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CODE PENAL

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BOOK ONE

CRIMINAL LAW

FIRST TITLE

ON THE APPLICATION OF CRIMINAL LAW

CHAPTER ONE

PRELIMINARY PROVISIONS

Article 1 — No exemptions.

Criminal law applies to everyone.

Article 2 — General and special application.

(1) The rules of international law and duly promulgated and published treaties shall apply to this Code and to any penal provision.

(2) (Law No. 67-LF-1 of June 12, 1967): This book prevails over any other criminal provision except for special provisions aimed in particular at prohibiting suspended sentences and prohibiting or limiting mitigating circumstances enacted even before the entry into force of this book, by a law or by a regulatory text having legislative effect. This paragraph is retroactive to October 1, 1966 inclusive.

(3) Where the same matter is the subject of both a general provision not included in this book and a special provision, the latter alone shall apply unless otherwise provided.

CHAPTER II

ON THE APPLICATION OF CRIMINAL LAW OVER TIME.

Article 3 — Non-retroactivity.

Acts committed prior to its entry into force or those which have not been judged before its express or tacit repeal are not subject to criminal law.

Article 4 — Less stringent law.

(1) Any new and less stringent criminal provision applies to offences not finally judged on the day of its entry into force.

(2) If the new provision is more stringent, offences committed before its entry into force continue to be judged in accordance with the old law.

Article 5 — New security measure.

Any law enacting a security measure is applicable to facts not definitively judged on the day of its entry into force.

Article 6 — Abolition of the offence, penalty or measure.

Immediately ceases to receive execution of any penalty or security measure:

- (a) Pronounced on the basis of an act which no longer constitutes an offence;
- (b) Abolished after conviction.

CHAPTER III

ON THE APPLICATION OF CRIMINAL LAW IN SPACE.

Article 7 — Offense committed on the territory.

(1) The criminal law of the Republic applies to any act committed on its territory.

(2) The territory of the Republic includes the territorial waters and the airspace above that territory and its waters, as well as ships and aircraft registered in the Republic.

However, no member of the crew of a foreign ship or aircraft, who is the author of an offence committed on board to the detriment of another member of the crew, even within territorial waters or airspace, may be tried by the courts of the Republic unless the assistance of the local authority has been requested or public order has been compromised.

Article 8 — Offense partially or totally committed abroad.

The criminal law of the Republic applies:

- (a) Any offence one of the constituent elements of which was committed in its territory;
- (b) Offences against state security, counterfeiting the state seal or national currencies in circulation, committed even abroad.

However, no foreigner may be tried by the courts of the Republic under paragraph b, unless he has been arrested on the territory of the Republic or has been extradited.

Article 9 — Complicity, conspiracy, attempt.

The following are subject to the criminal law of the Republic:

- (a) Acts constituting complicity, conspiracy and attempt carried out on the territory of the Republic with a view to committing an offence abroad if this offence is also punishable by foreign law;
- b) The same acts committed abroad with a view to committing an offence on the territory of the Republic.

Article 10 — Offense committed abroad by a citizen or resident.

(1) The criminal law of the Republic applies to acts committed abroad by a citizen or a resident, provided that they are punishable by the law of the place where they were committed and are classified as crimes or offenses by the laws of the Republic.

However, the penalty incurred cannot be greater than that provided for by foreign law.

(2) No citizen or resident guilty of an offence committed against a private individual may, however, be tried by the courts of the Republic under this article except on the prosecution of the public prosecutor seized of a complaint or an official denunciation to the government of the Republic by the government of the country where the act was committed.

Article 11 — International Offenses.

The criminal law of the Republic applies to piracy, human trafficking, slave trade, and drug trafficking, even if committed outside the territory of the Republic.

However, no foreigner may be tried on the territory of the Republic for the acts referred to in this article, committed abroad, unless he has been arrested on the territory of the Republic and has not been extradited and provided that the prosecution is initiated by the public prosecutor.

Article 12 — General jurisdiction of the courts of the Republic.

Subject to the exceptions provided for in this chapter, the courts of the Republic have jurisdiction to hear all offences to which its criminal law applies.

CHAPTER IV

OF FOREIGN LAW AND CRIMINAL SENTENCES.

Article 13 — Exclusion of foreign law.

Subject to Articles 9 and 10 and this chapter, foreign criminal law has no effect before the courts of the Republic.

Article 14 — Foreign awards.

Criminal sentences handed down against anyone by foreign courts shall only have effect on the territory of the Republic if:

- (a) The act is qualified as a crime or common law offense by the criminal law of the Republic;
- (b) The regularity of the sentence, its final nature and its conformity with the public order of the Republic are established by the court seized of a prosecution against the same person or by the court of appeal of the residence of the convicted person seized by the public prosecutor.

Article 15 — Effects of foreign awards.

The said criminal sentences:

- (a) Are taken into consideration for recidivism and relegation, for the granting or revocation of suspended sentence, for the revocation of conditional release, for rehabilitation and amnesty;
- (b) Prevent any further prosecution for the same acts in the territory of the Republic, provided that in the event of conviction the sentence has been served or prescribed or that a pardon has been granted.

Article 16 — Enforcement of foreign judgments.

(1) When the sentences referred to and recorded under the conditions provided for in Article 14 have been pronounced against citizens or residents and have not been executed in another country, they are enforceable in the territory of the Republic, unless the convicted person has been conditionally released, pardoned or amnestied, or unless his sentence has been prescribed.

(2) It is up to the court seized under the conditions provided for in Article 14 to order the execution of this penalty and to pronounce, where appropriate, the security measures that the law of the Republic attaches to the said offences.

TITLE II

PENALTIES AND SECURITY MEASURES.

CHAPTER I

PRELIMINARY PROVISIONS.

Article 17 — Legality of penalties and offenses.

Penalties and measures are set by law and are only imposed for legally provided offences.

Article 18 — Principal penalties.

The main penalties are:

- The death penalty;
- Imprisonment
- The fine.

Article 19 — Accessory penalties.

The accessory penalties are:

- Forfeitures;
- Publication of the judgment;
- The closure of the establishment;
- Confiscation.

Article 20 — Security measures.

The safety measures are:

- The ban on practicing the profession;
- Relegation;
- Post-penal monitoring and assistance measures;
- Internment in a nursing home;
- Confiscation.

Article 21 — Classification of offenses.

(1) Offenses are classified as crimes, misdemeanors and contraventions according to the main penalties which punish them:

- (a) Offenses punishable by the death penalty or a custodial sentence of more than ten years are deemed to be crimes;
- (b) Offenses punishable by a custodial sentence or a fine are deemed to be misdemeanors when the custodial sentence incurred is greater than ten days and does not exceed ten years or when the maximum fine is greater than 25,000 francs.
- (c) Offenses punishable by imprisonment not exceeding ten days or a fine not exceeding 25,000 francs are deemed to be contraventions.

(2) The nature of an offence is not changed:

(a) where, as a result of the admission of an excuse or mitigating circumstances, the penalty imposed is that for another category of offences;

b) In cases of aggravation provided for in Articles 88 and 89 of this Code.

CHAPTER II

MAIN PENALTIES.

Section I

THE DEATH PENALTY.

Article 22 — Conditions precedent to execution.

(1) Any death sentence shall be submitted to the President of the Republic for the exercise of his right of pardon.

(2) Until the President of the Republic has ruled on the pardon of the convicted person, no death sentence may be executed.

(3) A pregnant woman is not subject to the death penalty until after giving birth.

(4) No performance may take place on Sundays and public holidays.

Article 23 — Execution.

(1) A person sentenced to death shall be executed by shooting or hanging as decided by the judgment convicting him. The execution shall be public, unless otherwise decided by the decision rejecting the application for clemency.

(2) The bodies of the tortured are handed over to their families, if they request them, on the condition that they have them buried without any ceremony.

(3) Only the minutes of execution and, where appropriate, an official press release may be published in the press.

(4) A decree shall set out the conditions for the application of this article.

Section II

IMPRISONMENT.

Article 24 — Imprisonment.

Imprisonment is a custodial sentence during which the convicted person is required to work unless the court decides otherwise and provides reasons.

Article 25 (new. — L. No. 78-11 of December 29, 1978).Salary.

(1) The product of the prisoner's work shall be allocated as follows:

- 2/3 to the Treasury;
- 1/3 to build up the nest egg.

(2) The terms of application of this article, in particular the conditions for managing the savings, are set by decree.

Section III

THE DETENTION.

Article 26 — Repealed L. No. 91/007 of July 30, 1991 amending Article 2 of Law No. 90/061 of December 19, 1990

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Detention.

Detention is a custodial sentence imposed for a crime or political offense during which the convicts are not required to work and serve their sentence in special establishments. Otherwise, they are separated from those convicted by law.
common.

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Section IV

PROVISIONS COMMON TO PENALTY DEPRIVATION.

Article 27 — Start of the sentence.

(1) If the convicted person is not in preventive detention or if an arrest or committal warrant is not issued against him at the hearing under the conditions provided for by the Code of Criminal Procedure, the custodial sentence may only be executed when the conviction has become final.

(2) If a woman sentenced to a custodial sentence is pregnant or has just given birth, she shall not serve her sentence until six weeks after giving birth.

(3) A pregnant woman placed in preventive detention shall continue to benefit from the preventive detention regime until the expiry of the period referred to in the preceding paragraph.

(4) A husband and wife sentenced for different offences to a term of imprisonment of less than one year and not detained on the day of judgment may, at their request, not serve their sentence simultaneously if, providing proof of a common domicile, they have in their care and custody a child aged under eighteen years.

Article 28 — Calculation of the penalty.

- (1) The custodial sentence expressed in days is calculated per twenty-four hours.
- (2) The penalty of one month is thirty days.
- (3) The sentence expressed in months and years is calculated from date to date.
- (4) Subject to the provisions of Article 53, the starting point of the sentence is fixed:
 - (a) On the day the convicted person is imprisoned in execution of the sentence;
 - (b) In the event of confusion of sentences on the day of the first incarceration in execution of one of the combined sentences.
- (5) In the event of escape, the period during which the convicted person was on the run is excluded from the calculation of the length of the sentence.

Article 29 — Separation of minors.

Minors under the age of eighteen serve their custodial sentence in special establishments.

Otherwise, they are separated from adult prisoners.

CHAPTER III

ACCESSORY PENALTIES.

Section I

OF DEFAULTS.

Article 30 — Definition.

The forfeitures consist of:

- 1° In the dismissal and exclusion from all functions, employment or public offices;
- 2° Unable to be a juror, assessor, expert, juror-expert;
- 3° In the prohibition of being a guardian, curator, subrogated guardian or judicial council, except for one's own children, or a member of a family council;
- 4° In the prohibition of wearing any decoration;
- 5° In the prohibition to serve in the armed forces;
- 6° In the prohibition of running a school or even teaching in an educational establishment and, in general, of occupying functions relating to the education or care of children.

Article 31 — Application.

(1) A life sentence carries with it the forfeitures provided for in the preceding article.

(2) Any other conviction for a crime carries the same forfeitures for the duration of the sentence and for ten years following its expiration or conditional release if the latter has not been revoked.

(3) The court may, in all cases provided for in the preceding paragraph, by reasoned decision, relieve the convicted person of all or part of these deadlines and reduce their duration to two years.

(4) In the event of conviction for an offence and where the law authorises them to do so, the courts may, by reasoned decision, pronounce for a period of up to five years all or part of the forfeitures provided for in the preceding article.

Article 32 — Forfeitures and contumacy.

In the event of conviction in absentia, forfeitures are incurred from the day the publicity measures provided for in the Code of Criminal Procedure are completed.

Section II

OTHER ACCESSORY PENALTIES

Article 33 — (L. 93-013 of December 22, 1993) Publication of the judgment.

(1) In cases where the Tribunal or the Court may order the publication of its decision, it shall be posted under the conditions set by decree for a maximum period of two months in the event of conviction for a crime or offence and for a maximum period of fifteen days in the event of a contravention.

(2) In the same cases, the Tribunal or the Court may also order the publication of its decision in the newspapers it indicates, on radio or on television.

(3) These publications are made at the expense of the convicted person.

(4) Information in the written press, radio and television as well as objective commentary are free.

Article 34 — Closure of the establishment.

In cases where the Tribunal or the Court may order the closure of a commercial or industrial establishment or professional premises used to commit an offence, this measure shall entail a prohibition for the convicted person or for the third party to whom the convicted person has sold, transferred or leased the establishment or professional premises from carrying out the same trade, industry or profession in the same premises.

Article 35 — Confiscation of “corpus delicti”.

(1) In the event of conviction for a crime or offence, the court or tribunal may order the confiscation of any movable or immovable property belonging to the convicted person and seized, where such property has served as an instrument for committing the offence or is the product thereof.

(2) In matters of contravention, this confiscation may only be ordered in cases determined by law.

CHAPTER IV

SAFETY MEASURES.

Section I

THE PROHIBITION OF THE PROFESSION.

Article 36 — Prohibition of the profession.

(1) A ban on practicing a profession may be imposed by a reasoned decision against persons convicted of a crime or common law offence when it is found that the offence committed has a direct relationship with the practice of the profession and there are serious fears that this practice may constitute a danger of relapse for the convicted person.

(2) This prohibition is imposed for a period which may not be less than one year nor more than five years, from the day on which the sentence was served, except in cases where the law provides otherwise.

(3) In the event of a repeat offense under the conditions provided for in paragraph 1 and in article 88 for a crime or offense of the same nature, the ban becomes perpetual.

Section II

RELEGATION

Article 37 — Definition of relegation.

(1) Relegation is internment for a period of five to twenty years under a regime of work and social rehabilitation during which the relegated persons are, in the absence of a special establishment, separated from the convicts who are serving their sentences.

(2) Decrees regulate the operating conditions of the establishment, the work regime and the social rehabilitation of relegated persons.

Article 38 — Persons excluded from relegation.

Convicted persons who are under twenty-five or over sixty years old at the end of the main sentence may not be relegated.

Article 39 — Conditions of relegation.

(1) (Law No. 67-LF-1 of June 12, 1967): A repeat offender may be relegated if, within the period of ten years, not including sentences served and security measures involving deprivation of liberty, he has incurred, taking into account the sentence handed down for the new offense committed, either:

- (a) Two sentences of imprisonment for a crime or of the death penalty originally commuted to imprisonment;
- (b) One of the convictions provided for in paragraph (a) and two convictions for offences of more than one year's imprisonment;
- (c) Four convictions for offences of more than one year's imprisonment.

(2) The starting point of the aforementioned ten-year period is the date of the last offence likely to lead to relegation.

(3) The convictions retained for relegation must be final and each of the facts motivating these convictions must be subsequent to the previous conviction which became final.

(4) Convictions which have been pardoned, commuted or reduced in sentence shall be taken into account.

(5) No account shall be taken of those which have been erased by rehabilitation or by amnesty.

(6) Convictions handed down against minors aged under eighteen at the time the offences were committed shall not be taken into account.

Section III

POST-CRIMINAL SURVEILLANCE AND ASSISTANCE

Article 40 — Definition and duration.

(1) Any person sentenced to a custodial sentence of more than one year may, taking into account the facts of the case and by reasoned decision, be placed by the court which sentences him and for a maximum period of five years under the post-penal supervision and assistance regime comprising general obligations and, where appropriate, special obligations.

(2) The observation of these obligations by the convicted person is monitored by a magistrate designated for this purpose, assisted by voluntary or paid supervisors.

However, this control is exercised by the police authorities when it concerns an individual convicted of a crime or a repeat offender convicted of an offence.

(3) A decree determines the conditions of application of this article.

Article 41 — General obligations (Law No. 69-LF-2 of June 14, 1969).

The general obligations which are automatically imposed on the convicted person are as follows:

- 1° Establish one's domicile in a specific place;
- 2° Respond to summons from the authority responsible for the monitoring and assistance mission;
- 3° Receive visits from the supervisor and provide him with information or documents likely to enable the monitoring of his means of existence;
- 4° Notify or justify to the supervisor the reasons for his changes of employment or residence;
- 5° Notify the supervisor of any absence exceeding fifteen days and advise him of his return;
- 6° Obtain prior authorization from the authority responsible for this mission before any trip abroad.

Article 42 — Special obligations.

In addition to the general obligations imposed by Article 41, the court may impose on the convicted person all or part of the following obligations:

- 1° Establish residence in one or more specific places;
- 2° Not to appear in certain specific places, except with special and temporary authorization;
- 3° Carry out a professional activity, follow an education or receive professional training;
- 4° Submit to control, treatment or care measures, even under the hospitalization regime, in particular for the purposes of detoxification;
- 5° Contribute to family expenses or regularly pay maintenance;
- 6° Repair the damage caused by the offense;
- 7° Not to drive certain vehicles determined by the license categories in force;
- 8° Do not frequent certain places such as bars, racecourses, gambling houses;
- 9° Do not place bets;
- 10° Refrain from any excess of alcoholic beverages;
- 11° Not to associate with certain convicted persons, in particular co-authors or accomplices of the offense;

12° Refrain from receiving or hosting certain people at your home.

