



**Number: X-K-07/401**  
**Sarajevo, 4 July 2007**

**IN THE NAME OF BOSNIA AND HERZEGOVINA!**

The Court of Bosnia and Herzegovina, Judge Izo Tankić, with the participation of legal officer Sedin Idrizović as the minutes-taker, in the criminal case against the accused Ivan Vukoja, for the criminal offense of Failure to Pay Taxes under Article 211 of the Criminal Code of Bosnia and Herzegovina (the CC BiH), upon the Indictment of the Prosecutor's Office of Bosnia and Herzegovina no. KT-437/06 dated 22 June 2007, having held a sentencing hearing upon the Plea Agreement, in the presence of the Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina Biljana Simeunović, the Accused Ivan Vukoja and his Defence Counsel Vlado Slišković, Attorney from Kiseljak, rendered and on 4 July 2007 publicly announced the following

**VERDICT**

**THE ACCUSED: IVAN VUKOJA**, son of Mirko and Jelka maiden name Galić, born 8 July 1967 in Sarajevo, Centar Municipality, permanently residing in Kiseljak at Bilalovac Street bb, JMBG /Citizen Identification Number/08079671172007, married, father of four children, traffic technician by occupation, director and responsible person of "Vukoja Commerce" d.o.o. Kiseljak Company, Croat, citizen of BiH, no prior convictions

**IS GUILTY**

**Of the following:**

As director and responsible person of the legal entity "VUKOJA COMMERCE" d.o.o. Kiseljak, ID no. 23601257005, he acted in violation of Articles 29 and 33(1) and 75(1) of the Law on Indirect Taxation Procedure (*Official Gazette of BiH*, No. 89/05) and Article 39(5) of the Law on Value Added Tax (*Official Gazette of BiH*, Nos. 9/05 and 35/05), and in violation of Article 79(1) of the Rulebook on the Application of the Law on Value Added Tax (*Official Gazette of BiH*, No. 9/05 and 35/05) and failed to pay the calculated amounts of the value added tax (VAT) shown in monthly VAT returns for the accounting periods from March to August 2006, within the statutory time limit, more precisely, the VAT returns having the following control numbers: 522888 dated 10 April 2006 in the amount of KM75,463.00, 339705 dated 10 May 2006 in the amount of KM116,985.00, 241593 dated 10 June 2006 in the amount of KM116,455.00, 315685 dated 10 July 2006 in the amount of KM35,573.00, 691351 dated

10 August 2006 in the amount of KM35,773.00 and 356156 dated 10 September 2006 in the amount of KM26,673.00, totaling KM365,063.99, nor did he pay this amount of value added tax within ten (10) days upon receipt of individual notices by the Business Services Sector of the Sarajevo Regional Centre of enforced collection orders in the procedure of enforced collection of indirect taxes, as follows:

- Notice of Enforced Collection Order no. 02/5-IV-D-16-6830-993/06 dated 18 May 2006, and
- Notice of Enforced Collection Order no. 02/5-IV-D-16-7190-2007/06 dated 26 May 2006, received on 1 July 2006,
- Notice of Enforced Collection Order no. 02/5-IV-D-16-8070-2817/06 dated 4 July 2006,
- Notice of Enforced Collection Order no. 02/5-IV-D-16-9000-3676/06 dated 28 July 2006, and
- Notice of Enforced Collection Order no. 02/5-IV-D-16-9350-4471/06 dated 4 September 2006, received on 18 September 2006,
- Notice of Enforced Collection Order no. 02/5-IV-D-16-9360-5304/06 dated 3 October 2006, received on 13 October 2006

That is, he failed to pay value added tax totaling KM365,063.99 in the procedure of enforced collection of indirect taxes which he was obliged to pay under the tax legislation of Bosnia and Herzegovina, thereby damaging the Budget of Bosnia and Herzegovina for the referenced amount.

**Consequently**, he failed to pay tax liabilities pursuant to the tax legislation of Bosnia and Herzegovina,

**By doing so**, he committed the criminal offense of Failure to Pay Taxes under Article 211 of the CC BiH.

**Accordingly**, the Court of BiH, by applying the cited legal provisions as well as Articles 46 and 48 of the CC BiH,

## **SENTENCES THE ACCUSED**

### **TO A FINE OF KM28,000.00**

That the Accused is obliged to pay within ten (10) months as of the day on which the Verdict becomes final.

In the event the Accused fails to pay the fine within this time limit, the Court shall, within the meaning of Article 47 of the CC BiH, without delay, replace the fine with the prison sentence in such a way that one day of imprisonment shall be imposed per each 50 KM, and any remainder, of the total fine that remains unpaid.

Pursuant to Article 110 and 111 of the CC BiH and Article 392 of the CPC BiH, the accused shall be obliged to pay into the BiH Budget an amount of KM262,534.49, which represents the criminal proceeds.

