instincts by violence, maltreatment or particularly impertinent conduct in a public place humiliates another shall be punished by imprisonment for three months to three years.

Conspiracy to Commit a Criminal Offense

Article 332

Whoever agrees with another to commit a serious criminal offense for which imprisonment for five years or a more severe penalty may be imposed shall be punished by a fine or by imprisonment not exceeding one year.

Associating for the Purpose of Committing a Criminal Offense

Article 333

(1) Whoever organizes a group of people or in some other way associates in joint action three or more persons, the objectives of whom are directed toward the perpetration of a serious criminal offense for which,

according to the law, imprisonment for five years or a more severe punishment may be imposed shall be punished by imprisonment for three months to three years.

(2) Whoever organizes a criminal organization or manages it shall be punished by imprisonment for six months to five years.

(3) A member of the group referred to in paragraph 1 of this Article shall be punished by a fine or by imprisonment not exceeding one year.

(4) A member of the group referred to in paragraph 2 of this Article, shall be punished by imprisonment for three months to three years.

(5) If the member of a group or a criminal organization uncovers such a group or criminal organization prior to committing a criminal offense as a member of it or for it, the court may remit his /her punishment.

*Making and Supplying Weapons and Instruments
Intended for the Perpetration of a Criminal Offense*

Article 334

(1) Whoever makes, supplies or enables another to obtain weapons, explosive substances or the means needed for their production, or poisons which he/she knows to be intended for the perpetration of a criminal offense, shall be punished by imprisonment for three months to three years.

(2) Whoever makes or cedes to another a false key, skeleton key or other instrument or device for burglary, despite knowing it is intended for committing a criminal offense, shall be punished by a fine or by imprisonment for up to one year.

Illicit Possession of Weapons and Explosive Substances

Article 335

(1) Whoever, without authorization makes, supplies, possesses or otherwise acquires for himself/herself or a third person firearms, ammunition or explosive substances, whose supply, sale or possession is not permitted to citizens shall be punished by a fine or imprisonment not exceeding three years.

(2) Whoever, without authorization, supplies, possesses, sells, makes or exchanges large quantities of firearms, ammunition or explosive substances shall be punished by imprisonment for one to five years.

Participating in a Group Committing a Criminal Offense

Article 336

(1) Whoever participates in a group of people which, by joint action, kills a person or inflicts serious bodily injury upon a person, commits arson, damages property to a large extent, or commits other acts of grave violence, or which attempts to commit such offenses, shall for mere participation, be punished by imprisonment for three months to three years.

(2) The organizer or leader of the group committing the criminal offense referred to in paragraph 1 of this Article shall be punished by imprisonment for one to eight years.

CHAPTER TWENTY-FIVE (xxv)

CRIMINAL OFFENSES AGAINST OFFICIAL DUTY

Abuse of Office and Official Authority

Article 337

(1) An official or responsible person who, with an aim to procure for himself/herself or another non-pecuniary benefit, or to cause damage to a third person, abuses his/her office or official authority, oversteps the limits of his/her official authority, or fails to perform his/her duty, shall be punished by a fine or by imprisonment not exceeding three years.

(2) If the criminal offense referred to in paragraph 1 of this Article results in a considerable damage or a serious violation of the rights of a third person, the perpetrator shall be punished by imprisonment for three years to five years.

(3) If pecuniary gain is acquired by the criminal offense referred to in paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for six months to five years.

(4) If pecuniary gain is acquired by the criminal offense referred to in paragraph 1 of this Article, and if the perpetrator acted with an aim to acquire such gain, the perpetrator shall be punished by imprisonment for one to ten years.

Abuse in Performing Governmental Duties

Article 338

An official or responsible person in governmental bodies or units of local self-government and administration, units of local self-government or bodies which perform public services, or an official or responsible person in legal entities whose owner or majority owner is the Republic of Croatia or a unit of local self-government and administration, who, for the purpose of acquiring pecuniary gain in his/her private business or the private business of members of his/her family, abuses his/her office or official authority by giving preferential treatment in contracting business, giving, obtaining or contracting jobs, shall be punished by imprisonment for six months to five years.

Negligent Performance of Duty

Article 339

An official or responsible person who, by violating laws or other regulations, by failing to perform mandatory supervision or in any other way acts in a clearly unconscientious manner in the performance of his/her duty, thus causing a serious violation of the rights of a third person or considerable property damage, shall be punished by a fine or by imprisonment not exceeding three years.