Section IV

INTERMENT IN A NURSING HOME

Article 43 — The mentally ill.

(1) In the event of acquittal on grounds of insanity of the perpetrator of a crime or offence punishable by a prison sentence of at least two years, and where the liberty of the accused is recognised as dangerous to public order by the court seised of the matter, the latter shall order his internment in a special health centre.

(2) This jurisdiction alone may terminate the internment after advice from the competent medical authority certifying that the liberty of the internee no longer presents any danger to public order.

Article 44 — Mental infirmity.

(1) When a person who is an alcoholic, a drug addict or suffers from mental infirmity is convicted of a crime or offence punishable by a prison sentence of at least two years in relation to his habits or mental state and his freedom is recognised as dangerous to public order, the court seised may order his internment in a special health centre.

(2) Internment may not exceed two years for the treatment of an alcoholic or drug addict and five years for the treatment of a mentally disabled person.

(3) This jurisdiction may shorten the period it had set, after advice from the competent medical authority certifying that the liberty of the internee no longer presents any danger to public order.

Section V

OF CONFISCATION

Article 45 — Confiscation.

Things whose manufacture, possession, sale or use are illicit are confiscated even if they do not belong to the convicted person or if the prosecution has not resulted in a conviction.

CHAPTER V

OF PREVENTIVE COMMITMENT.

Article 46 — Conditions.

(1) It may be imposed by the President of the Tribunal on any person who by his conduct shows an unequivocal intention to commit an offence likely to disturb the

public peace, to undertake personally and, where appropriate, with solvent guarantors to pay the fixed sum if he commits an offense of this nature during the specified period.

(2) The amount is set according to the possibilities of the employee.

Article 47 — Duration.

This commitment may be imposed for a period of one year, which may be extended to three years in the case of a habitual offender.

Article 48 — Commitment of parents or guardian.

In the event that a minor under eighteen years of age has committed acts classified as an offence, the president of the court may impose on his or her father, mother, guardian or customary guardian the commitment provided for in Article 46 in the event that the minor commits acts of the same nature within a period of one year without the person committed providing proof that he or she has taken all necessary measures to ensure that the minor does not commit the offence.

Article 49 — Refusal of commitment.

(1) Any person who has not complied with the undertaking imposed on him or who has not provided the required guarantor may be immediately imprisoned until his acceptance or until the designation of the guarantor(s) without the duration of this measure being able to exceed the duration of the period provided for in the undertaking.

(2) Except in the case provided for in Article 48, the special obligations referred to in Article 42 (1° and 2°) may replace incarceration.

Article 50 — Non-compliance.

(1) If the undertaking has not been complied with, the court hearing the offence shall, in the event of conviction, order payment of the sum fixed without prejudice to the penalties relating to the offence.

(2) With regard to the person liable, this sum is recovered by the same means as the fine and with regard to the guarantor(s) by any civil means.

CHAPTER VI

OF THE NON-ACCUMULATION OF PENALTIES.

Article 51 — Non-accumulation.

(1) Where an individual is prosecuted for several related crimes, offences or contraventions, the most severe penalty shall be imposed.

(2) In the event that an individual is subject to several convictions for crimes or offences resulting from various prosecutions, the merger of the principal penalties may be ordered. In the event

cumulatively, the total of the sentences imposed cannot exceed the maximum sentence incurred for the most serious offense.

(3) When a principal sentence is remitted, the commuted sentence and not the sentence initially imposed must be taken into account for the accumulation of sentences.

(4) The rule of non-accumulation of sentences does not apply to two convictions, the first of which had become final before the commission of the acts which gave rise to the second.

(5) In matters of contravention, penalties are always cumulative, unless the court decides otherwise.

(6) In the event of conviction for several offences, penalties other than the principal penalties and security measures shall be cumulative, unless otherwise decided by the court seised.

Article 52 (new).- — Execution order.

(1) Custodial sentences are executed in the chronological order of notification of the detention certificates to the convicted person.

(2) The accessory penalties and the internment provided for in Article 43 are immediately applicable, while the other security measures are applicable upon expiry of the main penalty or its suspension.

(3) Where several security measures are to be executed cumulatively, their order of execution is as follows:

(a) Internment in a nursing home;

b) Relegation;

(c) Post-penal measures.

(4) If, during the execution of one of these measures, the convicted person incurs a custodial sentence for another crime or offence, the execution of the security measure is suspended and the new sentence is served first.

Article 53 — Preventive detention.

(1) In the event of pre-trial detention, the duration of this detention is deducted in full from the custodial sentence imposed.

(2) Where there has been preventive detention and the sentence imposed is a fine, the court seized may exempt the convicted person from all or part of the payment.

CHAPTER VII

CAUSES WHICH OBSTACLE THE EXECUTION OF SENTENCES.

Section I

SIMPLE REPEAL.

Article 54 — Conditions of application and effects.

(1) In the event of conviction for a crime or misdemeanor to a term of imprisonment of less than or equal to five years or to a fine, except in the case provided for in Article 92 (2) and if the convicted person has not been subject to a previous and unexpunged conviction to imprisonment, the court seized may order, unless otherwise provided by law and by reasoned decision, that the execution of the principal sentence be suspended for a period of three to five years.

(2) The suspension has no effect on the accessory penalties and on the measures resulting from the conviction.

(3) If during the period thus fixed, counting from the day on which the judgment or order becomes final, the convicted person commits another crime or offense followed by a sentence of imprisonment without probation, the suspended sentence shall be executed as a priority and without confusion with the second sentence.

(4) Otherwise, the expiry of the time limit produces the effects provided for in Article 69.

(5) The provisions of this article are applicable between several successive sentences of detention.

Section II

SUSPENDED SENTENCE WITH PROBATION.

Article 55 — Conditions d'application.

(1) A suspended sentence with probation may be imposed under the same conditions as a simple suspended sentence when the sentence is equal to or greater than six months of imprisonment.

(2) It may also be granted to individuals previously sentenced to a suspended prison sentence or to an unsuspended prison sentence of less than six months.

(3) The probationary period may not be less than three years nor more than five years.

(4) Subject to the provisions of paragraphs 1 and 2 of this article, article 54 is applicable to suspended sentences with probation.

Article 56 — The probation regime.

(1) The probation regime includes general and, where appropriate, special obligations of supervision and assistance.

(2) The observation of these obligations by the convicted person is monitored by a magistrate designated for this purpose, assisted by voluntary or paid probation delegates.

(3) The designation of the probation delegate is made by the magistrate responsible for supervision who may modify it.

(4) The magistrate of the residence of the convicted person responsible for supervision may at any time and by reasoned decision suspend all or part of the special obligations or modify them without aggravation.

Article 57 — General obligations.

The general obligations imposed by Article 41 on the convicted person with regard to the supervisor are automatically imposed on the convicted person placed under the probation regime with regard to the probation officer.

Article 58 — Special obligations.

In addition to the general obligations imposed by the preceding article, the judgment or order may require the convicted person with probation to observe all or part of the obligations referred to in Article 42 of this Code.

Article 59 — Obligations of the delegate.

(1) The probation officer must ensure that the convicted person complies with the general and special obligations to which he is subject; he is also required to encourage and support the convicted person's efforts towards his social rehabilitation, particularly with regard to his family and professional rehabilitation.

(2) He is required to provide him with all moral assistance and, in the event that the convicted person needs material assistance, it is his responsibility to refer the matter to the designated Magistrate so that assistance can be provided to him by any assistance or social aid organization.

(3) He must keep this magistrate regularly informed of the exercise of his mission and refer it to him in the event of difficulties.

Article 60 — Breach of obligations.

(1) If, during the probationary period, the convicted person fails to comply with any of the general or special obligations of his probation, the court which pronounced the sentence may order the execution of the suspended sentence.

(2) The execution of this sentence does not entail the revocation of a simple suspension previously granted.

(3) If the suspension has not been revoked under this section or section 54, the expiry of the period shall have the effects of section 69.

Section III

OF PAROLE.

Article 61 — Definition.

- (1) Conditional release is the early release of a person sentenced to a custodial sentence or measure.
- (2) It is granted and revoked by decree.
- (3) A decree shall lay down the general conditions and procedures for granting and revoking conditional release.
- (4) This suspension, if it has not been revoked, becomes final upon expiry of the term of the sentence.

Article 62 — Suspension of measures.

- (1) The conditional release decree may suspend the execution of measures of internment in a special health facility, relegation, post-penal surveillance and assistance or prohibition from exercising a profession which follow the main sentence.
- (2) This suspension becomes final five years after the expiry of the main penalty.

Article 63 — Time limit for granting.

- (1) Conditional release may only be granted to a convicted person after completing half of his sentence or half of all the sentences in the event of accumulation, taking into account, where applicable, any pardon measures.
- (2) It may only be granted to a repeat offender after completing two-thirds of his sentence.
- (3) Conditional release may only be granted to the relegated person after five years.

Article 64 — Revocation.

- (1) Conditional release may be revoked in the event of conviction for a crime or offence committed subsequently or failure to comply with the general or special conditions of release.
- (2) In the event of revocation, the time spent on parole shall not be counted towards the remainder of the sentence to be served.

Section IV

SUSPENSION OF POST-CRIMINAL MEASURES.

Article 65 — Suspension of post-penal measures.

- (1) On the proposal of the authority referred to in Article 40 (2), the court which ordered the post-criminal measures may at any time and by reasoned decision suspend the special measures in whole or in part or modify them without aggravating them.

(2) The suspension may be revoked at any time in the manner provided for its granting.

(3) The duration of the suspension of these measures, even if revoked, is counted in the duration of the post-penal measures.

Section V

GRACE, PRESCRIPTION, DEATH.

Article 66 — Pardon.

Pardon is the commutation or partial or total remission, conditional or not, of sentences, security measures and probation obligations.

Article 67 — The prescription.

(1) The principal penalty not served, as well as the accessory penalties and security measures which accompany it, may no longer be executed after the expiry of the time limits determined below from the date of the judgment or ruling which has become final:

(a) For crime: twenty years;

(b) For misdemeanor and related contravention: five years;

(c) For any other contravention: two years.

(2) The limitation period is suspended whenever an obstacle of law or fact, other than that resulting from the will of the convicted person, prevents the execution of the sentence.

(3) It is interrupted by any act of execution of the penalty before the expiration of the period.

(4) Once the limitation period for the sentence has expired, the person convicted in absentia or in contumacy may no longer appear to serve it.

Article 68 — Death.

The death of the convicted person does not prevent the execution of financial sentences on his assets or the closure of the establishment (added by Law No. 67-LF-1 of June 12, 1967): "nor confiscation".

CHAPTER VIII

CAUSES WHICH ERASE THE CONDEMNATION

Section I

LA REHABILITATION.

Article 69 — Definition and effects.

(1) Rehabilitation, acquired automatically or by court decision, erases the conviction for a crime or offence and puts an end to any accessory penalty and any security measure, with the exception of internment in a nursing home and the closure of the establishment.

(2) It is indivisible and must cover all convictions not yet expunged.

(3) It is in all cases subject to the payment of costs due to the Treasury and to compensation for the civil party.

(4) The amount of financial penalties, fines, confiscations, paid by the rehabilitated person, remains acquired by the Treasury.

(5) Rehabilitation does not automatically restore decorations and does not automatically reinstate the person in the orders from which they have been deprived.

(6) It does not automatically reinstate in public functions or jobs, ranks, public or ministerial offices and does not give rise to career reconstruction.

(7) It does not prevent requests for review aimed at establishing the innocence of the rehabilitated person.

Article 70 — Rehabilitation of right.

(1) Rehabilitation is acquired automatically by a convicted person who has not been subject to any new sentence of imprisonment or detention for a crime or offence within the following time limits:

- Fine: five years;

- Single sentence of imprisonment or detention not exceeding six months: ten years

;

- Single sentence of imprisonment or detention which does not exceed two years: fifteen years;

- Single sentence of imprisonment or detention not exceeding five years: twenty years;

(2) The period is fifteen years if the total of the convictions does not exceed one year and twenty years if the total of the convictions is more than one year but does not exceed two years.

(3) Convictions handed down concurrently are considered as a single conviction.

(4) For fines, the time limits run from the day of payment or from the date of prescription and for custodial sentences from the day of expiry of the sentence served, taking into account, where applicable, any remissions of grace, or from the date of prescription.

Article 71 — Judicial rehabilitation.

(1) Rehabilitation may also be requested in court by the convicted person after a period of five years for those convicted of a crime and three years for those convicted of an offence.

(2) This period starts from the day of release for those sentenced to a custodial sentence and from the day of payment of the fine.

(3) The time limits provided for in this article shall be doubled if the convicted persons are in a state of legal recidivism or have prescribed their sentence. In the event of prescription of the sentence, the time limit starts from the day on which the prescription becomes acquired.

Article 72 — Post-mortem period.

(1) In the event of the death of the convicted person and if the legal conditions are met, the request for rehabilitation may be followed and even made by his spouse, ascendants or descendants within one year from the date of death.

(2) The request for rehabilitation already made may be followed by the public prosecutor.

Section II

AMNESTY.

Article 73 — Effects.

(1) Subject to civil interests, amnesty erases the conviction and puts an end to any principal and accessory penalty and any security measure, with the exception of internment in a nursing home and the closure of the establishment.

(2) Unless otherwise provided, it prevents or stops proceedings not brought or already in progress.

(3) Unless otherwise provided, it is not applicable to costs due to the Treasury if the conviction has become final.

(4) Unless otherwise provided, the costs, fines and confiscations already paid by the convicted person shall remain the property of the Treasury.

(5) Unless otherwise provided, it does not automatically restore decorations and does not automatically reinstate in orders from which the amnestied person has been deprived.

(6) Unless otherwise provided, it does not automatically reinstate in public functions or jobs, ranks, public or ministerial offices and does not give rise to career reconstruction.

(7) It does not prevent requests for review aimed at establishing the innocence of the amnestied convicted person.

TITLE III

FROM CRIMINAL LIABILITY.

CHAPTER I

GENERAL PROVISIONS.

Article 74 — Punishment and liability.

(1) No penalty may be imposed except on a person who is criminally responsible.

(2) A person who voluntarily commits acts constituting the constituent elements of an offence with the intention that these acts will result in the commission of the offence is criminally liable.

(3) Except where the law provides otherwise, the intended consequence of an omission does not entail criminal liability.

(4) Except where the law provides otherwise, criminal liability may arise only if the conditions of paragraph 2 are met.

However, in contravention matters, criminal liability exists, even if the act or omission is not intentional or the consequence was not intended.

Article 75 — Ignorance and motive.

Ignorance of the law and motive do not affect criminal liability.

Article 76 — Execution of the law.

No act ordered or authorized by law and carried out in accordance with the law constitutes an offense.

CHAPTER II

CAUSES WHICH REMOVE OR ATTENUATE CRIMINAL LIABILITY.

Article 77 — Unforeseeable circumstances and material constraints.

Criminal liability cannot result from fortuitous events or irresistible material constraints.

Article 78 — Dementia.

(1) Criminal liability cannot arise from the act of an individual suffering from a mental illness such that his will was abolished or he was unable to be aware of the reprehensible nature of his act.

(2) If the dementia is not total, it constitutes a mitigating excuse.

Article 79 — Intoxication.

Intoxication that is not voluntary is considered mental illness.

Article 80 — The minority.

(1) A minor under ten years of age is not criminally responsible.

(2) A minor aged ten to fourteen who is criminally responsible may only be subject to one of the special measures provided for by law.

(3) A minor aged over fourteen and under eighteen who is criminally responsible benefits from the mitigating excuse.

(4) A person over eighteen years of age is fully responsible.

(5) The age of the perpetrator is calculated on the date of the commission of the offence.

Article 81 — Threats.

(1) Criminal liability may not arise from the act of an individual subject to an imminent and otherwise unavoidable threat of death or serious injury as provided for in this Code.

However, if the act is an offence punishable by the death penalty or if it has had the effect of causing the death or injuries referred to above, the perpetrator only benefits from the mitigating excuse.

(2) This section does not apply to anyone who has voluntarily exposed himself to the risk of such threats.

Article 82 — Reverential fear.

The mitigating excuse is applicable:

(a) To a minor under eighteen years of age who has acted under the constraint of his parents, persons having custody or customary responsibility;

b) To employees, workers, civil servants who acted under duress from their bosses or employers.

Article 83 — Obedience to legal authority.

(1) Criminal liability cannot arise from an act performed on the orders of a competent authority to which obedience is legitimately due.

(2) The provisions of the preceding paragraph shall not, however, apply if the order is manifestly illegitimate.

Article 84 — Self-defense.

(1) Criminal liability may not arise from an act required by the immediate necessity of defending oneself or another or of a right belonging to oneself or another against an unlawful attack, provided that the defense is proportionate to the seriousness of the attack.

(2) There is always a fair proportion between homicide and the attack which gives rise to fear of either death, or serious injuries as provided for in this code, or rape or sodomy.

