

Criminal Code of Republika Srpska (2018) (excerpts)

Republika Srpska

Criminal Code RS last amended 2018 (excerpts)

Official Gazette Republika Srpska: OG 64/17, 104/18

General Principles on the Imposition of Punishments

Article 52

(3) If a criminal offence was perpetrated out of hatred as provided in Article 123, paragraph 1, item 21 of this Code, the court shall take it into consideration as an aggravating circumstance, unless hatred is the aggravating form of that criminal offence.

Meaning of terms as used in this code

Article 123

(21) Hate crime is an offence perpetrated entirely or partly because of racial, national or ethnic origin, religious beliefs, skin colour, sex or sexual orientation, health or gender identity of a person.

Murder (First Degree Murder)

Article 125

(1) The punishment of imprisonment for a minimum term of ten years or long-term imprisonment shall be imposed on a person who:

1) ...

2) murders another person for gain, to commit or conceal another offence, for ruthless revenge, **hatred** or for any other particularly base motive,

(...)

Grievous Bodily Injury

Article 132

(1) Whoever inflicts grievous bodily injury upon another person or gravely impairs his health shall be punished by imprisonment for a term of one to five years.

(2) Whoever inflicts bodily injury upon another person or impairs his health in such a serious manner that the life of the injured person is in danger, or an important part or organ of his body is destroyed or permanently weakened to a substantial degree, or if the injured person's earning ability has been impaired permanently or if permanent and serious damage to his health or disfigurement takes place **or if the offence was perpetrated out of hatred**, shall be punished by imprisonment for a term of two to eight years.

(...)

Genital Mutilation of Women

Article 133

(1) Whoever entirely or partially removes or permanently alters the outside features of genitals of a female person shall be punished by imprisonment for a term of six months to five years.

(...)

(3) If the criminal offence referred to in the paragraph 1 of this Article was committed **out of hatred** or it was committed against a child or permanent damage to the health of a female person was caused, the perpetrator shall be punished by imprisonment for a term of one to eight years.

Rape

Article 165

(1) Whoever forces another person to sexual intercourse or equivalent act using force or threat of immediate physical attack upon that person's life or limb or upon someone close to that person, shall be punished by imprisonment for a term of three to ten years.

(2) If the criminal offence under paragraph 1 of this Article was committed against a child over 15 years of age or in a particularly cruel or degrading manner or by several offenders or **if the rape was perpetrated out of hatred** or if the criminal offence results in grievous bodily harm or serious effect on health or results in pregnancy of the female victim, the offender shall be punished by imprisonment for a term of five to fifteen years.

(...)

Sexual Intercourse with a Helpless Person

Article 167

(1) Whoever has sexual intercourse with another or commits an equal act by taking advantage of such person's mental illness, insufficient mental development, any other form of mental disability, helplessness or any other condition of such person due to which that person is not capable to offer resistance, shall be punished by imprisonment for a term of two to ten years.

(2) If the criminal offence referred to in the paragraph 1 of this Article is committed in particularly cruel or extremely degrading fashion, or by several persons, or **out of hatred**, or if grievous bodily harm or serious effect on health or pregnancy of the helpless female victim was a consequence of the criminal offence, the perpetrator shall be punished by imprisonment for a term of no less than five years.

(...)

Aggravated Theft

Article 226

(1) A punishment of imprisonment of one to eight years shall be imposed on the perpetrator if the theft is committed:

- 1) by breaking in, entering by force or otherwise overcoming great obstacles in order to get to the good inside closed buildings, rooms, safes, cabinets, tills or other enclosed area,
- 2) in a particularly dangerous or reckless manner,
- 3) by a person who was in possession of a weapon or dangerous instruments for attack or defense,
- 4) by several persons who joined together to commit thefts,
- 5) by taking advantage of conditions caused by a fire, flood, earthquake or similar disaster,

6) by taking advantage of the helplessness or some other difficult situation of another,

7) out of hatred.

(...)

Aggravated Robbery

Article 227

(1) Whoever, by use of force against another or by threatening an immediate attack against his life or limb, takes movable goods belonging to another with the intent to obtain by its appropriation illicit gain for himself or another person shall be punished by imprisonment for a term of between one and ten years.

(2) If, in the course of a criminal offence under paragraph 1 of this Article, grievous bodily injury was intentionally inflicted on a person or **if the criminal offence was perpetrated out of hatred**, or if the robbery is committed by a group or a gang, or if the value of stolen property exceeds 50,000.00 BAM, the offender shall be punished by imprisonment for a term of between five and fifteen years.

Robbery

Article 228

(1) Whoever, disturbed in the act of theft, and with the intention of retaining possession of the stolen property, uses force against another person or threatens immediate attack on his life or limb, shall be punished by imprisonment for a term of between one and ten years.

(2) If during the commission of a criminal offence under paragraph 1 of this Article, grievous bodily injury was intentionally inflicted on a person or **if the criminal offence was perpetrated out of hatred**, or if the robbery was committed by several persons, or a weapon or dangerous instrument was used during the criminal act or if the value of stolen property exceeds 50,000 BAM, the offender shall be punished by imprisonment for a term of between five and fifteen years.

Malicious Mischief

Article 240

(1) Whoever destroys, damages or renders unusable any property belonging to another, or takes unlawful possession of another's goods for the purpose of temporary use shall be punished by a fine or imprisonment for up to two years.

(2) Whoever takes possession of another's vehicle and uses it illegally for driving for a significant amount of time, or the vehicle sustained significant damage, shall be punished by imprisonment for a term from six months to three years.

(3) Whoever commits the criminal offence under paragraphs 1 and 2 of this Article **out of hatred** or wantonly, or it caused significant damage, the perpetrator shall be punished by imprisonment for a term from one to five years.

(4) Prosecution for the offence under paragraphs 1 and 2 of this Article shall be instigated on request.

Causing Public Danger

Article 394

(1) Whoever endangers human life or property of substantial value by fire, flood, explosion, poison or poisonous gas, ionizing or radioactive radiation, mechanical force, electricity or other form of energy, or by shooting from firearms or in some other dangerous manner or with some other dangerous means, shall be punished by imprisonment for a term of six months to five years.

(2) The punishment under paragraph 1 of this Article shall also be imposed on an official or any other responsible person who fails to install proper devices for protection against fire, explosion, flood, poison, poisonous gases or ionizing or radioactive radiation, electricity or other dangerous agents, or fails to maintain the said devices in a working order, or fails to operate them when required, or generally fails to comply with rules or technical regulations on protective measures, and who thereby endangers human life or property on a large scale.

(3) If any offence under paragraphs 1 and 2 of this Article is committed at the place where a large number of people is gathered, the offender shall be punished by imprisonment for a term of between one and eight years.

(4) Whoever commits any offence under paragraphs 1 and 2 of this Article through negligence shall be punished by a fine imprisonment for a term up to three years.

(5) Whoever commits offence under paragraphs 1, 2 and 3 of this Article out of hatred shall be punished by imprisonment for a term of between one and ten years.

(...)