Failure to Execute Orders

Article 340

An official person who, in performing duties in internal affairs related to the prevention and discovery of criminal offenses, the apprehension of perpetrators of criminal offenses or securing public order and peace, fails or refuses to execute the order of his/her superior based on a statutory provision to undertake an official act,

thus causing a serious violation of the right of a third person, a serious disturbance of public order or peace, or considerable pecuniary damage, shall be punished by imprisonment for three months to five years.

Violation of a Duty to Guard the State Border

Article 341

(1) An official person who, in performing duties in internal affairs, while performing a duty on the border, acts contrary to regulations on guarding the state border, thus causing serious harmful consequences to the service, or, by which the service becomes seriously imperiled, shall be punished by imprisonment for three months to three years.

(2) If by the criminal offense referred to in paragraph 1 of this Article, serious bodily injury is inflicted or extensive pecuniary damage or other serious consequences are caused, the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offense referred to in paragraph 1 of this Article results in the death of one or a number of persons, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offense referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator shall be punished by imprisonment not exceeding three years, and if the consequence referred to in paragraph 3 of this Article is caused, the perpetrator shall be punished by imprisonment for three months to three years.

Unlawful Release of a Person Being Deprived of Liberty

Article 342

An official who, charged with the surveillance of a person deprived of liberty, releases such a person in violation of the law, or who helps such a person to escape or enables illicit communication or correspondence to be made, as a result of which the person who is deprived of liberty succeeds in escaping, shall be punished by imprisonment for three months to five years.

Unlawful Intercession

Article 343

(1) Whoever accepts a reward or any other benefit to intercede so that an official act be or be not performed, by taking advantage of his/her official or social position or influence, shall be punished by imprisonment for six months to three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, taking advantage of his/her official or social position or influence, intercedes so that an official act be performed which ought not to be performed, or so that an official act be not performed which ought to be performed.

(3) If, for the intercession referred to in paragraph 2 of this Article, a reward or some other benefit is received, while some other criminal offense is not committed for which a more severe punishment is prescribed, the perpetrator shall be punished by imprisonment for one to five years.

Fraud in the Performance of a Duty

Article 344

(1) An official or responsible person who, in the performance of his/her duty, with an aim to procure for himself/herself or a third party illegal pecuniary gain by submitting a false statement of account, or in some

other way, by a false presentation of facts, deceives an authorized person into making an unlawful disbursement, shall be punished by imprisonment for three months to three years.

(2) If, as result of the criminal offense referred to in paragraph 1 of this Article, considerable pecuniary gain is acquired, while the perpetrator acts with an aim to realize such gain, the perpetrator shall be punished by imprisonment for six months to five years.

Embezzlement

Article 345

(1) Whoever unlawfully appropriates money, securities or other movable property which is entrusted to him/her in service or generally in his/her work shall be punished by imprisonment for six months to five years.

(2) If the value of the embezzled property is small, or if a small sum of money or securities or property of small value is embezzled, while the perpetrator acts with an aim to appropriate such value, he/she shall be punished by a fine or by imprisonment not exceeding one year.

(3) If a large sum of money is embezzled or securities or property of large value is embezzled, while the perpetrator acts with an aim to appropriate such value, he/she shall be punished by imprisonment for one to ten years.

Unauthorized Use

Article 346

Whoever, without authorization, uses money, securities or other movable property entrusted to him/her in service or generally in his/her work, or which is accessible to him/her in connection with his/her service or work, or confers such property to another for use, shall be punished by a fine or by imprisonment not exceeding three years.

Accepting a Bribe

Article 347

(1) An official or responsible person who solicits or accepts a gift or some other benefit, or who agrees to accept a gift or some other benefit, for performing within the scope of his/her authority an official or other act which he/she should not perform, or for omitting of an official or other act which he/she should perform, shall be punished by imprisonment for six months to five years.

(2) An official or responsible person who solicits or accepts a gift or some other benefit, or who agrees to accept a gift or some other benefit, for performing within the scope of his/her authority an official or other act which he/she should perform, or omitting an official or other act which he/she should not perform, shall be punished by imprisonment for three months to three years.