Article 85 — Provocation.

(1) Any perpetrator of an offence immediately provoked by the unlawful act of another against himself or in his presence, against his spouse, descendant or ascendant, brother or sister, master or servant, minor or incapable person in his care shall benefit from the mitigating excuse if there is no disproportion between the provocation and the reaction.

(2) Homicide and injuries are excusable if they were caused by blows or serious violence against persons.

(3) They are also excusable if they were committed by one of the spouses against their spouse or their accomplice caught in the act of adultery.

(4) The offence is excusable only when the provocation is of such a nature as to deprive a normal person of self-control.

Article 86 — State of necessity.

Regardless of the legitimate defense provided for in Article 84, criminal liability cannot result from the attack on property with the aim of diverting from oneself or another, or from property belonging to oneself or another, a serious, imminent and otherwise unavoidable danger, provided that there is no disproportion between the harm to be averted and the measure taken to prevent it.

Article 87 — Effects of the mitigating excuse.

(1) Where the law provides for a mitigating excuse, the penalties are reduced as follows:

(a) If the death penalty or a life sentence is incurred, the penalty shall be reduced to a custodial sentence of two to ten years;

(b) If a penalty is incurred in the case of a crime, the penalty is reduced to a custodial sentence of one to five years;

(c) In the event of an offence, the maximum custodial sentences and fines are reduced by half, and the minimum is that of Article 92 (1) of this Code.

(d) In the event of an accumulation of mitigating excuses or mitigating excuses and mitigating circumstances, the minimum sentence is that of Article 92 (1).

CHAPTER III

CAUSES WHICH AGGRAVATE CRIMINAL LIABILITY.

Article 88 (new).- — Repeat offense.

(1) A repeat offender, except in respect of life sentences, is liable to double the maximum penalty provided for:

(a) Any person who, after having been convicted of a crime or misdemeanor, commits a new offense classified as a crime or misdemeanor within a period which begins to run from the date of the conviction becoming final and which expires five years after the execution of the sentence imposed or its prescription

(b) Any person who, after having been convicted of a contravention, commits a new contravention within a period which begins to run from the date of the conviction becoming final and which expires twelve months after the execution of the sentence imposed or its limitation period.

(2) The provisions of this article are applicable between several successive sentences of detention.

Article 89 — Officials.

(1) The status of civil servant, public officer or agent in charge of a public service is an aggravating circumstance of criminal liability against those among them who, except in cases where the law specifically regulates the penalties incurred for crimes and offences committed by them, are guilty of other crimes or offences which they were responsible for preventing or repressing.

(2) The penalty is then increased under the conditions provided for in the preceding article.

CHAPTER IV

MITIGATING CIRCUMSTANCES AND CHOICE OF SENTENCE.

Article 90 — Mitigating circumstances.

Mitigating circumstances may be admitted by reasoned decision in favour of a convicted person, except in matters where the law formally excludes them.

Article 91 — Effects in case of crime.

(1) The penalties provided by law for any accused person or persons found guilty of a crime and in whose favour mitigating circumstances have been granted may be reduced to ten years' deprivation of liberty if the crime is punishable by death, to five years' deprivation of liberty if the crime is punishable by life imprisonment, to one year's deprivation of liberty in other cases.

(2) If, pursuant to the provisions of the preceding paragraph, a sentence equal to or less than ten years of deprivation of liberty is imposed, the court may impose on the convicted person a fine which may not exceed two million francs.

Article 92 — Effects in the event of an offense or contravention.

(1) Where mitigating circumstances are granted in the event of an offence or contravention, the court may reduce the custodial sentence to five days and the fine to one franc or impose only one of these two sentences.

(2) Where the law only provides for a custodial sentence, the court may substitute a fine of up to one million francs in the case of an offence and twenty-five thousand francs in the case of a contravention.

Article 93 — Choice of penalty.

The penalty or measure imposed within the limits set or authorized by law must always be based on the circumstances of the offense, the danger it presents to public order, the personality of the convicted person and his possibilities of rehabilitation and the practical possibilities of execution.

CHAPTER V

OF ATTEMPT AND CONSPIRACY.

Article 94 — The attempt.

(1) Any attempt manifested by an act tending towards the execution of a crime or an offence and unequivocally implying the irrevocable intention of its author to commit the offence, if it has not been suspended or if it has failed in effect only by circumstances independent of the will of its author, is considered as the crime or offence itself.

(2) The attempt is punishable even if the desired goal could not be achieved due to a factual circumstance unknown to the perpetrator.

(3) The preparatory act does not constitute an offence.

Article 95 — Conspiracy.

(1) There is conspiracy as soon as the resolution to commit an offense is concerted and agreed upon between two or more persons.

(2) There can be no conspiracy between husband and wife.

(3) Conspiracy to commit a crime or misdemeanor, if it has not been suspended or if it has failed in effect only through circumstances beyond the control of its authors, is considered to be the crime or misdemeanor itself.

(4) A person who voluntarily withdraws from the conspiracy before any commencement of execution benefits from the mitigating excuse.

(5) A conspirator who prevents execution or who, before any attempt at execution, informs the administrative or judicial authorities of the conspiracy shall be exempt from punishment.

CHAPTER VI

COACTION AND COMPLICITY.

Article 96 — Coaction.

A co-perpetrator is someone who participates with another person and in agreement with them in the commission of an offence.

Article 97 — Complicity.

(1) An accomplice to an offence classified as a crime or misdemeanour is:

(a) Whoever in any way provokes the offence or gives instructions to commit it;

(b) Whoever helps or facilitates the preparation or commission of the offence.

(2) Attempted complicity is considered complicity itself.

Article 98 — Penalties.

(1) Co-authors and accomplices are liable to the same penalty as the principal author, except in cases where the law provides otherwise.

(2) Personal circumstances which result in exemption from liability, exemption, mitigation or aggravation of punishment have effect only with regard to the perpetrator or accomplice in whose person they occur.

(3) Actual circumstances only have an effect on the co-author or accomplice if he could have foreseen them.

Article 99 — Liability for foreseeable consequences.

(1) Co-authors and accomplices of a crime or offence or of an attempted crime or offence are also liable for any other offence the commission or attempt of which is a foreseeable consequence of the agreement or complicity.

(2) Those who, knowing the criminal conduct of the criminals, habitually provide them with places of retreat or meeting shall also be punished as accomplices.

Article 100 — Retention.

(1) A receiver is a person who, after the commission of a crime or an offence, removes the offender or his accomplices from arrest or search or who holds or disposes of things removed, misappropriated or obtained by means of the offence.

(2) These provisions are not applicable between spouses.

(3) The penalties for receiving stolen goods are provided for by special provisions of the law.

TITLE IV

FEDERAL LAWS.

Article 101 — Offenses against federal texts.

(1) Violations of the laws of the federated States, not provided for or sanctioned by this code or by other federal laws, are punishable, if the federal law expressly decides, by penalties equal to or less than one year of imprisonment and a fine of more than twenty-five thousand francs without being able to exceed five hundred thousand francs, or by one or the other penalty only.

(2) Violations of decrees or orders legally issued in execution of federal laws constitute contraventions.

BOOK II

CRIMES, OFFENCES AND OFFENCES.

TITLE I

CRIMES AND OFFENSES AGAINST PUBLIC AFFAIRS.

CHAPTER I

ATTACKS ON STATE SECURITY.

Section I

EXTERNAL SECURITY OF THE STATE.

Article 102 — Hostilities against the homeland.

Any citizen who:

- (a) Participates in hostilities against the Republic;
- (b) Promotes or offers to promote such hostilities.

Article 103 — Other crimes punishable by death.

Any citizen is guilty of treason and punishable by death, and any foreigner is guilty of espionage and also punishable by death who:

- (a) Incites a foreign power to hostilities against the Republic;
- (b) Delivers or offers to deliver to a foreign power or its agents troops, territories, installations or equipment assigned to national defense or national defense secrets or secures by any means whatsoever the possession of a national defense secret with a view to delivering it to a foreign power;

(c) With a view to harming national defence, damages buildings, installations or equipment or practices, either before or after their completion, defects likely to prevent them from functioning normally or to cause an accident.

Article 104 — Common law penalties.

In the event of a reduction in the sentence provided for in Articles 102 and 103, the custodial sentence is imprisonment.

Article 105 — Offences punishable by a maximum of ten years.

Anyone who, in peacetime:

1. For a purpose other than delivering it to a foreign power, secures possession of a national defense secret or reveals it to an unqualified person;
2. With the intention of delivering them to a foreign power, gathers information, objects, documents or processes the collection and exploitation of which are likely to harm national defense;
3. Enters by fraudulent means an installation, vessel, aircraft or vehicle assigned to national defense;
4. Carries out drawings, surveys or photographic or topographical operations inside or around military installations in a prohibited area established by the military authorities and without their authorization;
5. Stays in violation of a ban issued by the competent authority, within a specified radius around a military installation;
6. Flies over the territory of the republic in a foreign aircraft without authorization;
7. Organizes in a covert manner a means of correspondence or remote transmission likely to harm national defense;
8. By acts not approved by the Government exposes the Republic to reprisals
9. (L.70.LF – 9 of May 20, 1970) Engages or trains without prior authorization from authorized Cameroonian authorities, in foreign armed or police forces, and engages in activities harmful to national defense or activities likely to potentially expose the Republic to rebellion or insurrection.

Article 106 — Offences punishable by a maximum of five years.

Anyone who, in peacetime:

1. Maintains intelligence with agents of a foreign power that could harm the military or diplomatic situation of the Republic;
2. Recruits or enlists individuals on the territory of the Republic and without the authorization of the Government for the benefit of a foreign armed force;
3. Exposes citizens to reprisals by acts not approved by the Government;
4. Without authorization from the Government, delivers or communicates to a foreign power or its agents either an invention of interest to national defense or information, studies or manufacturing processes relating to an invention of this kind or to an industrial application of interest to national defense;
5. Through imprudence; negligence or failure to comply with regulations, allows the removal or knowledge, in whole or in part and even temporarily, of objects, materials, documents or information entrusted to him or in his custody and knowledge of which could lead to the discovery of a national defense secret;
6. Through imprudence, negligence or failure to comply with regulations, allows objects, materials or documents entrusted to him or in his care to be damaged or destroyed and the deterioration or loss of which is detrimental to national defence;
7. Being in charge of supplies, undertakings or management on behalf of the armed forces or being an agent of a supplier or subcontractor causes the service to be missed or delayed even as a result of simple negligence;
8. Being in charge of supplies, undertakings or management on behalf of the armed forces, commits fraud on the nature, quality or quantity of the works or labor or things supplied
9. (L.70 LF 9 May 1970)- Enlists or trains without prior authorization from the authorized Cameroonian authorities, in foreign armed or police forces.

Article 107 — Non-denunciation.

Any citizen who, in peacetime, does not notify the military, administrative or judicial authorities, as soon as he becomes aware of it, of any activity likely to harm national defence shall be punished by the penalties of the preceding article.

Article 108 — Time of war.

(1) Any citizen or resident who, in time of war and without the authorization of the competent authority:

- (a) maintains correspondence or relations with the subjects or agents of an enemy power;

(b) Even indirectly carries out an act of commerce with a subject or agent of an enemy power or with a person residing in its territory.

(2) Anyone who, in time of war:

(a) Participates in an enterprise to demoralize the army or the nation with the aim of harming national defense;

(b) Commits one of the offences referred to in Articles 105, 106 or 107.

(3) Anyone who, in time of war, commits any act of a nature to harm national defence and is not otherwise punished shall be punished with imprisonment of one to five years and a fine of 50,000 to 5 million francs or one of these two penalties only.

(4) (L 70 LF 9 of May 20, 1970) - For the application of paragraphs 2 and 3 of this article, a state of emergency or exception is considered to be wartime.

Article 109 — Definition of national defense secrets.

Any information of any nature likely to assist hostile undertakings against the Republic and which has not already been made public shall be deemed to be a national defence secret for the application of this code.

Article 110 — Extension to foreign powers.

The provisions of this section also apply to acts committed to the detriment of foreign powers to which they have been extended by decree.

Section II

INTERNAL SECURITY OF THE STATE.

Article 111 — Secession.

(1) Anyone who, in peacetime, undertakes by any means whatsoever to undermine the integrity of the territory shall be punished with life imprisonment.

(2) In times of war, state of emergency or exception the penalty is death.

Article 112 — Civil War.

Anyone who incites civil war by arming or inciting inhabitants to arm themselves against each other shall be punished.

Article 113 (new).- — Propagation of false news

Anyone who issues or spreads false news when such news is likely to harm public authorities or national cohesion shall be punished with imprisonment of 3 months to 3 years and a fine of 100,000 to 2,000,000 francs.

Article 114 (new).- — Revolution.

Anyone who attempts by violence to modify constitutional laws or to overthrow the political authorities established by said laws or to prevent them from exercising their powers shall be punished with life imprisonment.

Article 115 (new).- — Armed band.

(1) Any person who, for the purpose of committing one of the crimes provided for in Articles 111, 112 and 114 or to prevent the action of the public force against the perpetrators of these crimes, organizes an armed gang or exercises any function or command within it or participates with this gang in the execution or attempted execution of these crimes shall be punished with life imprisonment.

(2) Any individual who has only participated in the meeting of this group shall be punished with imprisonment of ten to twenty years.

(3) An armed gang for the purposes of this section is any gathering of at least five persons, one of whom is carrying an open or concealed weapon.

(4) The provisions of Article 95 (5) of this Code shall apply to this Article.

Article 116 (new).- — Insurrection.

Anyone who, in an insurrectional movement,

- (a) Provokes or facilitates the gathering of insurgents by any means;
- (b) Prevents by any means whatsoever the convening, assembly or exercise of public force or seizes it;
- (c) Invades or destroys public or private buildings;
- (d) Possesses or seizes weapons, ammunition or explosives;
- e) Wears a uniform, costume, or other official insignia, whether civil or military.

Article 117 — Definition of weapons.

Apart from weapons themselves, all objects carried with the intention of using them to cause bodily injury or material damage are considered weapons for the purposes of this article.

Section III

ACCESSORY PENALTIES.

Article 118 — Special confiscation.

In the event of conviction for one of the crimes or offences provided for in this chapter, the confiscation prescribed by Article 35 of this Code is pronounced and may be extended even to property not belonging to the convicted person.

Article 119 — confiscation of illegitimate property.

(1) In the event of conviction for one of the crimes or offences provided for in this chapter, the court may order the confiscation of the convicted person's property of whatever nature, divided or undivided, the legitimate origin of which cannot be established.

(2) In times of war this confiscation is always pronounced.

Article 120 — General confiscation.

In the event of conviction for one of the crimes provided for in this chapter, the court may also order the total or partial confiscation of legitimately acquired property.

Article 121 — Forfeitures.

(1) In the event of conviction for a crime provided for in this chapter, the duration of the disqualifications listed in Article 30 may not be reduced to less than five years.

(2) In the event of a conviction to a custodial sentence for an offence, imposed pursuant to this chapter, the court may add these forfeitures for a period of at least five years and at most ten years.

(3) The post-criminal measures provided for in Article 40 may be extended to ten years.

(4) In the event of a crime or offence committed by a civil servant, by an agent or employee of a public service or by a military personnel, the ban on exercising a public function may be perpetual.

CHAPTER II

VIOLATIONS ON THE CONSTITUTION.

Section I

ELECTORAL CRIMES.

Article 122 — Electoral fraud.

(1) Anyone who, during a federal, federated or municipal election:

(a) Violates the secrecy of the vote;

b) Harms his sincerity

(c) Prevents voting operations;

d) Modifies the result;

(2) Anyone who, through simple voluntary failure to comply with legal or regulatory provisions, unintentionally causes the same result, shall be punished with detention for one month or one year and a fine of 5,000 to 50,000 francs or one of these two penalties only.

(3) Public action is time-barred after four months from the date of the offence or from the day of the last act of prosecution or investigation.

Article 123 — Corruption and violence.

(1) Anyone who:

(a) By the granting or promise of a particular advantage of any kind, or

(b) By means of violence or threat of any particular harm, influences the vote of an elector or determines him to abstain.

(2) When the vote influenced is that of an electoral college or a fraction of this college, the minimum penalty of detention is six months, and that of the fine is 20,000 francs.

Section II

COALITION.

Article 124 — Against the laws, the functioning of a service and the security of the State.

(1) Any individual holding any part of public authority and any official who, with other officials or officials, consults or deliberates shall be punished with imprisonment of six months to three years:

(a) Measures contrary to laws or legally adopted implementing texts;

(b) Measures, including collective resignations, whose principal purpose is to prevent or suspend the performance of a public service.

(2) If this concert takes place between civil and military authorities, imprisonment is one to ten years.

(3) If the concert referred to in paragraph 2 above has as its object a crime against State Security, the penalty is death.

Section III

EMPIETEMENTS.

Article 125 — On the legislative.

Any civil servant who:

- (a) Interferes with the exercise of legislative power;
- (b) Refuses to implement legislative provisions.

