

Country File

SERBIA



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Region	Europe
Legal system	Civil Law
UNCAT Ratification/ Accession (a)/ Succession (d)	12 March 2001 (d)
Relevant Laws	<ul style="list-style-type: none">• Constitution of 2006• Criminal Code of 2005 (Official Gazette No. 85,2005; No. 88,2005; No. 107,2005)• Criminal Procedure Code (Official Gazette No. 46, 2006)
Relevant Articles	<ul style="list-style-type: none">• Prohibition of Torture: Article 25 of the Constitution• Definition of Torture: Article 137 of the Criminal Code• Penalties: Articles 137, 371 – 374 of the Criminal Code• Others:<ol style="list-style-type: none">1. Extradition: Article 525 of the Criminal Procedure Code2. Participation in torture: Article 371 – 374 of the Criminal Code
Languages Available	<ul style="list-style-type: none">• English
Other Relevant Information	

Relevant Articles – SERBIA

ENGLISH (Translation)

Constitution of 2006

Article 25 Inviolability of physical and mental integrity

Physical and mental integrity is inviolable.

Nobody may be subjected to torture, inhuman or degrading treatment or punishment, nor subjected to medical and other experiments without their free consent.

Criminal Code 2005 (Official Gazette No. 85,2005; No. 88, 2005; No. 107, 2005)

Article 137 Ill-treatment and Torture

- (1) Whoever ill-treats another or treats such person in humiliating and degrading manner, shall be punished with fine or imprisonment up to one year.
- (2) Whoever causes anguish to another with the aim to obtain from him or another information or confession or to intimidate him or a third party or to exert pressure on such persons, or if done from motives based on any form of discrimination, shall be punished with imprisonment from six months to five years.
- (3) If the offence specified in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty, such person shall be punished for the offence in paragraph 1 by imprisonment from three months to three years, and for the offence specified in paragraph 2 of this Article by imprisonment of one to eight years.

Article 371 Crimes against Humanity

Whoever in violation of the rules of international law, as part of a wider and systematic attack against civilian population orders: murder; inflicts on the group conditions of life calculated to bring about its complete or partial extermination, enslavement, deportation, torture, rape; forcing to prostitution; forcing pregnancy or sterilisation aimed at changing the ethnic balance of the population; persecution on political, racial, national, ethical, sexual or other grounds, detention or abduction of persons without disclosing information on such acts in order to deny such person legal protection; oppression of a racial group or establishing domination or one group over another; or other similar inhumane acts that intentionally cause serious suffering or serious endangering of health, or whoever commits any of the above-mentioned

offences, shall be punished by imprisonment of minimum five years or imprisonment of thirty to forty years.

Article 372 War Crimes against Civilian Population

- (1) Whoever in violation of international law at time of war armed conflict or occupation orders an attack on civilian population, settlement, particular civilians, persons incapacitated for combat or members or facilities of humanitarian organisations or peace mission; wanton attack without target selection harming civilian population or civilian buildings under special protection of international law; attack against military targets knowing that such attack would cause collateral damage among civilians or damage to civilian buildings that is obviously disproportionate with the military effect; ordering against civilian population inflicting of bodily injury, torture, inhumane treatment, biological, medical or other research experiments, or taking of tissue or organs for transplantation or performing other acts causing harm to health or inflicting great suffering or who orders deportation or relocation or forced change of nationality or religion; forcing to prostitution or rape; applying intimidation and terror measures, taking of hostages, collective punishment, unlawful depriving of freedom and detention; depriving of the rights to a fair and impartial trial; proclaiming the rights and acts of enemy nationals prohibited, suspended or non-allowed in court proceedings; compelling into service of a hostile power or its intelligence or administration services; compelling to military service persons under seventeen years of age; forced labour; starving of population; unlawful seizure, appropriation or destruction of property not justified by military necessity; taking unlawful and disproportionate contributions and requisitions; devaluing of local currency or unlawful issuing of currency, or whoever commits any of the above offences, shall be punished by imprisonment of minimum five years.
- (2) The penalty specified in paragraph 1 of this Article shall be imposed to whoever, in violation of international law at time of war, armed conflict or occupation, orders: attack on facilities particularly protected under international law and installations and facilities with dangerous power such as dams, embankments and nuclear power plants; strikes against civilian facilities under special protection of international law, undefended places and demilitarized zones; long-term and extensive damage to environment that may be detrimental to health of persons or survival of population or whoever commits any of these offences.
- (3) Whoever at time of war, armed conflict or occupation orders murder of civilian population or whoever commits such offence, shall be punished by imprisonment of minimum ten years or imprisonment of thirty to forty years.
- (4) Whoever, in violation of the rules of international law at time of war, armed conflict or occupation, as an occupying power orders or undertakes relocation of part of its civilian population to occupied territories, shall be punished by imprisonment of minimum five years.

- (5) Whoever threatens to commit any of the offences specified in paragraphs 1 and 2 of this Article, shall be punished by imprisonment of six months to five years.

Article 373 War Crimes against the Wounded and Sick

- (1) Whoever in violation of international law at time of war, armed conflict or occupation orders inflicting bodily injuries, torture, inhuman treatment, biological, medical or other research experiment, taking of tissue or body organs for transplantation or other acts causing harm to health or serious suffering against the wounded, sick, shipwrecked or medical staff or religious staff, or orders destroying or appropriation of large extent of materials, medical transportation means and stocks of medical institutions or units that is not justified by military necessity or whoever commits any of the above offences, shall be punished by imprisonment of minimum five years.
- (2) Whoever at time of war, armed conflict or occupation orders murder of civilian population or whoever commits such offence, shall be punished by imprisonment of minimum ten years or imprisonment of thirty to forty years.

Article 374 War Crimes against Prisoners of War

- (1) Whoever in violation of international law orders injury, torture, inhuman treatment, biological, medical or other research experiments, taking of tissues or body organs for transplantation or commission of other acts harmful to health and causing serious suffering against prisoners of war, or compels prisoners of war to service in forces of a hostile power or deprives them of the rights to fair and regular trial; or whoever commits any of such offences, shall be punished by imprisonment of minimum five years.
- (2) Whoever orders murder of prisoners of war or whoever commits such an offence, shall be punished by imprisonment of minimum ten years or imprisonment of thirty to forty years.

Criminal Procedure Code (Official Gazette No. 46, 2006)

Article 525 Rendering a ruling on denying or approving the extradition

- (1) The authority determined by a special regulation shall render a ruling granting or denying extradition. The authority may render a ruling to postpone extradition due to pending of criminal proceedings before a domestic court for other criminal offense committed by the foreigner whose extradition is requested, or because he is serving sentence in the Republic of Serbia.
- (2) The authority determined by a special regulation shall not grant extradition of the foreigner who is entitled to asylum in the Republic of Serbia, or in case of a political or military offense, if the life or liberty of the foreigner is threatened due to his race, religion, ethnic origin, social status or political

convictions, and there are serious reasons to believe that the foreigner shall be exposed to inhumane treatment or torture in the state which requested extradition, or if in the proceeding preceding extradition it was not made possible for the foreigner to retain a defense counsel, or the proceeding was not conducted in compliance with legal standards set in the ratified international treaties. The authority may deny extradition in case of criminal offenses which are according to domestic law punishable by a term of imprisonment not exceeding three years, or if the foreign court has imposed imprisonment sentence not exceeding one year.