(3) An official or responsible person who, following the performance or omission of an official or other act referred to in paragraphs 1 and 2 of this Article, and in relation to which he/she solicits or accepts a gift or some other benefit, shall be punished by a fine or by imprisonment not exceeding one year.

(4) The gift or other pecuniary gain received shall be forfeited.

Offering a Bribe

Article 348

(1) Whoever confers or promises to confer a gift or other benefit upon an official or responsible person, so that he/she performs within the scope of his/her official authority an official or other act which he/she should not perform, or omits an official or other act which he/she should perform, or whoever intermediates in so bribing an official or responsible person, shall be punished by imprisonment for three months to three years.

(2) Whoever confers or promises to confer a gift or other benefit upon an official or responsible person, so that he/she performs within the scope of his/her official authority an official or other act which he/she should perform, or omits an official or other act which he/she should not perform, or whoever intermediates in so bribing an official or responsible person, shall be punished by a fine or imprisonment not exceeding one year.

(3) The court shall remit the punishment of the perpetrator of the criminal offense referred to in paragraphs 1 and 2 of this Article, provided that he/she gave the bribe on the request of an official or responsible person and upon giving the bribe reported the offense before it had been discovered or before he/she realized that the offense had been discovered.

(4) The gift or the pecuniary gain given under the circumstances referred to in paragraph 3 of this Article shall be restored to the person who gave a bribe.

*Unlawful Appropriation of Objects During Inspection,
Search or Enforcement Proceedings*

Article 349

An official person who, in the course of a search of a home, premises or persons, or in the course of enforcement proceedings or inspection, appropriates movable property with an aim to procure by its appropriation unlawful pecuniary gain for himself/herself or another shall be punished by imprisonment for six months to five years.

Illegal Collection and Payment

Article 350

An official or responsible person who collects from another something that he/she is not bound to pay, or collects more than he/she is bound to pay, or whoever, in payment for or handing over such things, pays or hands over less, shall be punished by a fine or by imprisonment not exceeding one year.

Disclosure of an Official Secret

Article 351

(1) Whoever, without authorization, communicates, conveys or otherwise renders accessible to another data which are an official secret or provides such data with an aim to convey them to an unauthorized person shall be punished by imprisonment for three months to three years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed for personal gain, or if the data referred to in paragraph 1 of this Article are classified, or if the offense is committed in order to publish or use abroad data which are an official secret, the perpetrator shall be punished by imprisonment for one up to ten years.

(4) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

CHAPTER TWENTY-SIX (xxvi)

**CRIMINAL OFFENSES AGAINST ARMED FORCES OF
THE REPUBLIC OF CROATIA**

Failure and Refusal to Execute an Order

Article 352

(1) A military person who fails or refuses to execute the order of his/her superior given in the line of duty, thus causing serious harmful consequences for the service, or seriously imperiling the service shall be punished by imprisonment for six months to five years.

(2) If the criminal offense referred to in paragraph 1 of this Article causes particularly serious consequences for the service, the perpetrator shall be punished by imprisonment for one to ten years.

(3) A military person who fails to execute the command of the superior referred to in paragraph 1 of this Article by negligence, shall be punished by a fine or by imprisonment not exceeding one year.

Refusal to Receive and Use Arms

Article 353

(1) A military person who refuses to accept arms or does not use arms as ordered or in accordance with the regulations of the service, shall be punished by imprisonment for one to ten years.

(2) A conscript who, without a justified reason, refuses to accept from the competent body arms which are assigned to him/her for duty in the reserve corps of these armed forces shall be punished by imprisonment for three months to three years.

(4) There shall be no criminal offense referred to in paragraphs 1 and 2 of this Article if in the proceedings proscribed by law objection of conscience was recognized to a military person or conscript.

Resisting a Superior

Article 354

(1) A military person who, in connection with other military persons, offers resistance to an order given by a superior in the line of duty, or disobeys the same, or refuses to discharge his/her duty, shall be punished by imprisonment for three months to five years.

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

(3) If the criminal offense referred to in paragraphs 1 and 2 of this Article is committed with the use of arms, the perpetrator shall be punished by imprisonment for not less than one year.

(4) Military person who in committing the criminal offense referred to in paragraph 3 of this Article kills another by negligence, shall be punished by imprisonment for not less than one year.