Article 126 — Of the executive and the judiciary.

The following shall be punished by imprisonment of six months to five years:

- (a) The representative of the executive authority who issues orders or defenses to courts or tribunals;
- (b) The magistrate who issues orders or defenses to executive or administrative authorities.

Article 127 — Judiciary on certain immunities.

Any magistrate or judicial police officer who, contrary to the laws on immunities, pursues, arrests or judges a member of the federal or federated Governments or of the federal or federated assemblies, shall be punished by imprisonment of one to five years.

Section IV

IRREGULAR USE OF PUBLIC FORCE.

Article 128 — Unlawful use of force.

Anyone who requests or orders the action or use of public force against the execution of a legislative or regulatory provision or a legitimate order from either the courts or the administration shall be punished by imprisonment of three to ten years and a fine of 20,000 to 200,000 francs.

Article 129 — Failure to comply with a requisition.

Any commander of the public force who fails to comply with a legal requisition from the civil authority shall be punished with imprisonment of six months to two years.

Section V

ACCESSORY PENALTIES.

Article 130 — Forfeitures.

In the event of conviction for one of the offences provided for in this chapter, the court may order the forfeitures referred to in Article 30 of this Code for a period of five to ten years.

CHAPTER III

IN THE EXERCISE OF THEIR DUTIES.

Section I

PRELIMINARY PROVISIONS.

Article 131 — (L.. n°77/23 of December 6, 1977). Definition of civil servant.

For the application of any criminal law, any magistrate, any public or ministerial officer, any employee or clerk of the State or any other legal entity under public law, of a State or mixed economy company, of a public or ministerial officer, any member of the armed forces or the gendarmerie, any agent of national security or the prison administration and any person charged, even occasionally, with a service, a mission or a public mandate, acting in the exercise or on the occasion of the exercise of his functions, shall be considered a civil servant.

Article 132 — Aggravation for civil servants.

(1) Subject to more severe penalties where applicable, any official guilty of violence against another person shall be punished by imprisonment of six months to five years.

(2) The penalties provided for in Articles 189 (copying of administrative documents); 206 (documents, etc.), 207 (official certificates), 291 (1) (illegal arrest); 292 (forced labor), 299 (violation of domicile), 300 (violation of correspondence), 310 (professional secrecy), 315 (forgery of certificate) are doubled when the guilty party is a civil servant.

Article 132 bis — (Law No. 97/009 of January 10, 1997) Torture.

(1) Anyone who, by torture, involuntarily causes the death of another person shall be punished with life imprisonment.

(2) The penalty is imprisonment of ten (10) to twenty (20) years, when the torture causes the victim to permanently lose the use of all or part of a limb, organ or sense.

(3) The penalty is imprisonment of five (5) years to ten (10) years and a fine of 100,000 to 1,000,000 francs when the torture causes the victim illness or incapacity to work for more than thirty (30) days.

(4) The penalty is imprisonment of two (2) to five (5) years and a fine of 50,000 to 200,000 francs, when the torture causes the victim either illness or incapacity to work of thirty (30) days or less, or mental or moral pain or suffering.

(5) For the purposes of this Article:

(a) The term "torture" means any act by which severe pain or suffering, whether physical, mental or moral, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity, for such purposes as:

to obtain from her or a third person information or confessions, to punish her for an act that she or a third person has committed, or is suspected of having committed, to intimidate or put pressure on her or a third person, or for any other reason based on any form of discrimination whatsoever

(b) The term "torture" so defined does not include pain or suffering arising from, inherent in or incidental to lawful sanctions.

(c) No exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.

(d) An order from a superior officer or a public authority may not be invoked to justify torture.

The conditions provided for in paragraph 1 of Article 10 of this Code are not applicable to the torture.

Article 133 — (Law No. 93/013 of December 22, 1993) Forfeitures, confiscation and publicity.

(1) The forfeitures of office under Article 30 of this Code may be imposed on officials guilty of the offences provided for in this chapter or convicted under Article 89 of this Code.

However, in the case of Articles 134, 134 bis, 135, 136 and 161 of this Code, the forfeitures of Article 30 are compulsorily pronounced.

(2) In the event of conviction for the offences provided for in Articles 134, 134 bis, 135, 136 and 161 of this Code, the court is required to order the confiscation provided for in Article 35 and to order the publication of its decision in the written press, radio or television.

Section II

ILLEGITIMATE ADVANTAGES.

Article 134 — (Law No. 77/23 of December 6, 1977) Corruption.

(1) Any civil servant or public agent who, for himself or for a third party, solicits, accepts or receives offers, promises, gifts or presents to perform, refrain from performing or postpone an act of his function shall be punished by imprisonment of five to ten years and a fine of 200,000 to 2,000,000 francs.

(2) Imprisonment is from 1 to 5 years and the fine from 100,000 to 1,000,000 francs if the act did not fall within the responsibilities of the corrupt person, but was nevertheless facilitated by his position.

(3) Any civil servant or public agent who requests or accepts payment in cash or in kind for himself or for a third party, as remuneration for an act already performed or a past abstention, shall be punished by the penalties provided for in paragraph 2 above.

Article 134 bis — (1) Whoever, in order to obtain either the performance, postponement or abstention of an act, or one of the favors or advantages seen in the preceding article, makes promises, offers, gifts, presents or gives in to solicitations tending towards corruption, shall be punished by the penalties provided for in Article 134, paragraph 1, above, whether or not the corruption has produced its effect.

(2) Anyone who makes donations, presents or gives in to solicitations intended to remunerate an act already performed or a past abstention shall be punished by the penalties provided for in paragraph 2 of the preceding article.

Article 135 — (L n°77/23 of December 6, 1977). Interest in an act.

(1) Any civil servant or public agent who, directly or indirectly, takes or receives an interest shall be punished by imprisonment of one to five years and a fine of 200,000 to 2,000,000 francs:

(a) in acts or awards submitted to his notice or over which he had supervision, control, administration or award;

(b) in private companies, cooperatives, mixed economy companies or State financial participation, public authorities, concessions subject to its supervision or control;

(c) in markets or contracts entered into on behalf of the State or a public authority, with a natural or legal person;

(d) in a matter for which he is responsible for ordering payment or carrying out liquidation.

(2) The provisions of this article are applicable to former civil servants as defined in Article 131 of this Code who, within five years of the cessation of their duties as a result of resignation, dismissal, leave, availability or retirement, or for any other reason, take any interest in the acts, operations or enterprises referred to above and previously subject to their supervision, control, administration or for which they ensured the payment or liquidation.

Article 136 — Participation in a case.

(1) Any civil servant who, by virtue of his duties, is responsible for the supervision of any company, authority or concession, or for expressing opinions on their activities, collaborates or participates in any way whatsoever in their financing or activity, shall be punished by imprisonment of six months to two years and a fine of 20,000 to 2 million francs.

(2) The same actions committed within five years of the cessation of said functions shall be punishable by the same penalties, unless the capital received as hereditary devolution is involved.

Section III

OFFENSE AGAINST THE PUBLIC INTEREST.

Article 137 — Concussion.

Any official who grants exemptions from duties, taxes, royalties, levies or contributions, or delivers at a price lower than that prescribed, products of the federal or federated State, of a cooperative, a community or establishment, or public or subject to the administrative supervision of the State, or of which the State directly or indirectly holds the majority of the capital, shall be punished with imprisonment of two to ten years and a fine of 20,000 to 2 million francs.

Article 138 — Unreported deficit.

Any civil servant who, having knowledge of a cash deficit or an accounting deficit in the management of a public agent under his orders or supervision, does not report it to the nearest judicial authority or to his hierarchical superior shall be punished with imprisonment of one to five years.

Article 139 — Negligence of the guardian.

The negligent guardian is punished:

(1) In the event of destruction, damage or removal of the property referred to in Article 187, imprisonment of one month to one year and a fine of 10,000 to 50,000 francs;

(2) In the event of theft, removal or destruction provided for in Article 188, imprisonment of three months to one year and a fine of 10,000 to 50,000 francs;

(3) In the event of breaking of seals as provided for in Article 191, imprisonment of two months to two years;

(4) In the event of escape or release as provided for in Article 193, imprisonment of two months to two years.

Section IV

OFFENSES AGAINST THE INTERESTS OF INDIVIDUALS.

Article 140 — Abuse of office.

(1) Any civil servant who abuses his or her functions to infringe private rights or interests shall be punished by imprisonment of three months to one year and a fine of 5,000 to 50,000 francs or one of these two penalties only.

(2) If the offence is committed with the aim of obtaining any advantage for oneself or for another, the penalty is imprisonment from three months to three years and the fine from 50,000 to 1 million francs.

Article 141 — Violations of civil rights.

Any official who prevents a citizen from exercising his electoral rights or deprives him of the exercise or enjoyment of the rights mentioned in Article 30 (1), (2), (4) or (5) shall be punished with imprisonment of one to five years.

Article 142 — Concussion.

Any civil servant, notary, auctioneer, bailiff or enforcement agent and their agents who demand duties, taxes, fees, levies or contributions which are not due or material benefits without paying the fair price shall be punished by imprisonment of two to ten years and a fine of 20,000 to 2 million francs.

Article 143 — Favoritism.

(1) Any official who decides by favour or enmity against one of the parties shall be punished with imprisonment of one to five years.

(2) If this official is a magistrate, a federal inspector or a prefect, the penalty is doubled.

Article 144 — Forgery of an act.

Any civil servant, notary, auctioneer, bailiff or enforcement agent who forges or alters, either in substance or in the signatures, dates and certificates, a deed or writing which he is required to draw up, receive, record or notify shall be punished with imprisonment of ten to twenty years.

Section V

GUILTY ABSTENTIONS.

Article 145 — Tolerance of a gathering.

Any official who, having the power, duty and possibility to disperse a gathering as defined in Article 232, fails to do so shall be punished with imprisonment of three months to two years.

Article 146 — Tolerance of an attack on individual rights.

Any official who, having the power, duty and possibility to prevent them, tolerates either violence against persons or acts that infringe on individual freedom or civil rights as defined in Article 141 is punished as an accomplice.

Article 147 — Denial of justice.

Any judge who refuses, after having been duly requested to do so, to render a decision shall be punished with imprisonment of three months to two years.

Article 148 — Refusal of a service due.

Any civil servant, notary, auctioneer, bailiff or enforcement agent who, being legally required to perform a duty of his office, fails to do so shall be punished with imprisonment of three months to two years.

Article 149 — Failure to comply with marriage formalities.

(1) Any civil registrar who draws up a marriage certificate shall be punished by imprisonment of three months to one year and a fine of 5,000 to 70,000 francs:

(a) Without ensuring that the consents necessary for its validity have been granted;

b) Without observing any period of widowhood that may have been prescribed.

(2) The offence is punishable regardless of the civil consequences of the irregularity.

Article 150 — Civil status registers.

Any civil registrar who registers his acts elsewhere than in the registers intended for this purpose or who fails to register them shall be punished by imprisonment of one to three months and a fine of 2,000 to 40,000 francs.

Article 151 — Systematic negligence.

(1) Any civil servant who, through negligence or systematic obstruction, causes postponements, delays or disorders or systematically refrains from carrying out any act of his function shall be punished by imprisonment of one to three months and a fine of 2,000 to 25,000 francs.

(2) Prosecution may only be initiated upon prior complaint from the Minister or Secretary of State concerned.

CHAPTER IV

ATTACKS ON PUBLIC AUTHORITY.

Section I

OUTRAGES AND VIOLENCE.

Article 152 — Definition of contempt.

(1) Defamation; insult or threat made either by gestures, words, or shouts uttered in places open to the public, or by any process intended to reach the public are qualified as insults.

(2) The exceptions provided for in article 306 apply to contempt.

(3) Public action is time-barred after four months from the date of the offence or from the day of the last act of prosecution or investigation.

Article 153 — Contempt of the President of the Republic and other personalities.

(1) Anyone who insults: the President of the Republic, the Vice-President of the Republic, the person exercising all or part of his prerogatives or a foreign head of state shall be punished by imprisonment of one to five years and a fine of 20,000 to 20 million francs or one of these two penalties only.

(2) Anyone who insults heads of foreign governments, foreign ministers of foreign governments and diplomatic agents accredited to the Government of the Republic shall be punished with detention for six months to two years and a fine of 20,000 to 20 million francs or one of these two penalties only.

(3) The truth of the defamatory fact may not be reported under any circumstances.

Article 154 — (Ln° 90/61 of 19 Dec. 1990). Insults to constituted bodies and civil servants.

Anyone who commits an insult without being able to report, in the case of defamation, the truth of the delaying act shall be punished by imprisonment of 3 months to 3 years and a fine of 100,000 to 2,000,000 francs or one of the penalties only:

(a) Courts and tribunals, armed forces, constituted bodies and public administrations;

(b) By reason of their functions or their position, a member of the government or of the national assembly or a civil servant.

Article 155 — Non-publicity.

In the event that the defamation, insult and threat referred to in Articles 153 and 154 were not public, the penalty of detention or imprisonment is reduced by half as is the fine.

Article 156 — Violence against officials.

(1) Anyone who commits violence or assault against a civil servant shall be punished by imprisonment of one to three years and a fine of 5,000 to 100,000 francs.

(2) The penalty is imprisonment of five to ten years and a fine of 20,000 to 500,000 francs if the violence and assault are premeditated or if they cause, even unintentionally, injuries as provided for in Articles 277 and 280 of this Code.

(3) The court may in all cases pronounce the forfeitures of Article 30 of this Code.

(4) If the violence and assault unintentionally result in death, the penalty is life imprisonment.

(5) If the violence and assault are committed with the intention of causing death, the guilty party shall be punished by death.

Section II

REBELLION.

Article 157 — (L. n° 90-061 of 19 Dec. 1990) Rebellion.

(1) Anyone who:

(a) By any means whatsoever, incites resistance to the application of laws, regulations or legitimate orders of public authority;

(b) By violence or assault, prevents anyone acting for the execution of laws, regulations or legitimate orders of public authority.

(2) In the case referred to in paragraph 1(b) above, the penalty is 1 to 5 years of imprisonment if the perpetrator or one of the perpetrators is armed.

Article 158 — In group.

(1) In the event that the offence provided for in the preceding article is committed by at least five persons, the penalty shall be one to three years' imprisonment and five to fifteen years' imprisonment if two of them carry conspicuous weapons.

(2) Against any co-author who carries weapons, even hidden ones, the penalty is five to fifteen years of imprisonment.

Article 159 — Repealed (Ln° 90-061 of 19 Dec. 1990 amended Ln° 91-007 of 30 Jul. 1991)

[Political character.

In the cases referred to in Articles 157 and 158, detention shall be substituted for imprisonment if the political nature of the offence is established.]

Section III

INFLUENCE AND FRAUD.

Article 160 — Coercion of a civil servant.

Anyone who, by assault or threats, forces a civil servant to commit an irregular act or omission shall be punished with imprisonment of two to ten years and a fine of 20,000 to 1 million francs.

Article 161 — (Law No. 77-23 of 6 December 1977) Influence peddling.

(1) Anyone who, by means of acts of violence, threats, gifts or promises, corrupts a person having real or supposed influence to obtain any advantage from the public authority shall be punished by the penalties of Article 160.

(2) Any civil servant who, for himself or for another, solicits, accepts or receives offers, promises or gifts to obtain any advantage granted by the public authority or by a body under the control of the public authority or by a body under the control of the public authority, contracts, companies or other benefits resulting from agreements concluded with the public authority or a body under the control of the public authority, thereby abusing the real or supposed influence given to him by his position or mandate, shall be punished with the same penalties.

Article 162 — False statements.

(1) Anyone who influences the conduct of a civil servant by making false statements shall be punished with imprisonment of fifteen days to three months and a fine of 5,000 to 50,000 francs.

(2) If it is a declaration made on the occasion of a birth, marriage or death certificate, the prison sentence is three months to three years.

(3) In case of false statements made under oath, the penalty is imprisonment of one to five years.

(4) The penalty is one to five years' imprisonment for anyone who, by any means whatsoever, causes a conviction to be entered in the criminal record of a third party other than the convicted person.

(5) The penalty is one month to one year of imprisonment for anyone who, by any means whatsoever, obtains an extract from the criminal record of a third party unduly.

Article 163 — Examination fraud.

Anyone who commits fraud in examinations or competitive examinations with the aim of obtaining entry into a public service or a diploma, certificate or title issued by the State or a national or foreign public service shall be punished by imprisonment of one month to three years and a fine of 25,000 to 2 million francs or one of these two penalties only.

Section IV

FRAUD IN JUSTICE.

Article 164 — False testimony.