Pursuant to Article 188(1) of the CPC BiH, the Accused shall be obliged to reimburse costs of the criminal proceedings in the scheduled amount of KM100.00 within 30 days from the day on which the Verdict becomes final.

### **R e a s o n s**

According to the Indictment of the Prosecutor's Office of Bosnia and Herzegovina no. KT-437/06 dated 22 June 2007, Ivan Vukoja was charged with the criminal offense of Failure to Pay Taxes under Article 211 of the CC BiH.

On 29 June 2007, the accused Ivan Vukoja, represented by his Counsel Vlado Slišković, Attorney from Kiseljak, entered into a Plea Agreement with the Prosecutor of the BiH Prosecutor's Office. By this Agreement, the Accused admitted his guilt of the criminal offence of Failure to Pay Taxes under Article 211 of the CC BiH, committed in the way as specified in the statement of facts in the Indictment No. KT-437/06 dated 22 June 2007.

Under the Agreement, the Prosecutor and the Accused Ivan Vukoja agreed that the Prosecutor of the BiH Prosecutor's Office propose to the Court of BiH to impose on the Accused Ivan Vukoja for the committed criminal offence a fine not less than KM28,000.00 and not exceeding KM32,000.00 within ten months in equal monthly installments.

At the Plea Hearing held on 4 July 2007, having checked, the Court ascertained that the Accused understood the Agreement and concluded it willingly and knowingly, then that the Accused understood that under the Agreement he waived the right to trial and an appeal from the sanction that would be imposed on him. The Court admonished the Defendant of possible consequences including those relating to the payment of the costs of the criminal proceedings.

Thereupon, the Court accepted the Agreement in its entirety, having found that the Prosecutor proffered ample evidence on the guilt of the Accused Ivan Vukoja.

At the sentencing hearing, the Prosecutor moved the Court to take into account as mitigating circumstances on the part of the Accused the fact that he has no prior convictions, that he is a family man, father of four children, that he partly paid the unpaid tax amount and that there are no aggravating circumstances on his part. The Defence Counsel for the Accused also pointed out the facts that the Accused has no prior convictions, that he is a family man, father of four children, that he partly paid the unpaid tax amount, his admission of guilt which in the Counsel's opinion

constitute mitigating circumstances that justify the imposition of a fine on the Accused in the amount of KM28,000.00, whereas there are no aggravating circumstances on the part of the Accused. The Accused Ivan Vukoja consented to the allegations made by his Counsel.

Taking into consideration the abovementioned and the range of the fine for the Accused as proposed in the Agreement, the Court took into consideration as mitigating circumstances on the part of the Accused Ivan Vukoja that he has no prior convictions, that he is a family man, father of four children, his honesty before the Court and admission of guilt which contributed to the efficiency of the proceedings and cost reduction, whereas it found no aggravating circumstances on the part of the Accused. Bearing in mind the mitigating circumstances and the absence of aggravating ones on the part of the Accused, the Court imposed on the Accused Ivan Vukoja the fine of KM28,000.00, which the Accused shall pay within 10 months as of the day on which the Verdict becomes final. The Court finds that the imposed fine is commensurate with the gravity of the committed criminal offence and the degree of criminal responsibility and that it will achieve the purpose of sanctioning as stipulated in Article 39 of the CC BiH.

Pursuant to Article 110 and 111 of the CC BiH and Article 392 of the CPC BiH, the Court obligated the Accused Ivan Vukoja to pay into the BiH Budget the amount of KM262,534.49, given that the amount is proportionate to the unpaid tax and it represents the criminal proceeds. In this regard, pursuant to the official letter of the Business Services Sector of the Indirect Taxation Administration-Sarajevo Regional Center, No. 02/5-IV-16-10811-1/07 dated 21 June 2007 (exhibit presented by the Prosecution after the confirmation of the Indictment), the Court found that the Accused had paid at a later point part of the unpaid tax of KM365,063.99, thus the amount of KM262,534.49 of unpaid tax remains to be paid, representing the criminal proceeds.

Pursuant to Article 188(1) of the CPC BiH, the Court obligated the Accused Ivan Vukoja to reimburse the costs of the criminal proceedings relating to the KM100.00 scheduled amount within 30 days from the day on which the Verdict becomes final.

*/signature/*  
**Sedin Idrizović**  
**Minutes-taker**

*/signature/*  
**Judge Izo Tankić**

*/Round stamp of the Court of BiH duly affixed/*

**LEGAL REMEDY:** No appeal from the Verdict as to the sanction shall be permissible, whereas an appeal on other grounds may be filed within 15 days as of service of the written Verdict.

*I hereby confirm that this document is a true translation of the original written in Bosnian/Serbian/Croatian.*

*Sarajevo, 14 January 2010*

*Sanja Maunaga*

*Certified Court Interpreter for English*