(5) Military person who in committing the criminal offense referred to in paragraphs 1 and 2 of this Article intentionally kills another, shall be punished by imprisonment for not less than five years or long-term imprisonment.

Resisting Sentry, Guard, Patrol, Military Person on

Duty or on Similar Assignment

Article 355

A military person who resists a sentry, guard, patrol, military person on duty or on a similar assignment while discharging official duty, as well as a military person who disobeys their call or does not execute or refuses to execute their order, thus causing serious harmful consequences for the service, or imperiling seriously the service, shall be punished by imprisonment for three months to three years.

*Coercion against a Military Person
Discharging his/her Official Duty*

Article 356

(1) Whoever, by force or threat of immediate use of force, prevents a military person from executing his/her official duty, or coerces such a person in the same way to execute his/her official duty, shall be punished by imprisonment for three months to three years.

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

*Assault Against a Military Person Discharging his/her
Official Duty*

Article 357

(1) Whoever attacks or seriously threatens to attack a military person while discharging his/her official duty shall be punished by imprisonment for three months to three years.

(2) If the perpetration of the criminal offense referred to in paragraph 1 of this Article results in a slight bodily injury to the military person, or the perpetrator threatens to use weapons, he/she shall be punished by imprisonment for three months to five years.

(3) If the perpetration of the criminal offense referred to in paragraph 1 of this Article results in serious bodily injury, or entails serious consequences for the service, the perpetrator shall be punished by imprisonment for one to ten years.

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

*More Lenient Punishment for Criminal Offenses
Referred to in Article 352 and Articles 354 to 357*

Article 358

If the perpetrator of the criminal offense referred to in Article 352, paragraphs 1 and 3, Article 354, paragraph 1, Article 356, paragraphs 1 and 2 and Article 357, paragraphs 1 and 2 of this Code is provoked by unlawful or inappropriate treatment by the military person, the court may mitigate the punishment or remit the punishment of the punishment.

Maltreatment of Subordinate or Military Person of Lower Rank

Article 359

(1) A military person who, on duty or in connection with duty, maltreats a subordinate or treats him/her in a way offensive to human dignity shall be punished by imprisonment for three months to three years.

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

Violation of Sentry, Patrol or Other Similar Duty

Article 360

(1) A military person who acts contrary to regulations on sentry or patrol duty or internal or similar duty, thus causing serious harmful consequences for the service or seriously imperiling the service shall be punished by a fine or by imprisonment not exceeding one year.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed near arms or ammunition depots or depots of explosive mining substances, or other installations of great importance, the perpetrator shall be punished by imprisonment for three months to three years.

(3) If the criminal offenses referred to in paragraphs 1 and 2 of this Article result in serious bodily injury or extensive pecuniary damage or other serious consequences the perpetrator shall be punished by imprisonment for six months to five years.

(4) If the criminal offenses referred to in paragraphs 1 and 2 of this Article result in the death of one or more persons, the perpetrator shall be punished by imprisonment for one to ten years.

(5) If the criminal offenses referred to in paragraphs 1 and 2 of this Article are committed by negligence, the perpetrator shall be punished, for the criminal offense referred to in paragraph 1 of this Article, by imprisonment not exceeding six months, and for the criminal offense referred to in paragraph 2 of this Article, by imprisonment not exceeding one year.

(6) If by the criminal offense referred to in paragraph 5 of this Article, the consequence referred to in paragraphs 3 and 4 of this Article is caused, the perpetrator shall be punished by imprisonment for three months to five years.

Submission of False Reports and Information

Article 361

(1) A military person who, in the execution of duty, submits a report or information of untrue content, or in his/her report or information, he/she suppresses a fact which he/she should not suppress, thus causing serious consequences to the service, or seriously imperiling the service, he/she shall be punished by imprisonment not exceeding one year.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed by submitting a report or information of special importance or if particularly serious consequences occur, the perpetrator shall be punished by imprisonment for one year to five years.

(3) If the criminal offense referred to in paragraph 2 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

Failure to Undertake Measures for the Protection of a Military Unit

Article 362

(1) A military person who fails to undertake prescribed, ordered or other obviously needed measures towards protecting the life and health of persons entrusted to him/her, securing and maintaining in fit condition

installations, objects and means serving to ensure combat readiness, providing the unit entrusted to him/her with a regular supply of food, equipment and material, tending and caring for livestock, or taking measures towards the timely and proper execution of security work or the protection of installations entrusted to him/her, thus endangering human lives or seriously endangering the health of people or material goods of great value, shall be punished by imprisonment for three months to three years.

