

Criminal Code of the Brcko District (2003, amended 2018) (excerpts)

Unofficial translation

Criminal Code of the Brcko District of Bosnia and Herzegovina

(Brcko District Official Gazette nos.10/03, 45/04, 6/05, 33/13, 26/16, 13/17, 50/18)

(excerpts, emphasis added)

Definition of Terms

Article 2

(37) **Hatred** represents a motive for perpetration of a criminal offence provided in this Code that is entirely or partly perpetrated due to actual or assumed ethnic or national origin, language or script, religious beliefs, race, colour, sex, sexual orientation, political or other affiliation, social origin, social status, age, health and other characteristics, or due to associating with persons with such characteristics.

General Rules for Meting out Punishments

Article 49

(1) The court shall met out the punishment within the limits provided by the Code for that particular offence, having in mind the purpose of punishment and taking into account all circumstances bearing on the severity of punishment (extenuating and aggravating circumstances), and, in particular: degree of culpability, motives for perpetrating the offence, degree of danger or injury to the protected object, circumstances under which the offence was perpetrated, past conduct of the perpetrator, his personal status and his conduct after the perpetration of the criminal offence, as well as other circumstances related to the personality of the perpetrator.

(2) A circumstance representing the characteristics of a particular criminal offence may not be taken into consideration also as an aggravating or extenuating circumstance, unless it surpasses the measure that is necessary for the existence of a criminal offence or a particular form of a criminal offence, or if there are two or more such circumstances but only one is sufficient for the existence of a more serious or less serious criminal offence. In cases when criminal offence was perpetrated **out of hatred** as provided in Article 2 Paragraph 37 of this Code the court will take it into consideration as an **aggravating circumstance** and fashion a more sever sentence unless the Code provides for harsher sentence for the aggravating form of a criminal offence.