(1) Anyone who in a procedure gives false testimony likely to influence the decision and whose testimony has become irrevocable is punished:

(a) When the procedure is an investigation terminated by a decision of dismissal, imprisonment of three months to one year and a fine of 5,000 to 50,000 francs;

(b) When the false testimony is given before a court ruling on criminal matters:

- In the event of a contravention, imprisonment of six months to three years and a fine of 5,000 to 100,000 francs;
 - In the event of an offense, imprisonment of one to five years and a fine of 10,000 to 500,000 francs;
 - In the event of a crime, imprisonment of five to ten years and a fine of 50,000 to 2 million francs;
 - In the case of a crime punishable by death, life imprisonment.
- (c) When the false testimony is given before any other jurisdiction, imprisonment of one to five years and a fine of 10,000 to 500,000 francs.

(2) If the false witness has received gifts or accepted promises, the penalties of limited duration as well as the fine are doubled and the confiscation of the gifts is obligatory.

(3) A court interpreter who distorts the substance of the words or writings he is responsible for translating is punished like a false witness.

Article 165 — False expertise.

Any expert witness who files a false report which has become irrevocable shall be punished by the penalties set out in Article 164 (2).

Article 166 — Perjury.

Any party to whom the oath, having been submitted or referred to in a non-criminal matter, is forged shall be punished by imprisonment of one to five years and a fine of 10,000 to 500,000 francs.
oath.

Article 167 — Concealment of a procedure.

Any party who, by one of the means provided for in Article 318 (1) (c), keeps his opponent in ignorance of legal proceedings brought against him shall be punished by imprisonment of three months to two years and a fine of 20,000 to 1 million francs or one of these two penalties only.

Article 168 — Suppression and fabrication of evidence.

(1) Anyone who, with the aim of influencing a judicial procedure:

- (a) Suppresses material evidence or prevents a witness from appearing;
- (b) Fabricates or uses false material evidence or misleads a witness.

(2) Anyone who obtains from anyone a promise not to report a crime or an offence or not to testify shall be punished with the same penalties.

However, obtaining this promise from the victim or their legal representative without using the means provided for in Article 161 is not punishable in the event of an offence.

Article 169 — (Ln° 93-013 of 22 Dec. 1993) Biased comments.

(1) Anyone who publicly reports on a judicial procedure that has not been finally judged in such conditions that he influences, even unintentionally, the opinion of others against one of the parties shall be punished by imprisonment of fifteen days to three months and a fine of 10,000 to 100,000 francs.

(2) This section does not apply to reports of a public hearing made in good faith.

(3) When the offence is committed through the press or radio, the penalty is three months to two years' imprisonment and the fine is 100,000 to 5 million francs.

Article 170 — Forfeitures.

Individuals convicted under this section are liable to the forfeitures of Article 30 of this Code.

Section V

REFUSAL TO ASSIST JUSTICE.

Article 171 — Non intervention.

Anyone who, while able to prevent by immediate action, without risk to themselves or to third parties, the commission of any crime or offence against the bodily integrity of a person, refrains from doing so, shall be punished by imprisonment of one month to three years and a fine of 20,000 to 1 million francs or one of these two penalties only.

Article 172 — Refusal to exonerate.

Anyone who, without accusing themselves or their spouse, ascendants or descendants, can provide the judicial or police authorities with proof of the innocence of a person imprisoned on remand or convicted, even if not definitively, of a crime or offence, but fails to do so, shall be punished by imprisonment of one month to three years and a fine of 20,000 to 1 million francs, or by one of these two penalties only.

Article 173 — Defaulting witness.

(1) Any person duly summoned to court to be heard as a witness who, except in the case of legitimate excuse, does not appear or refuses to take the oath or give evidence shall be punished with imprisonment of six days to three months and a fine of 1,000 to 50,000 francs.

(2) Anyone who, having publicly denounced a crime or offence and publicly declared that he knows the perpetrators or accomplices, refuses to answer questions put in this regard by the competent Magistrate or evades them shall be punished with imprisonment of six days to one year and a fine of 20,000 to 400,000 francs or one of these two penalties only.

Article 174 — Defaulting Requirement.

Anyone who, being regularly required as an expert, doctor or interpreter, refuses without legitimate reason to assist the judicial authority shall be punished with a fine of 20,000 to 500,000.

Article 175 — Defaulting assessor or juror.

Any assessor or juror who, except in cases of legitimate excuse, does not respond to the calling of his name or refuses to take the oath required by law or withdraws before the expiry of his duties shall be punished with imprisonment of six days to three months and a fine of 5,000 to 50,000 francs.

Article 176 — False excuses.

Persons referred to in Articles 173, 174 and 175 who allege a false excuse shall be punished with imprisonment of one to three months.

Section VI

NON-OBSERVANCE OF CERTAIN COURT DECISIONS.

Article 177 — Prohibition of residence.

Anyone who appears in a place forbidden to him or who leaves a place assigned to him pursuant to Article 42 of this Code shall be punished with imprisonment of one month to one year.

Article 178 — Other penalties and measures.

Anyone who:

- (a) Exercises a profession which is prohibited under Article 36 of this Code ;
- (b) Reopens an establishment closed pursuant to Article 34 of this Code;
- (c) Subject to the provisions of the preceding article, infringes one of the forfeitures or obligations imposed on him pursuant to articles 31, 41, or 42 of this Code.

Article 179 — Custody of a minor.

(1) Anyone who does not represent a minor to the person to whom custody has been entrusted by a court decision, even a provisional one, shall be punished by imprisonment of one month to one year and a fine of 5,000 to 1 million francs.

(2) If the guilty party has been deprived of parental authority, the prison sentence is increased to three years.

Article 180 — Alimony.

(1) Anyone who has failed to provide the full pension that he has been ordered to pay to his spouse, ascendants or descendants for more than two months shall be punished with imprisonment of one month to one year and a fine of 20,000 to 400,000 francs or one of these two penalties only.

(2) Failure to pay is presumed to be voluntary unless proven otherwise, but insolvency resulting from habitual misconduct, particularly drunkenness, is in no case a valid excuse for the debtor.

Article 181 — Organized insolvency.

Anyone who, after a court decision, even if not final, imposing a financial sentence, organises his insolvency shall be punished with imprisonment of one to five years.

Article 182 — Repossession of real estate.

Anyone who, within three months of their eviction or voluntary departure, reoccupies a building to the detriment of the person to whom it was allocated by court order shall be punished with imprisonment of fifteen days to six months.

Section VII

OBSTRUCTION OF THE EXERCISE OF PUBLIC SERVICES.

Article 183 — Refusal of tax.

(1) Anyone who organizes by any means whatsoever the collective refusal of tax shall be punished by imprisonment of three months to two years and a fine of 200,000 to 2 million francs.

(2) Anyone who incites the public to refuse or delay the payment of tax shall be punished by imprisonment of six months to one year and a fine of 50,000 to 1 million francs.

Article 184 — Embezzlement.

(1) Whoever by any means whatsoever fraudulently obtains or retains any property whatsoever, movable or immovable, belonging to, intended for or entrusted to the federal or federated State, to a cooperative, community or establishment, or public or subject to the administrative supervision of the State or of which the State directly or indirectly holds the majority of the capital, is punished:

(a) If the value of such property exceeds 500,000 francs, life imprisonment;

b) If this value is greater than 100,000 francs and less than or equal to 500,000 francs, imprisonment of fifteen to twenty years;

(c) If this value is equal to or less than 100,000 francs, imprisonment of five to ten years and a fine of 50,000 to 500,000 francs.

(2) The penalties laid down above may not be reduced by the admission of mitigating circumstances to less than ten, five or two years respectively and a suspended sentence may not be granted under any circumstances.

(3) In the cases provided for in Article 87 (2) of this Code, the minimum sentence is respectively five years, two years and one year and a suspended sentence cannot be granted except in the case of mitigating grounds of minority.

(4) The confiscation provided for in Article 35 of this Code is obligatorily pronounced as well as the forfeitures of Article 30 for at least five years and at most ten years.

(5) Publication of the decision must be ordered.

(6) This article does not apply to the misappropriation and concealment of military effects referred to in the codes of military justice.

Article 185 — Disturbances in the service.

Anyone who disrupts the operation of a public service to which he is not a party shall be punished with imprisonment of six days to one month or a fine of 1,000 to 50,000 francs.

Article 186 — Opposition to works.

Anyone who, by threats or assault, opposes the execution of work regularly ordered or authorized by the public authority or destroys, removes or moves a boundary marker demarcating such work shall be punished by imprisonment of three to two years and a fine of 10,000 to 50,000 francs.

Article 187 — Damage to public or classified property.

Anyone who destroys or damages either a monument, statue or other property intended for public use or decoration and erected by the public authority or with its authorization, or a building, movable object, natural monument or site, registered or classified, shall be punished by imprisonment of one month to two years and a fine of 20,000 to 120,000 francs.

Article 188 — Removal and destruction of public documents.

(1) Anyone who removes, removes or destroys any documents placed in the custody of the public authority shall be punished by imprisonment of one to five years and a fine of 10,000 to 200,000 francs.

(2) Anyone who destroys or damages registers, minutes or other original acts of public authority shall be punished by imprisonment of five to ten years and a fine of 25,000 to 200,000 francs.

Article 189 — Copies of administrative documents.

Anyone who, without authority or authorization, makes a copy of a document belonging to an administration shall be punished with imprisonment of one month to one year.

Article 190 — Misappropriation of seized property.

Anyone who misappropriates, destroys or damages seized or impounded property shall be punished by imprisonment of one to five years and a fine of 50,000 to 1 million francs.

Article 191 — Breaking of seals.

Anyone who breaks legally affixed seals shall be punished with imprisonment of six months to two years and a fine of 50,000 to 500,000 francs.

Article 192 — Communications with prisoners.

Anyone who illegally facilitates the relations of a legally detained person with the outside world shall be punished by imprisonment of fifteen days to six months.

Article 193 — Evasion.

(1) Anyone who, being legally deprived of his liberty, escapes or who, being admitted to work outside prison, leaves the place where he is employed without authorization, shall be punished with imprisonment of three months to one year.

(2) The same penalty is applicable to anyone who releases an individual legally deprived of his liberty.

(3) In the event of escape or release with breakage or violence, the penalty is imprisonment from one to five years; if it is carried out with weapons, the penalty is imprisonment from five to ten years.

(4) In case the prisoner is charged with a crime or sentenced to a term exceeding ten years, the penalty is five years of imprisonment.

Article 194 — Census of individuals.

(1) The receiving of stolen goods by an individual liable or punishable by a criminal or correctional penalty shall be punished by imprisonment of two months to two years.

(2) The penalty is imprisonment of two to ten years in the event of receiving stolen goods by an individual liable or punishable by the death penalty.

(3) The causes of irresponsibility in the person of the individual concealed and not yet judged have no effect on the responsibility of the receiver.

Article 195 — Subscription for fines.

Anyone who publicly opens a subscription to compensate the convicted person for financial penalties imposed by a criminal court shall be punished with imprisonment of fifteen days to six months and a fine of 20,000 to 10 million francs or one of these two penalties.

Article 196 — Tearing up posters.

Anyone who removes, covers or damages a poster posted in accordance with Article 33 of this Code shall be punished by imprisonment of fifteen days to six months and a fine of 5,000 to 50,000 francs or one of these two penalties only.

Article 197 — Insult or damage to a witness.

The following shall be punished by imprisonment of ten days to one year and a fine of 10,000 to 200,000 francs or one of these two penalties only:

(a) Anyone who insults a witness because of his testimony without being able, in the case of defamation, to report the truth of the defamatory fact;

(b) Whoever causes any harm to the witness by reason of his testimony.

Article 198 — (Law No. 93/013 of December 22, 1993) Prohibited publications.

(1) Anyone who publishes:

(a) A criminal or correctional procedural document before it is read in public court;

(b) A report of the proceedings in which the hearing was ordered to be held in camera or of the proceedings in the juvenile courts;

(c) A decision convicting a minor accompanied by any means allowing his or her identification;

(d) Information relating to the work of parliamentary committees of inquiry, except for press releases issued by the office of the said committees before the submission of the general report;

(e) Information relating to the work and deliberations of the High Council of the Judiciary except those communicated by the President or Vice-President of said Council.

(2) Anyone who reports on the internal deliberations of courts and tribunals shall be punished with a fine of 10,000 to 3 million francs.

(3) In the event of publication in the written press, radio or television, the penalties are doubled.

(4) The following are prohibited in courtrooms and during the course of legal proceedings, under the penalties provided for in paragraph 2 above:

(a) Any sound recording;

(b) Any filming by cinematographic camera, photographic television or other similar process.

Article 199 — Register of landlords.

Any landlord or hotelier who, in defiance of the regulations, fails to register the person he is accommodating or registers them under a false name shall be punished with imprisonment of six days to three months and a fine of 10,000 to 100,000 francs.

Article 200 — Irregular burial.

Anyone who disposes of a corpse in violation of laws and regulations shall be punished with imprisonment of six days to three months and a fine of 2,000 to 15,000 francs.

CHAPTER V

VIOLATIONS ON STATE GUARANTEES.

Section I

COUNTERFEITS.

Article 201 — Of the seal of the State.

(1) Anyone who contradicts the seal of the State or uses a counterfeit seal shall be punished with life imprisonment.

(2) Anyone who uses the unduly procured State seal shall be punished with imprisonment of ten to twenty years.

Article 202 — Treasury Effects.

Anyone who counterfeits or falsifies the effects issued by the Public Treasury with its stamp or mark, or who uses the effects thus counterfeited or falsified, shall be punished with life imprisonment.

Article 203 — Signatures, stamps and hallmarks.

(1) Anyone who counterfeits or falsifies the signature of the President of the Republic, the Vice-President, the Prime Minister, or a minister, deputy minister or secretary of state, or a national stamp, or a hallmark used to mark gold and silver materials, shall be punished with imprisonment of ten to twenty years.

(2) Anyone who uses said stamps or punches or documents or materials bearing said signatures, stamps or marks, which are counterfeit or falsified, shall be punished with the same penalties.

(3) Anyone who uses said stamps or punches or documents or materials bearing said signatures, stamps or marks, which are genuine but unduly procured, shall be punished with the same penalties.

Article 204 — Trademarks and printed matter.

(1) Anyone who counterfeits or falsifies:

- (a) The seal, stamp or mark of a legislative assembly, jurisdiction or administration;
- (b) Letterhead or official printed papers of legislative assemblies, courts or administrations
- (c) Punches and stamps intended to mark in the name of the Government instruments of weights and measures or goods;
- (d) State hammers used for forest markings;
- (e) Postage stamps, franking impressions or reply coupons issued by the postal administration, and revenue stamps and impressions.

(2) Anyone who distributes, sells or uses said counterfeit or falsified seals, stamps, marks, prints, papers or coupons shall be punished with the same penalties.

(3) Anyone who distributes, sells or makes use of said objects, which are genuine but unduly procured, shall be punished with the same penalties.

Article 205 — Public and authentic writings.

(1) Anyone who forges or alters, either in substance or in the signatures, dates and certificates, an act emanating from the legislative or executive power, including a passport, or from the judicial power, or an act drawn up by a person solely authorized to do so, shall be punished by imprisonment of ten to twenty years.

(2) Anyone who uses one of the aforementioned acts in this way counterfeited or altered shall be punished by imprisonment of five to ten years and a fine of 40,000 to 2 million francs.

Article 206 — (Law No. 90/042 of December 19, 1990) Documents and permits.

The following shall be punished by imprisonment of three months to three years:

- (a) Anyone who counterfeits or falsifies an identity card, a driving license, a hunting license, a voter's card, a family record book or a military record book;
- (b) Anyone who has one or other of these documents issued to himself or to another under an assumed name;
- (c) Anyone who uses any of these counterfeit, falsified or issued documents under an assumed name;
- d) Anyone who makes fraudulent use of one of the above-mentioned documents, which is true but belongs to someone else.

Article 207 — Official certificates.

(1) Anyone who forges or falsifies an official certificate shall be punished with imprisonment of six months to three years.

(2) Anyone who uses such a certificate shall be punished with the same penalties.

Article 208 — Postage and revenue stamps.

Anyone who uses postage or revenue stamps that have already been used, or who overcharges postage or revenue stamps or abuses a postal franchise shall be punished with imprisonment of ten days to one year and a fine of 5,000 to 50,000 francs.

Article 209 — Postal documents.

(1) Anyone who counterfeits or falsifies:

(a) National or foreign postal identity cards or poste restante subscription cards;

(b) Labels, stamps, postage stamps or reply coupons issued by the postal service of a foreign country.

(2) Anyone who sells, offers or uses the said objects shall be punished with the same penalties.

Article 210 — Imitations.

Anyone who manufactures, sells, distributes or uses an object or printed matter which bears a resemblance to one of the objects or printed matter listed in the preceding articles of this section, such as to facilitate their acceptance in place of the imitated objects or printed matter, or such as to cause misunderstanding in the public mind, shall be punished by imprisonment of ten days to six months and a fine of 20,000 to 200,000 francs.

Article 211 — Counterfeit money.

(1) Anyone who:

(a) Counterfeits or alters paper, gold or silver money in circulation in the Republic;

b) Introduces into the territory of the Republic such counterfeit or altered currencies;

(c) Issues such counterfeit or altered currencies.