(2) If the criminal offense referred to in paragraph 1 of this Article results in serious bodily injury, or extensive pecuniary damage, or other serious consequences, the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offense referred to in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offense referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator shall be punished by a fine or by imprisonment not exceeding three years, while if the consequence referred to in paragraph 3 of this Article is caused, the perpetrator shall be punished by imprisonment for six months to five years.

Failure to Ensure Safety in Performing Military Exercises

Article 363

(1) A military person who fails to undertake prescribed, ordered or other obviously needed measures during exercise, training courses or in the course of conducting experiments, thus endangering human lives or seriously endangering the health of people or material goods of great value, shall be punished by imprisonment for three months to three years.

(2) If the criminal offense referred to in paragraph 1 of this Article results in serious bodily injury, or extensive pecuniary damage, or other serious consequences, the perpetrator shall be punished by imprisonment for six months to five years.

(3) If the criminal offense referred to in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment for one to ten years.

(4) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offense referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator shall be punished by a fine or imprisonment not exceeding three years, while if the consequence referred to in paragraph 3 of this Article is caused, the perpetrator shall be punished by imprisonment for six months to five years.

Defaulting Order and Evasion of Military Service

Article 364

(1) Whoever, without justifiable reason, fails to report at the appointed time for conscription or to be told the combat posting, or to receive arms, or to fulfil compulsory military service, military exercises or another military service, although being summoned by an individual or general order to report for military service, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever hides in order to evade the obligation referred to in paragraph 1 of this Article, although being summoned by an individual or general order, shall be punished by imprisonment for three months to five years.

(3) Whoever leaves the country or remains in a foreign state in order to evade conscription or fulfilling compulsory military service, military exercises or other military service, shall be punished by imprisonment for one to ten years.

(4) Whoever calls or instigates a number of persons to commit the criminal offense referred to in paragraphs 1 to 3 of this Article shall, for the criminal offense referred to in paragraph 1 of this Article, be punished by imprisonment for three months to three years, and for the criminal offenses referred to in paragraphs 2 and 3 of this Article, by imprisonment for not less than one year.

(5) The perpetrator of the criminal offense referred to in paragraphs 1, 2 and 3 of this Article who voluntarily reports to a competent governmental body may have his /her punishment mitigated or remitted.

Evasion of Military Service by Mutilation or Deception

Article 365

(1) Whoever, with an aim to evade military service or to be assigned to an easier duty, injures himself/herself, or otherwise temporarily disables himself/herself for military service, or permits another to temporarily disable him/her, or whoever for the same purpose disables another, with or without such a person's approval, shall be punished by imprisonment for six months to five years.

(2) If the perpetration of the criminal offense referred to in paragraph 1 of this Article results in permanent disability for military service, the perpetrator shall be punished by imprisonment for one to ten years.

(3) Whoever, with an aim referred to in paragraph 1 of this Article, simulates illness, or uses a false document for himself/herself or for another, or otherwise acts in a fraudulent manner, shall be punished by imprisonment for three months to five years.

Illegal Exemption from Military Service

Article 366

Whoever, by abuse of his/her official position or authority, enables a military person or a person subject to conscription to be exempted from duty or to be assigned to an easier duty shall be punished by imprisonment for six months to five years.

Arbitrary Abandonment and Desertion of a Military Unit or Service

Article 367

(1) A military person who arbitrarily leaves his/her unit or service and does not return to duty within the time limit of ten days or does not, within this time limit, return from an authorized furlough from the unit or service shall be punished by a fine or by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a military person who, more than twice for a period shorter than ten days, stays outside his/her unit or service without

permission or to a military person who arbitrarily leaves his/her unit or service at the time of executing an important task or when his/her unit is at an increased level of readiness for combat.

(3) A military person who hides in order to evade military service, or who arbitrarily leaves his/her unit or service and does not return to his/her duty within the time limit of thirty days, or does not within this time limit return from an authorized furlough from the unit or service, shall be punished by imprisonment for six months to five years.

(4) A military person who leaves the country or remains in a foreign state in order to evade military service shall be punished by imprisonment for not less than three years.

