

Unofficial Translation

Official Gazette of FRY no. 9
Friday, 2 March 2001

EDICT
ON PROMULGATION OF THE AMNESTY LAW

The Amnesty Law hereby promulgated was endorsed by the Federal Parliament at the sessions of the Chamber of Citizens and the Chamber of Republics held on 26 February 2001.

PR number 17
In Belgrade, 26 February 2001

President
of FR Yugoslavia

Dr.Vojislav Kostunica (*manu propria*)

AMNESTY LAW

Article 1

Amnesty is granted to persons who up to 7 October 2000 committed or are (reasonably) suspected of having committed the criminal acts of: refusal to receive and use weapons pursuant to Article 202, failure to act upon draft summons and avoiding military service pursuant to Article 214, avoiding military service by mutilation or deceit pursuant to Article 215, defection or flight from the Yugoslav Army pursuant to Article 217, avoiding of registration and inspection pursuant to Article 218 and failure to fulfil material requirements pursuant to Article 219 of the Criminal Code of the Federal Republic of Yugoslavia ("Official Gazette of SFRY" nos. 44/76, 36/77,34/84, 74/87, 57/89, 3/90, 38/90, 45/90, 54/90 and the "Official Gazette of FRY" nos. 35/92, 16/93, 37/93 and 24/94).

Amnesty is granted also to persons who in the period from 27 April 1992 to 7 October 2000 committed or are (reasonably) suspected of having committed the criminal act of: prevention of fight against the enemy pursuant to Article 118, armed uprising pursuant to Article 124, instigation to forcible change of constitutional system pursuant to Article 133, association for hostile activities pursuant to Article 136 and violation

of reputation of FRY pursuant to Article 157 of the Criminal Code of the Federal Republic of Yugoslavia ("Official Gazette of SFRY" nos. 44/76, 36/77,34/84, 37/84,74/87, 57/89, 3/90, 38/90, 45/90, 54/90 and the "Official Gazette of FRY" nos. 35/92, 16/93, 37/93 and 24/94).

Amnesty from paras 1 and 2 hereof entails acquittal from criminal persecution, execution of sentence and removal from the register.

Article 2

One fourth of a sentence of imprisonment prescribed in final instance is deleted for the persons who had been sentenced up to 7 October 2000 for criminal acts set down in the Criminal Code of FR Yugoslavia, except the persons sentenced in final instance for the criminal act of terrorism pursuant to Article 125, criminal acts against humanity and international law from Chapter XVI, the criminal act of illegal production and sale of narcotics pursuant to Article 245 and criminal acts of creating conditions to enjoy narcotics pursuant to Article 246 of the Criminal Code of FRY ("Official Gazette of SFRY" nos. 44/76, 36/77, 34/84, 37/84, 74/87, 57/89, 3/90, 38/90, 45/90, 54/90 and the "Official Gazette of FRY" nos. 35/92, 16/93, 37/93 and 24/94).

Article 3

If the criminal procedure has not been initiated against persons as set out in Article 1 hereof, it shall not be initiated at all and in case of an ongoing criminal procedure it shall be suspended.

If the person from Article 1 hereof was sentenced to imprisonment in the final instance he shall be amnestied from serving this sentence on the whole or in the part that has not been implemented.

Article 4

The amnesty does not affect any rights of third persons based on the sentence.

Article 5

The decision on amnesty shall be passed by the competent first instance court *ex officio* for the person against whom the criminal procedure is ongoing or has been completed in the final instance.

Article 6

If the person from Article 1 to whom the amnesty refers, is in detention the competent first instance court shall pass a decision of cancellation of detention.

The decision on amnesty from further serving of the sentence shall be passed by the first instance court of general competence in the area where the prison is located for the person from Article 1 who is serving a sentence of imprisonment, while for the persons serving a sentence in a military prison this decision shall be made by the competent military first instance court.

The decision from paras 1 and 2 hereof shall be passed *ex officio* within three days from the date of coming into effect of this Law.

Article 7

In cases mentioned in Article 2 hereof, the competent first instance court shall define the portion of the sentence that the convicted person shall be amnestied from and the remainder of the sentence that he is to serve. If the remaining part of the sentence is smaller or equal to the portion of the sentence being amnestied, the convicted person shall be released immediately.

Article 8

The decision from Articles 5 and 7 hereof may be passed at the request of the charged or convicted person or by a person who may file an appeal on his behalf.

Article 9

The decision on application of the amnesty is subject to an appeal made by the prosecutor, the accused and his defendant, the convicted person and the person authorised to file an appeal on behalf of the accused who had submitted a request.

The appeal from para 1 hereof does not stay the execution of the decision.

Article 10

If the person to whom the decision on amnesty from Article 1 applies is in detention or serving the sentence of imprisonment, the court shall order immediate release.

Article 11

Removal from the registries for criminal acts set down in Article 1 hereof shall be done *ex officio* by the authorities keeping the penal registries within three days from the date of coming into effect of this Law.

Removal from the registries mentioned in Article 1 hereof shall be done also at the request of a person who is eligible for filing a request for amnesty pursuant to this Law.

Article 12

If not otherwise provided for by this Law, the procedure for application of amnesty under this Law shall be governed by the regulations of the Law on Criminal Proceedings.

Article 13

This Law shall come into effect on the day following the date of its publication in the "Official Gazette of FRY"