(2) If it concerns other currencies, national or foreign, whether or not in circulation, the penalty is imprisonment of ten to twenty years.

(3) If the alteration consists only of the coloring of currencies whether or not they are legal tender in the Republic or in a foreign country, the penalty is six months to five years of imprisonment.

(4) In the case of coins received as good but put back into circulation after knowledge of their defects, the penalty is three months to three years of imprisonment and a fine of three times the putative value of the said coins.

Article 212 — Counterfeit Instruments.

Anyone who, without authorization, manufactures or possesses instruments, devices, machines or materials intended for counterfeiting the State seal, public effects, hallmarks, stamps and marks or national or foreign currencies shall be punished by imprisonment of five to ten years and a fine of 50,000 to 1 million francs.

Article 213 — Illegal detention.

Anyone who, without authorization, possesses an object or document referred to in Articles 201 and 211 of this Code shall be punished with imprisonment of one to five years.

Article 214 — Additional penalties.

(1) The forfeitures of Article 30 of this Code may be pronounced against those guilty of one of the offenses referred to in the preceding articles of this section.

(2) For all offences provided for in this section, confiscation under Article 35 of this Code is mandatory.

Section II

USURPATION.

Article 215 — Manufacture of currency.

Anyone who, without authorization:

(a) Manufactures either coins in any form or denomination or notes payable to bearer or introduces, exhibits or puts into circulation coins or notes so manufactured;

(b) Manufactures or holds machines, devices, instruments or materials that may be used for the manufacture of currency or banknotes that may be confused with legal tender.

Article 216 — Usurpation of functions.

(1) Anyone who, without authority, interferes in public functions, whether civil or military, or performs the acts of one of these functions, shall be punished with imprisonment of six months to five years.

(2) The penalty is three months to two years of imprisonment for the civil servant who continues to exercise his functions after official notification of the temporary or permanent cessation of said functions.

(3) The forfeitures of Article 30 of this Code may also be pronounced.

(4) In the event that the guilty party takes advantage of this usurpation to commit one of the offences referred to in Chapter III of this Title, the penalties he incurs are those provided for the official himself.

Article 217 — Celebration of marriage.

The following shall be punished by a fine of 5,000 to 30,000 francs and, in the event of a repeat offence, imprisonment of one to five years:

(1) The minister of religion who, not being authorized to celebrate a civil marriage, proceeds with the religious ceremony without having been provided with proof of a marriage certificate previously received by the civil registrar;

(2) The minister of religion who is authorized to celebrate a civil marriage:

(a) Performs only the religious ceremony of marriage or;

b) Celebrates a civil marriage without having been presented with a certificate from the civil registrar attesting to the absence of any impediment to the planned marriage.

Article 218 — Usurpation of uniform and decoration.

Anyone who publicly wears a uniform or decoration to which he is not entitled or which bears a resemblance to them that is likely to mislead others shall be punished with imprisonment of three months to two years and a fine of 5,000 to 50,000 francs or only one of these two penalties.

Article 219 — Usurpation of a title.

Anyone who makes unlawful use of a title attached to a legally regulated profession, an official diploma or a quality whose conditions have been set by the public authority shall be punished by imprisonment of three months to two years and a fine of 100,000 to 2 million francs or one of these two penalties only.

Article 220 — Honorary title.

Anyone who publicly uses an honorary title to which they are not entitled shall be punished with a fine of 5,000 to 2 million francs.

Article 221 — Dispositions communes.

(1) The three preceding articles are applicable to wearers of foreign costumes, uniforms, decorations and titles.

(2) However, they do not apply to actors in a public performance or to children's games.

(3) In the event of conviction for one of the offences referred to in the three preceding articles, the court must order that this decision be mentioned in the margin of the authentic acts or civil status documents in which the title was unduly taken. It may also order its publication.

Section III

GUARANTEES OF THE NATIONAL ECONOMY.

Article 222 — Damage to the credit of the State.

(1) Anyone who, by any means whatsoever and with the aim of harming the credit of the State, by any means whatsoever and with the aim of harming the credit of the State, shall be punished by imprisonment of three months to two years and a fine of 200,000 to 2 million francs:

(a) Spreads false or misleading allegations among the public likely to undermine their confidence in the soundness of the currency, the value of public funds of any kind, those of cooperatives, communities or establishments, or public funds subject to the administrative supervision of the State, or in which the State directly or indirectly holds the majority of the capital;

(b) Encourages the public either to withdraw funds from public funds or from institutions required by law to make their payments into public funds or to sell annuity securities or other public securities or dissuades them from purchasing or subscribing to them.

(2) In the event of a conviction, the court must order the publication of its decision.

Article 223 — Refusal of currency.

Anyone who refuses currency that is legal tender in the Republic up to the limit of its legal tender power shall be punished with imprisonment of ten days to three months and a fine of 1,000 to 100,000 francs or one of these two penalties.

Article 224 — Harm to national development.

Anyone who, with the aim of harming national development, transfers specialized personnel abroad or delivers industrial or commercial secrets abroad shall be punished with imprisonment of six months to two years and a fine of 100,000 to 5 million francs.

Article 225 — Loan embezzlement.

Anyone who, having obtained a loan of money or a subsidy from the federal or federated State, a cooperative, a community or an establishment referred to in Article 184 of this Code, uses it for purposes other than those intended, shall be punished by imprisonment of one to ten years and a fine of 10,000 to 1 million francs.

Article 226 — Violation of packaging regulations.

Anyone who violates the packaging regulations relating to products intended for export shall be punished with a fine of 50,000 to 4 million francs and confiscation of goods.

TITLE II

CRIMES AND OFFENSES AGAINST THE GENERAL INTEREST.

CHAPTER I

ATTACKS ON PUBLIC SAFETY.

Article 227 — Fire and destruction.

(1) Anyone who, even if he is the owner, sets fire directly or indirectly to:

- (a) To places used as the habitation of others;
- (b) To any land, sea or air vehicle containing one or more persons;
- (c) To mines or their dependencies when they are in operation.

(2) Destruction carried out under the same conditions is punishable by the same penalty.

Article 228 — Dangerous activities.

(1) Anyone who fails to take the necessary precautions to prevent bodily harm to others that may result from their dangerous activity shall be punished with imprisonment of six days to six months.

(2) Anyone who, through serious imprudence, risks putting others in danger shall be punished by imprisonment of three months to three years and a fine of 5,000 to 500,000 francs or one of these two penalties only:

- (a) By using fire, explosives, fuels or mechanical or electrical means, or;
- (b) By destroying, even partially, inhabited works or buildings even if he is the owner; or
- (c) In providing medical or surgical care or in supplying or administering medicines or other products; or
- (d) Driving, stopping or abandoning a vehicle or animal on a public highway.

(3) Anyone who drives a vehicle while drunk or intoxicated shall be punished with the same penalties.

(4) In the cases provided for in paragraph 2 (d) and paragraph 3, the court may order the withdrawal of the driving licence or the prohibition on obtaining it for a maximum period of two years.

Article 229 — Substances explosives.

Anyone who violates the regulations concerning the manufacture, storage, transport, import, export and trade of explosive substances shall be punished with imprisonment of one month to one year and a fine of 2,000 to 100,000 francs or one of these two penalties only.

Article 230 — Public roads.

(1) Anyone who, without proper authorization, obstructs the use of a public land route or a navigable waterway or makes its use difficult by deforming the roadway or diverting the course of the waterway, either by construction, by improper use, or by the exploitation of adjacent land, shall be punished by imprisonment of one month to two years.

(2) Anyone who, being responsible for the maintenance of a public highway or a work relating thereto, fails to do so shall be punished with the same penalty.

CHAPTER II

ATTACKS ON PUBLIC PEACE.

Article 231 — Meetings and demonstrations.

Anyone who:

- (a) Participates in the organization of any meeting or demonstration in a place open to the public without having made the declaration that may be required or before the expiry of the required notice, or after notification of the legal prohibition;
- (b) Before the said declaration or after the said prohibition, send by any means a summons to take part in it;
- (c) Makes a statement likely to mislead the authorities about the conditions or purpose of the planned meeting or demonstration.

Article 232 — Gathering.

(1) A gathering means any meeting on a public highway of at least five persons, likely to disturb the public peace.

(2) Anyone who, being part of a gathering, does not leave it at the first summons from the competent authority shall be punished with imprisonment of fifteen days to six months.

(3) If the gathering could only be dispersed by force, the penalty is doubled against those who remained there.

Article 233 — Armed gathering.

(1) Anyone who, being part of an armed gathering within the meaning of Articles 115 (3) and 117 of this Code, carries a weapon or does not withdraw from it at the first request of the competent authority shall be punished with imprisonment of three months to two years.

(2) The penalty is two to five years of imprisonment for anyone who remains in the gathering until it is forcibly dissolved.

(3) The penalty is five to ten years of imprisonment for anyone who is part of the gathering at the time when one or more members use their weapons.

(4) The penalties of this article are doubled if the gathering takes place during the night.

(5) The court may also pronounce the forfeitures of Article 30 of this Code.

Article 234 — Political character.

In the cases referred to in Articles 231, 232 and 233, detention is substituted for imprisonment if the offence is of a political nature.

Article 235 — Seditious cries.

Anyone who utters seditious shouts or songs in a place open to the public shall be punished by detention for eight days to one month and a fine of 2,000 to 50,000 francs or one of these two penalties only.

Article 236 — Gang looting.

(1) Anyone who, in a group or as a group and by open force, plunders or damages movable or immovable property shall be punished with imprisonment of ten to twenty years.

(2) The penalty is life imprisonment if the crime is committed during a state of emergency or exception.

(3) The penalty is death if the crime is committed in time of war.

Article 237 — Possession and carrying of weapons.

(1) Anyone who, without legally required authorization, manufactures, exports, imports, possesses, transfers or sells a weapon or ammunition shall be punished by imprisonment of three months to one year and a fine of 50,000 to 300,000 francs or one of these two penalties only.

(2) The penalties are doubled in the event of carrying a weapon outside the home.

(3) Anyone who hands over these weapons or ammunition to a third party without ensuring that the third party is authorized to hold them shall be considered an accomplice.

(4) In all cases, confiscation under Article 35 of this Code is mandatory. In the event of a repeat offense, the court may order the forfeitures under Article 30 and order the closure of the establishment even if it is used for any other purpose.

Article 238 — Dangerous carrying of a weapon.

Anyone who, even with a firearms permit, carries a weapon within the meaning of Article 117 of this Code in a place open to the public and in conditions likely to disturb the public peace or intimidate others shall be punished with imprisonment of three months to two years and a fine of 50,000 to 300,000 francs or only one of these two penalties.

Article 239 — Disturbances of enjoyment.

Anyone who, in conditions likely to disturb the public peace, enters land peacefully occupied by another person, even if it belongs to him, shall be punished with imprisonment of fifteen days to one year.

Article 240 (new). — (Law No. 77-3 of July 13, 1977) Fake news.

(1) Anyone who publishes or propagates, by any means whatsoever, news without being able to report the truth or prove that he had good reason to believe in the truth of the said news shall be punished by imprisonment of one to five years and a fine of 20,000 to 10,000,000 francs.

(2) The penalties are doubled when the publication or dissemination is anonymous.

Article 241 — Insult to races and religions.

(1) Anyone who commits an insult as defined in Article 152 against a race or religion to which several citizens or residents belong shall be punished by imprisonment of six days to six months and a fine of 5,000 to 500,000 francs.

(2) If the offence is committed through the press or radio, the maximum fine is increased to 20 million francs.

(3) The penalties provided for in the two preceding paragraphs are doubled when the offence is committed with the aim of arousing hatred or contempt among citizens.

Article 242 — Discrimination.

Anyone who refuses others access to places open to the public or to employment on the grounds of race or religion shall be punished with imprisonment of one month to two years and a fine of 5,000 to 500,000 francs.

Article 243 — Public drunkenness.

(1) Anyone who has been convicted of a fine for public drunkenness and commits a repeat offence within twelve months, as well as any retailer who gives drinks to people who are obviously drunk, shall be punished with imprisonment of fifteen days to one month and a fine of 2,000 to 35,000 francs.

(2) The court may order the closure of the establishment by the convicted retailer for a period of up to two years and order the publication of its decision.

Article 244 — Reiteration.

(1) Section 88(1)(b) applies to a subsequent conviction for one of the offences provided for in the preceding section.

(2) The court may also pronounce the forfeitures of Article 30 (1) and (2) of this Code.

(3) The court may also order the closure of the establishment by the convicted retailer for a period of up to four years and order the publication of its decision.

Article 245 — Begging.

Anyone who, having means of subsistence or being able to obtain them through work, solicits charity anywhere shall be punished with imprisonment of fifteen days to six months.

Article 246 — Aggravated begging.

Any beggar, even if disabled or destitute, who solicits charity in one of the following circumstances shall be punished with imprisonment of six months to two years:

- (a) By using insults, threats or violence;
- (b) Entering without the occupier's permission into a dwelling or enclosure attached thereto;
- (c) By simulating wounds or infirmities;
- (d) In a meeting, unless it is husband and wife, father or mother and their children, the blind man and his guide.

Article 247 (new).- — Vagrancy.

(1) A vagrant is a person who, having been found in a public place, does not provide proof of a certain domicile or means of subsistence and is punishable by imprisonment of six months to two years.

(2) The above-mentioned penalties are doubled:

- (a) If the vagrant is found carrying weapons or equipped with an instrument suitable for committing an offense;
- (b) If the vagrant has committed (or attempted to commit) any act of violence against people.

(3) In addition, the measures provided for in Article 42 (1°, 2° and 3°) must be imposed.

Article 248 (new).- — Dangerous preparations.

(1) Anyone who, with the aim of committing a crime or an offence, carries an instrument capable of forcing entry into a building shall be punished by imprisonment of ten days to one year.

(2) This purpose is always presumed when these acts are committed at night.

Article 249 — Games and lotteries.

(1) Anyone who, without legally required authorization, offers to the public, in order to create the hope of gain in kind or in cash, shall be punished by imprisonment of two months to one year and a fine of 50,000 to 3 million francs or one of these two penalties:

(a) All betting or lotteries;

(b) Any other game in which luck predominates over skill;

(2) An offer made only to persons who are members of the same circle is not public.

(3) The court may also order the forfeitures of Article 30 as well as the closure of the establishment even if it is used for any other purpose.

(4) The court shall order not only the confiscation provided for in Article 35 of this Code but also that of the furniture and personal effects fitted out or decorated for the purpose of attracting customers as well as the funds and effects, furniture or real estate intended to reward the winners.

Article 250 — Pawnbrokers.

Anyone who:

(a) Without the authorization that may be required, operates a pawnbroking or pledge house;

(b) Having said authorization does not keep the registers that may be prescribed.

Article 251 — Witchcraft.

Anyone who engages in practices of witchcraft, magic or divination likely to disturb public order or tranquility or to harm the persons, property or fortune of others, even in the form of payment, shall be punished by imprisonment of two to ten years and a fine of 5,000 to 100,000 francs.

CHAPTER III

DAMAGE TO THE PUBLIC ECONOMY.

Article 252 — False weights and measures.

Any trader or craftsman who:

keeps in the place of his business or work false weights or measures or other inaccurate devices used for weighing or measuring his goods.

Article 253 — (Law No. 90-061 of December 19, 1990) Bounced check.

(1) Any person who:

- a) Issues a check on a bank or postal account, even foreign, without prior and available funds or without sufficient funds;
- b) After issue, even abroad, withdraws all or part of the provision or prohibits the drawee from paying.

Article 254 — Freedom of auctions.

Anyone who, by violence or threats, by gifts or promises or by any maneuver, disturbs freedom or hinders the sincerity of auctions or submissions shall be punished by imprisonment of one to six months and a fine of 50,000 to 1 million francs.

Article 255 — Obstruction of freedom of work.

Anyone who, by means of violence, threats or fraudulent manoeuvres, brings about or maintains a concerted cessation of work in order to force an increase or decrease in wages or to undermine the free exercise of work or industry shall be punished by imprisonment of fifteen days to three years and a fine of 5,000 to 700,000 francs or one of these two penalties only.

Article 256 — Pressure on prices.

(1) Anyone who, by any fraudulent means, artificially increases or decreases the price of goods or public or private effects shall be punished by imprisonment of two months to two years and a fine of 400,000 to 20 million francs.

(2) The penalty is doubled if the goods are foodstuffs or are covered by the texts relating to packaging.

(3) The court may also pronounce the forfeitures of Article 30 (1) and (2) and order the publication of its decision.

Article 257 — Destruction of food.

Anyone who, with the aim of influencing the prices of foodstuffs intended for humans or animals, causes or allows them to perish, corrupt or disappear shall be punished with imprisonment of one to five years and a fine of 50,000 to 1 million francs.

CHAPTER IV

DAMAGES TO PUBLIC HEALTH.

Article 258 — Alteration of foodstuffs.