(5) A military person who prepares to escape abroad in order to evade military service shall be punished by imprisonment for six months to five years.

(6) The perpetrator of the criminal offenses referred to in paragraphs 1, 3 and 4 of this Article who voluntarily reports to a competent governmental body may have his /her punishment mitigated.

Evasion of Enlistment and Inspections

Article 368

Whoever, in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, contrary to the obligation established by law, without justifiable reason, fails to respond or opposes enlistment or inspection of manpower, or to a requisitioning or inspection of means of transportation, livestock, buildings and other installations necessary to the armed forces, or whoever in the course of such enlistment or inspection makes inaccurate statements or furnishes inaccurate data, shall be punished by imprisonment for one to five years.

Failure to Fulfill Material Obligations

Article 369

Whoever, in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, contrary to the obligation established by law, without justifiable reason, fails to place at the disposal of military authorities, at the appointed time and in the prescribed condition, objects and other means, or fails to deliver livestock, shall be punished by imprisonment for one to five years.

Careless Manufacture and Delivery of Military Material

Article 370

(1) A military person or other person to whom in a public enterprise, company or institution working for the needs of defense, the management of manufacturing or another economic activity or supervision is entrusted, who carelessly performs a service or obligation entrusted to him/her and for that reason arms, ammunition, explosive mining devices or other combat devices are not manufactured on time or fall short of a specified quality, shall be punished by imprisonment for three months to three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a military person who, in carelessly executing his/her duty, accepts supplies for the army, or military equipment or weapons which fail to meet the stipulated conditions or terms of the contract.

(3) If the perpetration of the criminal offenses referred to in paragraphs 1 and 2 of this Article results in serious consequences, the perpetrator shall be punished by imprisonment for one to eight years.

(4) If the criminal offenses referred in paragraphs 1 and 2 of this Article are committed by negligence, the perpetrator shall be punished by a fine or by imprisonment not exceeding one year.

(5) If, by the criminal offense referred to in paragraph 4 of this Article, the consequence referred to in paragraph 3 of this Article is caused, the perpetrator shall be punished by imprisonment for three months to three years.

Irregular and Careless Treatment of Entrusted Arms

Article 371

(1) Whoever irregularly or carelessly keeps, stores or handles arms, ammunition or explosive devices belonging to a military unit or military institution which have been entrusted to him/her and thereby causes substantial damage to these items or causes, their destruction or disappearance shall be punished by a fine or imprisonment not exceeding one year.

(2) The manager of a storehouse for weapons, ammunition, explosive mining devices and means of combat who fails to take measures towards their protection or maintenance, causing thereby damage or destruction or disappearance of such means of combat, shall be punished by imprisonment for three months to five years.

(3) If the perpetration of the criminal offense referred to in paragraph 2 of this Article results in extensive pecuniary damage, the perpetrator shall be punished by imprisonment for three to ten years.

(4) If the criminal offense referred to in paragraph 2 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment not exceeding three years.

(5) If by the criminal offense referred to in paragraph 4 of this Article, the consequence referred to in paragraph 3 of this Article is caused, the perpetrator shall be punished by imprisonment for three months to five years.

Illegal Disposition of Entrusted Arms

Article 372

Whoever appropriates, conveys, pledges, gives to another for use, damages or destroys arms, ammunition or explosive mining devices which are entrusted to him/her and which serve defense needs shall be punished by imprisonment for six months to three years.

Theft of Arms or Parts of a Means of Combat

Article 373

(1) Whoever steals arms, ammunition, explosive mining devices or a part of a means of combat serving defense needs shall be punished by imprisonment for three months to five years.

(2) If the larceny is committed by breaking in or entering by force closed buildings, rooms, safes or other enclosed areas, or if it is committed by a number of persons who have joined together for the purpose of committing the larceny, or if it is committed in a particularly dangerous or brazen manner, or if it is committed by a person carrying a weapon or a dangerous instrument for attack or defense, or if it is committed during a fire, flood or a similar calamity, or if the stolen object is of great value, while the perpetrator acts with an aim of appropriating the object of such value, he/she shall be punished by imprisonment for one to ten years.

