

-ANNEX 10-

CRIMINAL CODE⁸
(Official Gazette No. 37/96, 80/99, 4/2002, 43/2003, 19/2004,
60/2006, 73/2006, 7/2008, 139/2008 and 114/2009)

MONEY LAUNDERING AND OTHER PROCEEDS FROM CRIME

Article 273

(1) A person who puts into circulation, receives, takes, exchanges or changes into smaller bills money or other property that he/she obtained through a crime or he/she knows that money or the property have been obtained through crime, or with conversion, transfer, or otherwise covers that it has come from such a source, or covers their location, circulation or ownership, shall be sentenced to imprisonment of one to ten years.

(2) The sentence referred to in paragraph 1 shall be applied to a person who possesses or uses property or items which he/she knows that have been obtained through crime or with counterfeit of documents, failure to report facts or otherwise covers that the assets or items have come from such a source, or covers their location, circulation and property.

(3) If the crime stipulated in the paragraphs 1 and 2 is performed in banking, financial or other type of business activity or if he/she through splitting of the transaction avoids the obligation for reporting in the cases prescribed by the law, the perpetrator shall be sentenced with imprisonment of at least three years.

(4) One that will perform the crime stipulated in the paragraphs 1, 2 and 3, and he/she was obligated and in position to know that the money, the property and other proceeds from crime were obtained through a crime, shall be sentenced with fine or imprisonment up to three years.

(5) One that will perform the crime stipulated in the paragraphs 1, 2 and 3 as a member of a group or other association that is dealing with money laundering, illegally gets property or other proceeds from crime, or with assistance of foreign banks, financial institutions or persons, shall be sentenced with imprisonment of at least five years.

(6) Authorized person, responsible person in a bank, insurance company, company for organization of games of chance, exchange office, stock exchange or other financial institution, lawyer, except when acts as defence attorney, notary or other person that performs public authorities or activities of public interest, who will make possible or permits transaction or business relation, contrary to his/her legal obligation or performs transaction contrary to the ban imposed by a competent body or provisional measure determined by court or will not report the laundering of money, property or material gain, for which he/she became aware during performing his/her authority, shall be sentenced with imprisonment of at least five years.

(7) Authorized person, responsible person in a bank or other financial institution, or person performing activities of public interest, who according to the law is authorized entity for implementation of measures and activities for prevention of money laundering and other proceeds from crime, and who with no authorization reveals to a client or other person data that refer to the procedure for investigating suspicious transactions or to the implementation of other measures and activities for prevention of money laundering, shall be sentenced to imprisonment of three months to five years.

(8) If the crime has been performed for the reason of cupidity or use of data abroad, the perpetrator shall be sentenced to imprisonment of at least one year.

(9) If the crime defined in the paragraph (7) has been performed by negligence, the perpetrator shall be sentenced with a fine or imprisonment up to three years.

(10) If any actual or legal obstacles exist for determination of predicate crime or prosecution of the perpetrator, the existence of such crime shall be determined on the basis of actual case circumstances and the existence of grounded suspicion that the assets have been obtained through such a crime.

⁸ Unofficial translation

- (11) The perpetrator's knowledge, or his/her duty and possibility to be aware that the assets have been acquired through a crime can be established on the basis of objective actual circumstances of the case.
- (12) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.
- (13) The proceeds from crime shall be confiscated, and if the confiscation is not possible, then other property of the perpetrator of equivalent value shall be confiscated.

FINANCING OF TERRORISM

Article 394-c

- (1) The person that shall by any means, directly or indirectly, illegally and consciously, provide or collect funds with the aim of using such funds or knowing that they are to be used, in full or in part, for the purposes of committing a crime hijacking of an aircraft or a ship (Article 302), endangering air traffic safety (Article 303), terrorist endangering of the of the constitutional system or the security (Article 313), terrorist organization (Article 394-a), terrorism (Article 394-b), crimes against humanity (Article 403-a), international terrorism (Article 419), taking hostages (Article 421) and another act of murder or severe bodily harm, with the intention of creating a sense of uncertainty or fear among the citizens, shall be sentenced with imprisonment for a period of at least four years.
- (2) A person who publicly calls for, by disseminating or making available to the public in any other manner, a message calling for or instigating the perpetration of some of the actions referred to in paragraph 1, and when the call itself creates a danger for realization of such action, shall be sentenced to imprisonment of four to ten years.
- (3) The sentence stipulated in paragraph 2 shall also be imposed on the person who conspires with another to commit the crime defined in paragraph 1, or who invites another to join an association or group with the intention of committing the crime defined in paragraph 1.
- (4) The person who creates a group or gang with the intention of the committing the crime defined in paragraph 1 shall be sentenced with imprisonment for a period of at least eight years.
- (5) The member of the group or the gang shall be sentenced with imprisonment for a period of at least five years.
- (6) The member of the group or the gang who shall reveal the group, i.e. the gang before he/she commits a crime as its member or on its behalf shall be pardoned.
- (7) Authorized person, responsible person in a bank or other financial institution, or person performing activities of public interest, who according to the law is authorized entity for implementation of measures and activities for prevention of financing of terrorism, and consciously fails to undertake the measures determined by law and thus enables performance of the action from paragraph 1, shall be sentenced to imprisonment of at least four years.
- (8) The sentence referred to in paragraph 7 shall also be imposed to an authorized person who illegally discloses to a client or other person data that refer to the procedure for investigation of suspicious transactions or to use of other measures and activities for financing the terrorism.
- (9) If the crime defined in paragraphs (7) and (8) has been performed by negligence, the perpetrator shall be sentenced with a fine or imprisonment of up to three years.
- (10) If the crime of this article is committed by a legal entity, the said entity shall be sanctioned with a fine.
- (11) The means intended for the preparation, financing and committing of the crimes defined in paragraphs 1, 2, 3 and 4 shall be confiscated.