(1) Anyone who falsifies foodstuffs used for human or animal consumption, beverages or medicinal substances intended for sale, or possesses products intended or solely suitable for carrying out such falsification, shall be punished by imprisonment of three months to three years and a fine of 5,000 to 500,000 francs.

(2) Anyone who possesses for sale these foodstuffs, drinks or medicines which are falsified, altered or harmful to human health shall be punished with the same penalty.

(3) The provisions of this article do not apply to fermented or spoiled fresh fruits and vegetables.

(4) Food, drinks and medicines, if they still belong to the guilty party, are confiscated. If they are not used by the Administration, their destruction is at the expense of the convicted person.

(5) The court may order the publication of its decision under the conditions provided for in Article 33 of this Code.

Article 259 — False medical certificate.

(1) Any doctor, surgeon, nurse, dentist or midwife who, to benefit or harm someone, falsely certifies or conceals the existence of an illness or infirmity or falsely certifies the existence or result of a vaccination or provides false information on the origin of an illness, the duration of an incapacity or the cause of death shall be punished by imprisonment of two months to three years and a fine of 5,000 to 100,000 francs.

(2) The penalty is two to ten years of imprisonment in the case of corruption.

(3) The court may pronounce the forfeitures listed in Article 30 of this Code.

Article 260 — Contagious diseases.

(1) Anyone who, by his conduct, facilitates the communication of a contagious and dangerous disease shall be punished with imprisonment of three months to three years.

(2) If the facilitated contagion is dangerous for the life of animals normally intended for human consumption, imprisonment is from one month to one year.

Article 261 — Pollution.

Anyone who, through their activity:

(a) Pollutes drinking water that may be used by others; or

(b) Pollutes the atmosphere to the point of making it harmful to public health.

Article 262 — Termination of an employment contract.

(1) Anyone who terminates an employment or supply contract when the foreseeable consequence of this termination is either a serious danger to public health or to that of hospitalized patients, or serious bodily harm, or serious deterioration of property of any kind, or deprivation of electricity or water to the detriment of several people shall be punished by imprisonment of one to six months.

(2) This section does not apply to anyone who gives a minimum notice of seven days.

CHAPTER V

ATTACKS ON PUBLIC MORALITY.

Article 263 — Outrage to public morality.

Anyone who publicly outrages decency shall be punished by imprisonment of fifteen days to two years and a fine of 10,000 to 100,000 francs or one of these two penalties only.

Article 264 — Outrage to morality.

The penalties provided for in the preceding article shall be imposed on anyone who:

(a) Publicly makes songs, shouts or speeches contrary to good morals; or

b) Draws public attention to an opportunity for debauchery.

Article 265 — Obscene publications.

(1) Anyone who:

(a) Manufactures, holds, imports, transports or exports for the purpose of trading; or

b) Displays or distributes, even free of charge and even not publicly, any writing, drawing or object tending to corrupt morals.

(2) The court may also order the closure, for a period of up to one year, of the establishment where the convicted person produces or holds the said writings, drawings or objects.

Article 266 — Ambiguous publications.

(1) Anyone who reports, except by publishing the judgment, on proceedings for declaration of paternity, divorce, legal separation or abortion shall be punished with a fine of 20,000 to 2 million francs.

(2) Anyone who, without the written authorization of the Public Prosecutor, gives publicity by any means whatsoever to the suicide of minors under eighteen years of age shall be punished by a fine of 20,000 to 2 million francs.

In the event of a repeat offense, imprisonment of two months to two years may also be imposed.

(3) Anyone who contravenes the provisions of Article 23 (3) of this Code on capital executions shall be punished with a fine of 10,000 to 1 million francs.

(4) Anyone who, except upon written request from the Magistrate in charge of the investigation, reproduces by image or in any form whatsoever all or part of the circumstances of violent offences and all those committed against children or against morality shall be punished with a fine of 20,000 to 200,000 francs.

Article 267 — Apology for certain crimes and offenses.

Anyone who publicly advocates the crimes of murder, pillage, arson, destruction, theft, as well as crimes or offenses against state security, shall be punished with imprisonment of one to five years and a fine of 10,000 to 20 million francs, or one of these two penalties only.

Article 268 — Animal abuse.

(1) Anyone who, without necessity, mistreats a domestic or tame animal or an animal living in captivity shall be punished by imprisonment of fifteen days to three months and a fine of 5,000 to 20,000 francs or one of these two penalties only.

(2) The court may also deprive the convicted person of ownership of the animal.

(3) The court may also order the destruction of the animal when its condition justifies this measure.

CHAPTER VI

ATTACKS ON CULTS.

Article 269 — Freedom of conscience.

Anyone who, by force or threats, forces or prevents the practice of a religion that does not involve the commission of an offense shall be punished by imprisonment of one month to one year and a fine of 5,000 to 50,000 francs.

Article 270 — Offense against a minister of religion.

Anyone who publicly strikes or insults a minister of religion while exercising his ministry shall be punished with imprisonment of one month to three years.

Article 271 — Obstruction of the exercise of a ministry.

Anyone who prevents the minister of religion from exercising his or her ministry with violence or threats shall be punished with the penalty provided for in the preceding article.

Article 272 — Obstruction of worship.

Anyone who, by disturbances or disorders, prevents, delays or interrupts the exercise of a religion in the places where it is usually celebrated shall be punished by imprisonment of fifteen days to one year and a fine of 5,000 to 100,000 francs or one of these two penalties only.

Article 273 — Obstruction of funerals.

Anyone who:

- (a) Disturbs a funeral ceremony or procession; or
- (b) Damages funerary monuments; or
- (c) Fails to fulfill his duty to bury or cremate the corpse.

Article 274 — Violation of tombs and corpses.

(1) Anyone who:

- (a) Violation of tombs or graves; or
- (b) Desecrates all or part of a human corpse, whether buried or not.

(2) Any person who, in the interests of science, disposes of a corpse in accordance with the regulations in force shall not be liable to the above-mentioned penalties.

TITLE III

CRIMES AND OFFENSES AGAINST INDIVIDUALS.

CHAPTER I

ATTACKS ON BODILY INTEGRITY.

Section I

HOMICIDE AND WILLFUL INJURY.

Article 275 — Murder.

Anyone who causes the death of another person shall be punished with life imprisonment.

Article 276 — Murder.

(1) Murder committed either:

- (a) With premeditation;

b) By poisoning;

(c) To prepare, facilitate or execute a crime or an offence, or to encourage the escape or ensure the impunity of the perpetrators or accomplices of this crime or this offence.

(2) There is premeditation even if the identity of the victim is not determined, and even if the perpetrator makes his plan conditional on the fulfillment of any condition.

Article 277 — Serious injuries.

Anyone who causes another person to permanently lose the use of all or part of a limb, organ or sense shall be punished with imprisonment of ten to twenty years.

Section II

VIOLENCE AND WILLFUL ASSAULT.

Article 278 — Fatal blows.

(1) Anyone who, by violence or assault, involuntarily causes the death of another person shall be punished by imprisonment of six to twenty years.

(2) The penalty is life imprisonment if the violence or assault is committed during the practice of witchcraft, magic or divination.

Article 279 — Assault causing serious injury.

(1) Anyone who, by violence or assault, involuntarily causes injuries to another person as provided for in Article 277 shall be punished by imprisonment of five to ten years and, if necessary, a fine of 5,000 to 500,000 francs.

(2) Imprisonment is from six to fifteen years when use is made of a weapon or an explosive, corrosive or toxic substance or of a poison or of a process of witchcraft, magic or divination.

Article 280 — Simple injuries.

Anyone who, by violence or assault, even involuntarily causes another person illness or incapacity for work for more than thirty days shall be punished by imprisonment of six months to five years and a fine of 5,000 to 200,000 francs or one of these two penalties.

Article 281 — Minor injuries.

Anyone who, by violence or assault, even involuntarily causes another person illness or incapacity for work lasting more than eight days and up to thirty days, shall be punished by imprisonment of six days to two years and a fine of 5,000 to 50,000 francs or one of these two penalties.

Article 282 — Abandonment of an incapacitated person.

(1) Anyone who moves and abandons a person who is incapable of protecting themselves due to their physical or mental condition shall be punished with imprisonment of one to three years and a fine of 5,000 to 25,000 francs.

(2) The prison sentence is five to ten years if the victim is abandoned in a solitary place.

(3) The penalty is imprisonment of ten to twenty years when the guilty party is an ascendant or any other person having authority over the incapable person or having legal or de facto custody of them.

(4) In all cases the court may pronounce the forfeitures of Article 30 of this Code as well as the forfeiture of parental authority and for the same duration.

Article 283 — Failure to provide assistance.

Anyone who fails to provide assistance to a person in danger of death or serious injury that he could have provided either through personal action or by providing assistance without risk to himself or to third parties shall be punished by imprisonment of one month to three years and a fine of 20,000 to 1 million francs, or by one of these two penalties only.

Section III

COMMON PROVISIONS.

Article 284 — Error concerning the victim.

For the purposes of Articles 275 to 281 inclusive, homicide, violence and assault are voluntary even if the intention of the guilty party is to harm another person.

Article 285 — Assimilation to violence.

For the application of this Code, the following are considered to be violence and assault:

- (a) The administration of any substance harmful to health;
- (b) Abandonment as provided for in Article 282;
- (c) Deprivation, on the part of the person who has legal or de facto custody, of food or care, to the point of compromising the health of a person who cannot either escape this custody or protect himself.

Article 286 — Medical interventions.

Articles 277 to 281 inclusive do not apply to medical acts carried out by any duly authorized person when they are performed with the consent of the patient or the person having custody of the patient.

However, if the patient is unable to consent, the person having custody of the patient or their spouse must give their consent unless it is impossible to communicate with them without risk to the patient.

Article 287 — Interest of the victim.

There is no offence when the injuries or violence are justified by the immediate need to prevent the victim from suffering more serious harm.

Article 288 — Sports activities.

Articles 278 to 281 inclusive do not apply to acts carried out during a sporting activity, provided that the perpetrator has respected the rules of that sport.

Section IV

HOMICIDE AND UNINTENTIONAL INJURIES.

Article 289 — Homicide and unintentional injuries.

(1) Anyone who, through clumsiness, negligence, imprudence or failure to comply with regulations, causes death or injury, illness or incapacity for work as provided for in Articles 277 and 280 shall be punished by imprisonment of three months to five years and a fine of 10,000 to 500,000 francs or one of these two penalties only.

(2) The penalty is imprisonment of six to twenty years if any of the offences provided for in Articles 277, 228 (2) (a) and (b) causes injuries, illnesses or incapacity for work as provided for in Articles 277 and 280.

(3) The penalty shall be life imprisonment where any of the offences provided for in Articles 227, 228 (2) (a) and (b) causes the death of another person.

(4) If the homicide or injuries were caused by the driver of a vehicle which requires a licence to be driven, the court may order the withdrawal of the driving licence or a ban on obtaining one for a maximum period of three years and, in the event of a repeat offence, for a maximum period of ten years.

Article 290 — Vehicle drivers.

(1) The penalties provided for in Article 289 (1) are doubled if the offence is committed by the driver of any vehicle:

- (a) Who drives while drunk or intoxicated; or
- (b) Who drives without the required license; or
- (c) Who, in order to escape the responsibility he incurs, flees.

(2) The penalty is imprisonment of six months to four years and a fine of 10,000 to 100,000 francs if the driver of any vehicle causes, in the circumstances referred to in the preceding paragraph, injuries as provided for in Article 281.

(3) In all cases provided for in the two preceding paragraphs, the court may order the withdrawal of the driving licence or the prohibition of obtaining it for a maximum period of five years. In the event of a repeat offence, the withdrawal or prohibition may be for life.

(4) Except in the case provided for in paragraph (1) (c) above, any driver of any vehicle who, having just caused an accident, flees to escape responsibility shall be punished by imprisonment of one month to one year and a fine of 20,000 to 200,000 francs or one of these two penalties. The court may order the withdrawal of the driving licence or the prohibition on obtaining it for a maximum period of two years.

CHAPTER II

ATTACKS ON PEOPLE'S FREEDOM AND PEACE.

Section I

ATTACKS ON FREEDOM.

Article 291 — Arrest and sequestration.

(1) Anyone who, in any way whatsoever, deprives another of his liberty shall be punished by imprisonment of five to ten years and a fine of 20,000 to 1 million francs.

(2) The penalty is imprisonment of ten to twenty years in one of the following cases:

- (a) If the deprivation of liberty lasts more than one month;
- b) If it is accompanied by physical or moral abuse;
- (c) If the arrest is made either on the basis of a false order from the public authority, or with the illegal wearing of uniform, or under a false capacity.

Article 292 — Forced labor.

Anyone who, to satisfy his personal interest, imposes on another person work or a service for which he has not offered himself of his own free will shall be punished by imprisonment of one to five years and a fine of 10,000 to 500,000 francs or one of these two penalties.

Article 293 — Slavery.

(1) Anyone who:

- (a) Reduces or maintains a person in slavery; or
- (b) Engages, even occasionally, in trafficking in a person.

(2) Anyone who gives or receives a pledge from a person shall be punished by imprisonment of one to five years and a fine of 10,000 to 1 million francs. The court may also order the forfeitures of Article 30 of this Code.

Article 294 (new).- — Pimping.

(1) Anyone who causes, helps or facilitates the prostitution of another or who even occasionally shares the proceeds of the prostitution of another or receives subsidies from a person engaged in prostitution shall be punished by imprisonment of six months to five years and a fine of 20,000 to 1,000,000 francs.

(2) A person who, living with a person engaged in prostitution, cannot prove that they have sufficient resources to enable them to support themselves alone is presumed to receive subsidies.

(3) The penalties are doubled if:

(a) The offence is accompanied by coercion or fraud or if the perpetrator is armed; or if he is the owner, manager or employee of an establishment where prostitution is practiced

(b) If the offence was committed against a person under twenty-one years of age

(c) If the author is the father or mother, guardian or customary guardian.

(4) In the cases referred to in paragraph 3, the provisions of Article 48 must be applied.

(5) The court may pronounce the forfeitures of Article 30 of this Code and deprive the convicted person for the same period of any guardianship or curatorship; it may also prohibit him for the same period from having custody, even customary custody, of any minor under twenty-one.
years.

(6) The court shall also order, in the case provided for in paragraph 3, a), the closure of the establishment, even if it is used for any other purpose.

(7) For the purposes of this section, a prostitute is not considered an accomplice.

Section II

SEXUAL OFFENSES.

Article 295 — Private outrage against modesty.

(1) Anyone who, even in a private place, commits an outrage against public decency in the presence of a non-consenting person of either sex shall be punished by imprisonment of fifteen days to two years and a fine of 10,000 to 100,000 francs or one of these two penalties only.

(2) The penalties are doubled if the insult is accompanied by violence.

Article 296 — Rape.

Anyone who, by means of physical or moral violence, forces a woman, even a pubescent woman, to have sexual relations with him shall be punished with imprisonment of five to ten years.

Article 297 — Subsequent marriage.

The freely consented marriage of the victim who was pubescent at the time of the events with the person guilty of an offence referred to in the two preceding articles produces the effects provided for in Article 73, paragraphs 1 to 4, of this Code.

Article 298 — Aggravated penalties.

The penalties of Articles 294, 295 and 296 are doubled when the guilty party is either:

- (a) A person having authority over the victim or having legal or customary custody of the victim;
- (b) A civil servant or minister of religion;
- (c) A person assisted by one or more others.

Section III

ATTACKS ON PEOPLE'S PEACE.

Article 299 — Violation of domicile.

(1) Anyone who enters or remains in the home of another against their will shall be punished by imprisonment of ten days to one year and a fine of 5,000 to 50,000 francs or one of these two penalties only.

(2) The penalties are doubled if the offence is committed at night or by means of threats, violence or assault.

(3) Prosecution may only be brought on the complaint of the victim.

Article 300 — Violation of correspondence.

(1) Anyone who deletes or opens the correspondence of another person without the authorization of the recipient shall be punished by imprisonment of fifteen days to one year and a fine of 5,000 to 100,000 francs or one of these two penalties only.

(2) This article does not apply to spouses or to parents, guardians or customary guardians with respect to children under 21 years of age who are not emancipated.

Article 301 — Simple threats.

Anyone who, by any writing or image, threatens another person with violence or assault, or with the destruction of any property, or with breaking into their home shall be punished by imprisonment of ten days to three years and a fine of 5,000 to 150,000 francs.

Article 302 — Threats under conditions.

(1) Anyone who, with an order or condition, threatens another person, even implicitly, with violence or assault shall be punished by imprisonment of ten days to six months and a fine of 5,000 to 25,000 francs.

(2) If the violence or assault would constitute offences punishable by death or life imprisonment, the penalty is:

(a) From six months to three years of imprisonment and a fine of 5,000 to 70,000 francs in the event of verbal threats

b) From two to five years of imprisonment and a fine of 10,000 to 250,000 francs in the event of threats in writing or by image; in this case, the court may also pronounce the forfeitures of Article 30 of this Code.

Article 303 — Blackmail.