Disclosure of a Military Secret

Article 374

(1) A military or other person who, contrary to his/her duties related to keeping a military secret, communicates, delivers to another, or in some other way makes accessible to another data which are a military secret, or whoever collects such data with an aim to deliver them to an unauthorized person, shall be punished by imprisonment for six months to five years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed for personal gain, or if the data referred to in paragraph 1 of this Article are classified, or if the offense is committed in order to publish or use abroad data which are a military secret, the perpetrator shall be punished by imprisonment for not less than three years.

(3) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment for three months to three years.

Trespass on Military Installations and Unauthorized Making of Sketches or Drawings of Military Installations or Means of Combat

Article 375

(1) Whoever, for the purpose of reconnaissance without authorization enters a military installation, despite knowing that access is forbidden, shall be punished by a fine or by imprisonment not exceeding one year.

(2) Whoever, without authorization, makes sketches or drawings of military installations or means of combat or takes photos of the same or otherwise records them shall be punished by imprisonment for three months to three years.

Sentencing for Criminal Offenses Committed in Times of War or in Case of Immediate Peril to the Independence and Unity of the Republic of Croatia

Article 376

(1) For the criminal offenses referred to in Article 352, paragraphs 1 and 3, Article 353, paragraph 2, Article 354, paragraph 1, Article 355, Article 356, paragraphs 1 and 2, Article 357, paragraphs 1 and 2, Article 358, Article 360, paragraphs 1, 2 and 5, Article 361, paragraphs 1 and 3, Article 362, paragraphs 1, 4 and 5, Article 363, paragraphs 1, 4 and 5, Article 364, paragraph 1, Article 365, paragraphs 1 and 2, Article 366, paragraphs 1, 2, 4 and 5, Article 367, paragraphs 1, 2, 4 and 5, Article 368, Article 373, paragraph 1, Article 374, paragraph 4 and Article 375 of this Code, if committed in times of war or in case of immediate peril to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment for one to ten years.

(2) For the criminal offenses referred to in Article 354, paragraph 4, Article 356, paragraph 3, Article 357, paragraph 3, Article 360, paragraph 3, when serious bodily injury is inflicted, or extensive pecuniary damage is caused and paragraph 4, Article 361, paragraph 2, Article 362, paragraphs 2 and 3, Article 363, paragraphs 2 and 3, Articles 365 and 366, Article 367, paragraph 5, Article 371, paragraph 3, Article 373, paragraphs 2 and 3 and Article 374, paragraphs 1 and 2 of this Code, if committed in times of war or in case of immediate peril to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment for not less than three years.

(3) For the criminal offense referred to in Article 352, paragraph 2, Article 353, paragraph 1, Article 354, paragraphs 2 and 3, Article 361, paragraph 2, if particularly serious consequences are caused, Article 364, paragraphs 2 and 3, Article 367, paragraphs 3 and 4, Article 370, paragraph 3 and Article 374, paragraph 3 of this Code, if committed in times of war or in case of immediate peril to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment for not less than five years or by long-term imprisonment.

Defection and Surrender to the Enemy

Article 377

(1) A military person who defects in times of war or armed conflict shall be punished by imprisonment for not less than five years or by long-term imprisonment.

(2) A military person who in times of war surrenders to the enemy prior to having exhausted all modes of defense shall be punished by imprisonment for not less than three years.

Failure to Carry out Duty During Fighting or Combat Action

Article 378

(1) A military person who, while fighting or immediately prior to fighting or prior to action in combat, fails to carry out his/her duty, causing thereby damage to a military unit or combat situation, shall be punished by imprisonment for not less than three years.

Arbitrary Abandonment of Duty During Fighting or Combat Action

Article 379

A military person who, while fighting or immediately prior to fighting or prior to action in combat arbitrarily or in a fraudulent way abandons his/her duty shall be punished by imprisonment for not less than three years.

Abandoning Position Contrary to Given Orders

Article 380

A military person who, in breach of orders abandons a position together with the unit entrusted to him/her prior to having exhausted all modes of defense shall be punished by imprisonment for not less than three years.

Premature Abandonment of a Wrecked Vessel or Aircraft

Article 381

(1) A captain of a warship who in times of war abandons a wrecked ship without having fulfilled his/her duty pursuant to ship service regulations shall be punished by imprisonment for not less than three years.

(2) A member of a warship crew who in times of war abandons a wrecked ship before the ship's captain gives the order to abandon ship or a military aircraft crew member who in times of war jumps from a damaged aircraft without having discharged his/her duty pursuant to flying and aircraft use regulations, shall be punished by imprisonment for one to ten years.

Leaving of Undamaged Means of Combat to the Enemy

Article 382

(1) A military person who allows an essentially undamaged military storehouse, vessel, aircraft, tank or other means of combat to fall into enemy hands, shall be punished by imprisonment for one to ten years.

(2) The same punishment as referred in paragraph 1 of this Article shall be inflicted on whoever, contrary to orders, allows essentially undamaged installations or other premises of relevance for the defense to fall into enemy hands.

Weakening of Fighting Morale and Military Situation

Article 383

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

(2) A military person who fails to take the necessary measures towards a subordinate who, during fighting or immediately prior to it, spreads fear among soldiers, creates disorder or confusion in the ranks of the unit, or otherwise weakens the fighting morale or does damage to the military situation, shall be punished by imprisonment for one to ten years.

Failing to Secure a Military Unit

Article 384

(1) A military person who in times of war or armed conflict fails to secure a unit entrusted to him/her, causing thereby serious consequences to the unit, shall be punished by imprisonment for not less than three years.

(2) If particularly serious consequences to the unit occur as a result of the criminal offense referred to in paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for not less than five years or by long-term imprisonment.

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

Non-Reporting to Military Authorities

Article 385

Whoever in times of war or immediate peril to the independence and unity of the Republic of Croatia fails to report to a superior, a person of higher rank or to a military command an event which clearly requires undeferrable military measures shall be punished by imprisonment for three months to one year.

Failure to Perform Duty in Carrying Out Mobilization

Article 386

(1) A military or official person who, in carrying out mobilization in times of war or in the case of immediate peril to the independence and unity of the Republic of Croatia, in violation of his/her duty, fails to ensure the reception, deployment and accommodation of mobilized manpower, transport and other conveyances

and livestock, or fails to ensure the supply of the mobilized manpower and livestock, or to perform any other duty related to mobilization, causing thereby serious consequences, shall be punished by imprisonment for one to five years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment for three months to three years.

Conditions for Imposing Disciplinary Measures

Article 387

For a criminal offense against the armed forces for which imprisonment not exceeding three years is prescribed, it is possible that, instead of a criminal sanction, a disciplinary measure established by regulations ordering disciplinary responsibility in the armed forces of the Republic of Croatia be imposed against the military person, provided that the offense be of an especially light character and if the interests of the service require so.

Responsibility for a Criminal Offense Committed on Superior Orders

Article 388

There shall be no criminal offense if an act is committed by a subordinate pursuant to an order from his/her superior given in the line of official duty, except if such an order relates to the perpetration of a war crime or another criminal offense for which, according to law imprisonment for ten years or a more severe punishment may be imposed, or if it is obvious that by obeying such an order a criminal offense would be committed.

CHAPTER TWENTY-SEVEN (xxvii)

TRANSITORY AND CLOSING PROVISIONS

Article 389

When this Code comes into force, the following shall cease to be valid:

1. Basic Criminal Code of the Republic of Croatia - ("Narodne novine" - Official Gazette of the Republic of Croatia Nos. 31/93, 39/93, 108/95, 16/96 and 28/96),
2. Criminal Code of the Republic of Croatia - ("Narodne novine" - Official Gazette of the Republic of Croatia Nos. 32/93, 38/93, 16/96 and 28/96),
3. Act on Criminal Offenses of Subversive and Terrorist Activities Against the State Sovereignty and Territorial Unity of the Republic of Croatia - ("Narodne novine" - Official Gazette of the Republic of Croatia No. 74/92).

Article 390

The execution of sanctions imposed by a final decision in accordance with the provisions of the criminal statutes referred to in Article 389 of this Code, whose enforcement did not begin or whose execution is in course, shall in their formulation, content and the mode of enforcement be brought into accord with the provisions of this Code as of the day of its coming into force.

Article 391

This Code shall come into force on January 1st, 1998.

Class:740-02/96-01/01
Zagreb, September 19th, 1997

THE HOUSE OF REPRESENTATIVES OF THE PARLIAMENT
OF THE REPUBLIC OF CROATIA

The Speaker of the House of Representatives of the Parliament
Member of the Academy of Arts and Sciences Vlatko Pavletic

1The concept encompasses various compulsory contributions for supporting the army.