(1) Anyone who, with orders or conditions, threatens another with a defamatory imputation or revelation shall be punished with imprisonment of one to five years and a fine of 200,000 to 2,000,000 francs.

(2) The penalty is doubled if it is the imputation of a crime.

(3) The court may also pronounce the forfeitures of Article 30 of this Code.

Article 304 — Slandorous denunciation.

(1) Anyone who makes a false report to a public or private authority which may lead to either criminal or disciplinary sanctions shall be punished by imprisonment of six months to five years and a fine of 10,000 to 1,000,000 francs, unless he proves that he had good reason to believe in the facts reported.

(2) Imprisonment is two to five years when the denunciation is anonymous.

(3) If, following the reporting, criminal proceedings are initiated before the trial court in relation to the reported act, the prosecution of the charge of reporting is suspended until a final decision is reached.

(4) The court may order the publication of the judgment.

Article 305 — (Law No. 93/013 of December 22, 1993) Defamation.

(1) Anyone who, by one of the means provided for in Article 152, harms the honour or reputation of a person by directly or indirectly attributing to them facts of which they cannot provide proof, shall be punished by imprisonment of six days to six months and a fine of 5,000 to 2 million francs or one of these two penalties.

(2) These penalties also apply to perpetrators of defamation committed through the written press, radio or television, without prejudice to the right of reply and the duty of rectification.

(3) The truth of the imputation can always be proven except:

- (a) When it concerns the victim's private life; or
- (b) When it refers to a fact dating back more than ten years; or
- (c) When it refers to a fact constituting an amnestied offence or to a fact which has been the subject of a conviction which has otherwise been expunged.

(4) Prosecution may only be initiated upon complaint by the victim or his legal or customary representative, but until a final conviction, the withdrawal of the complaint stops the exercise of public action.

(5) The limitation period for public action is four months from the commission of the offence or the last act of prosecution or investigation.

(6) This article applies to defamation directed against the memory of a dead person when the author of the defamation intended to harm the honor or reputation of the living heirs, spouses or universal legatees.

(7) The penalties are reduced by half if the defamation is not public.

(8) The penalties are doubled when the defamation is anonymous.

Article 306 — Exceptions to defamation.

Do not constitute any offense:

- 1. Speeches made in legislative assemblies and reports or any other document printed by order of any of these assemblies;
- 2. The minutes of the public sessions of these assemblies are made in good faith;
- 3. Judicial debates, speeches made or writings produced before the courts;
- 4. A true and fair report of these debates and speeches, except for defamation proceedings;
- 5. The publication of court decisions, including those rendered in matters of defamation;
- 6. The official report made in good faith by a person duly appointed to conduct an investigation and within the framework of this investigation;
- 7. The imputation made in good faith by a hierarchical superior on his subordinate;

8. Information given in good faith about a person to a third party who has a personal or official interest in knowing him or who has the power to remedy an alleged injustice;

9. Criticism of a work, a show, or any opinion expressed publicly, provided that said criticism does not reflect personal animosity;

10. Historical work done in good faith.

Article 307 — Injures.

(1) Anyone who, under the conditions of publicity provided for in Article 152 of this Code and without having been provoked, uses an insulting expression, a gesture, a term of contempt or an invective against a person which does not contain the imputation of any fact, shall be punished by imprisonment of five days to three months and a fine of 5,000 to 100,000 francs or only one of these two penalties.

(2) Prosecution may only be initiated upon complaint by the victim or his legal or customary representative, but until a final conviction, the withdrawal of the complaint stops the exercise of public action.

(3) The limitation period for public action is four months from the commission of the offence or the last act of prosecution or investigation.

(4) This article applies to insults to the memory of a deceased person under the same conditions as those provided for in article 305 (5).

Article 308 — Extortion of an act, a signature, a blank check.

(1) Anyone who, by violence, constraint or fraud, extorts the signature or delivery of any document containing an obligation, provision or discharge or likely to compromise the person or wealth of the signatory shall be punished by imprisonment of five to ten years and a fine of 10,000 to 500,000 francs.

(2) Anyone who, by the same means, obtains the delivery of a blank check and completes it with one of the documents provided for in the preceding paragraph shall be punished with the same penalties.

CHAPTER III

ATTACKS ON PEOPLE'S TRUST.

Article 309 — Abuse of carte blanche.

Anyone who misuses a blank check entrusted to him to fraudulently write on it either an obligation, provision or discharge, or a statement likely to compromise the person or wealth of the signatory, shall be punished by imprisonment of one to five years and a fine of 5,000 to 500,000 francs or only one of these two penalties.

Article 310 — Professional secrecy.

(1) Anyone who reveals, without the authorization of the person to whom it belongs, a confidential fact which he only knew or which was only confided to him because of his profession or position shall be punished by imprisonment of three months to three years and a fine of 20,000 to 100,000 francs.

(2) The preceding paragraph does not apply to statements made to judicial or police authorities concerning facts likely to constitute a crime or an offence, nor to legal responses to any request whatsoever.

(3) Paragraph 2 does not apply:

a) To the doctor and surgeon who are always bound by professional secrecy, except within the limits of a legal requisition or an expert commission;

(b) To the official on the written order of the Government;

c) To the minister of religion and to the lawyer.

(4) The court may pronounce the forfeitures of Article 30 of this Code.

Article 311 — Violation of trade secrets.

(1) Anyone who reveals, without the authorization of the person to whom he belongs, an industrial or commercial fact or process of which he has become aware by reason of his employment shall be punished by imprisonment of three months to three years and a fine of 100,000 to 5 million francs or one of these two penalties only.

(2) The court may pronounce the forfeitures of Article 30 of this Code.

Article 312 — Corruption of employee.

Any employee remunerated in any form whatsoever who, without the authorization of his employer, receives gifts or accepts promises to perform or refrain from performing an act of his service shall be punished by imprisonment of one to three years and a fine of 50,000 to 500,000 francs or one of these two penalties only.

Article 313 — Deception towards partners.

(1) Any director, manager, administrator or auditor of a company who, with the aim of misleading one or more partners, shareholders or creditors, makes a false declaration or provides a false account shall be punished by imprisonment of one to five years and a fine of 50,000 to 1 million francs.

(2) The court may also pronounce the forfeitures of Article 30 of this Code.

Article 314 — Forgery of private or commercial documents.

(1) Anyone who counterfeits or falsifies a private document containing an obligation, provision or discharge, whether in substance or in signatures, dates or certificates, shall be punished by imprisonment of three to eight years and a fine of 50,000 to 1 million francs.

(2) The penalty is imprisonment of five to ten years and a fine of 100,000 to 2 million francs if it is either:

- a) From a commercial or banking document;
- (b) A document certifying a land right;
- (c) The mandate to sign one of the documents referred to in (a) and (b);
- d) Of a will;

(3) Anyone who uses either:

From one of the above-mentioned writings;

From an outdated writing by presenting it as still valid;

From a writing referring to another person while pretending to be that person.

Article 315 — Counterfeiting of certificate.

(1) Anyone who counterfeits or falsifies a private certificate or issues a false certificate not otherwise punishable or uses a counterfeit, falsified or false private certificate shall be punished with imprisonment of one month to one year.

(2) The penalty is doubled in the event of forgery, fabrication or use of a medical certificate or private writing not provided for in Article 314.

CHAPTER IV

DAMAGE TO PROPERTY.

Section I

DESTRUCTION.

Article 316 — Destruction.

(1) Anyone who destroys, even partially, any property belonging in whole or in part to another or encumbered by a charge in favor of another shall be punished by imprisonment of fifteen days to three years and a fine of 5,000 to 100,000 francs or one of these two penalties only.

(2) The penalty is imprisonment of two to ten years and a fine of 10,000 to 500,000 francs or one of these two penalties only if the destruction concerns buildings, works, ships or installations.

Article 317 — Destruction of boundary markers or fences.

Anyone who:

Removes or moves a boundary marker or any other sign established to mark the boundary between different properties;

Destroys a fence of any kind.

Section II

OFFENSES AGAINST OTHER PEOPLE'S WEALTH.

Article 318 — (L. n°90-061 of 19 Dec. 1990). Theft, breach of trust, fraud.

(1) Anyone who harms the wealth of another shall be punished with imprisonment of five to ten years and a fine of 100,000 to 1,000,000 francs:

a) By theft, that is to say by taking another person's thing;

(b) By breach of trust, that is to say by diverting or destroying or dissipating any property which could be stolen and which he has received on condition of preserving it, returning it, representing it or making a specific use of it.

However, this paragraph does not apply to the loan of money or to consumer loans;

(c) By fraud, that is to say by falsely determining the victim either by maneuvers or by affirming or concealing a fact.

(2) The court may also pronounce the forfeitures of Article 30 of this Code.

Article 319 — Special theft and breach of trust.

Article 318 is applicable:

(1) To anyone who unduly appropriates energy from any motive force;

(2) To anyone who, without intending to appropriate another's property, uses it without right;

(3) To one who appropriates a lost thing;

(4) To the pledged debtor who removes or misappropriates the pledged property.

Article 320 — (L. n°90-0610 of 19 Dec 1990). Aggravated theft.

(1) The penalties of Article 318 are doubled if the theft was committed either:

- Using violence;

- With carrying of weapons;

- By external break-in, by climbing or using a false key;

- Using a motor vehicle.

(2) Anyone who commits a robbery with violence resulting in the death of another person or serious injuries as provided for in Articles 277 and 279 of this Code shall be punished with the death penalty.

Article 321 — Aggravated breach of trust and fraud.

The penalties of Article 318 are doubled if the breach of trust or fraud was committed either:

By a Lawyer, Notary, Auctioneer, Bailiff, enforcement agent or by a business agent;

By an employee to the detriment of his employer or vice versa;

By a person appealing or having appealed to the public.

Article 322 — Filouteries.

(1) Anyone who, being unable to pay:

Is served drinks or food that he has consumed on the premises; or

Occupies a room in a hotel; or

Rent a car for free.

(2) In the cases provided for in paragraph 1 (a) and (b), the duration of the supply of drinks or food or the occupation of the accommodation must not have exceeded one week.

(3) Anyone who unlawfully retains another's property shall be punished with the same penalties.

Article 323 — Immunities.

Articles 318, 319 and 322 do not apply between spouses, between legitimate or adoptive ascendants and descendants or between natural ascendants and descendants up to the second degree if they live together or are recognized, against the widow or widower on the essential goods which belonged to the deceased spouse.

Article 324 — (Law No. 90-096 of December 19, 1990) Concealment.

(1) Anyone who holds or disposes of things obtained by means of an offence, either knowingly or with reason to suspect their criminal origin, shall be punished by the penalties of Article 318.

(2) In the event of a crime, the penalties are doubled.

Article 325 — Usury.

(1) Any lender who demands or receives interest or other remuneration in excess of the rates fixed by law for loans of the same type shall be punished by a fine of 5,000 to 1 million francs. nature.

(2) In the event of a repeat offense, the penalty is imprisonment of fifteen days to one year and the fine is doubled.

(3) The court may order the publication of its decision under the conditions provided for in Article 33 of this Code.

(4) For the purposes of this section, the borrower is not considered an accomplice.

Article 326 — Prohibited sales.

Anyone who:

Offers goods to the public with the hope of obtaining these goods free of charge or a reduction in the price if they place vouchers with third parties or determine third parties for purchase;

Sends goods to a recipient without prior request from the recipient, indicating that the recipient has the choice between purchase or return, even if this return can be made at no cost to the recipient.

Article 327 — Artistic property.

(1) Anyone who, in defiance of the laws and regulations relating to the property of authors:

Publishes in whole or in part writings, musical compositions, drawings, paintings or any other printed or engraved production; or

Places into commerce, exports or imports a work so counterfeited; or

Reproduces, represents or distributes by any means whatsoever a work of the mind.

(2) The confiscation of the object of the offence as well as the plates, moulds and matrices used for the counterfeiting is also ordered, as is the confiscation of the proceeds obtained by the illicit reproduction, representation or distribution, and the proceeds of this confiscation are applied to the compensation of the injured parties.

(3) The court may order the publication of its decision under the conditions provided for in Article 33 of this Code.

Article 328 — Patent of invention.

(1) Anyone who unduly exploits a patent or conceals, sells, exports or imports a counterfeit object shall be punished by a fine of 50,000 to 300,000 francs.

(2) In the event of a repeat offence or if the guilty party is or has been employed in the establishment where the patent was regularly used, a prison sentence of one to six months may also be imposed.

(3) In all cases, the court must order the confiscation of the infringing object for the benefit of the owner of the patent and may order the publication of its decision under the conditions provided for in Article 33 of this Code.

(4) Public action may only be brought upon complaint by the injured party.

Article 329 — Industrial designs and models.

(1) Anyone who unduly exploits a registered design or model shall be punished by a fine of 50,000 to 300,000 francs.

(2) In the event of a repeat offence or if the offender works or has worked for the injured party, a penalty of one to six months' imprisonment may also be imposed.

(3) In all cases, the court must order the confiscation for the benefit of the injured party of the object infringing the guaranteed rights; it may also order the publication of its decision under the conditions provided for in Article 33 of this Code and deprive the convicted person of the right to be eligible and elected to the chambers of commerce for a period not exceeding ten years.
years.

(4) Public action may only be brought upon complaint by the injured party.

Article 330 — Trademarks.

(1) Anyone who infringes a registered trademark or uses a counterfeit trademark shall be punished by imprisonment of three months to three years and a fine of 50,000 to 300,000 francs or one of these two penalties only.

(2) Anyone who, without infringing a registered trademark, makes an imitation likely to deceive the buyer or makes use of the imitated trademark shall be punished by imprisonment of one month to one year and a fine of 50,000 to 150,000 francs or one of these two penalties only.

(3) In all cases, the court must order confiscation for the benefit of the owner of the counterfeit or imitated trademark; it may also order the publication of its decision under the conditions provided for in Article 33 of this Code and deprive the convicted person of the right to be eligible and elected to chambers of commerce for a period not exceeding ten years.

Section III

BANKRUPTCY.

Article 331 — Fraudulent debtor.

(1) Any debtor, even a non-trader, who, in order to avoid paying one or more of his creditors, gives, delivers, transfers, encumbers, removes or conceals all or part of his property shall be punished with imprisonment of fifteen days to one year.

(2) In the event of theft or concealment within two months preceding a court decision, even if not final, the purpose is presumed.

Article 332 — Simple bankruptcy.

(1) Any trader who, in a state of cessation of payments, or before such cessation in cases where it is a consequence thereof, shall be punished by imprisonment of one month to two years:

- Incurs personal or household expenses that are considered excessive; or
- Spending large sums either on purely random transactions or on fictitious stock market or commodity transactions; or
- Contracts on behalf of others without receiving any value in exchange, commitments that are too considerable in view of his situation when he contracted them.

(2) Any trader who, having ceased his payments:

Engages in either purchases to resell below the market price, or in borrowing, circulation of effects or other ruinous means of obtaining funds;

Pays a creditor to the detriment of the estate; or

Does not make the full declaration required by law to the registry within fifteen days of this cessation.

(3) Any bankrupt trader who:

- Is declared bankrupt again without having fulfilled the obligations of a previous arrangement; or
- Violates the regulations in force relating to the commercial register; or
- Has not kept books and inventories accurately or has kept books or inventories incompletely or irregularly or has kept books or inventories which, without there being fraud, nevertheless do not provide the true active or passive situation; or
- Without legitimate impediment does not appear in person to the trustees in the cases and within the time limits set.

(4) The same penalty shall apply to bankers, stockbrokers and brokers who have simply ceased their payments.

Article 333 — Fraudulent bankruptcy.

(1) Any trader who ceases to make payments shall be punished with imprisonment of five to ten years.

And :

- Subtracts his books; or
- Misappropriates or conceals part of its assets; or
- Either in writing, or by public acts or commitments under private signature, or by his balance sheet, fraudulently acknowledges himself to be a debtor of sums which he did not owe.

(2) The penalties are doubled with regard to the banker, the stockbroker or the broker.

Article 334 — Corporate officers.

(1) The following shall be punished by the penalties of Article 332:

Any corporate officer who, in that capacity, commits one of the acts referred to in Article 332 (1) (b) and (c), (2) (a) and (b), (3) (c);

Any person listed in paragraph (a) above who, in order to shield all or part of his assets from the proceedings of the company in a state of cessation of payments or from those of the partners or company creditors, diverts or conceals part of his assets or acknowledges that he is a debtor of sums that he does not owe.

(2) Any corporate officer who, in that capacity, commits one of the acts referred to in said article shall be punished by the penalties set out in Article 333 (1).

Article 335 — Offenses committed by someone other than the bankrupt.

(1) The following shall be punished by imprisonment of five to ten years:

Anyone who, in the interest of a trader who has ceased payments, removes or conceals all or part of the latter's assets;

Anyone who, in a bankruptcy, presents or asserts, directly or indirectly, a false claim.

(2) Even in the event of complicity, the penalty is imprisonment of one to five years against the spouse, descendant or ascendant of the said trader who embezzles or conceals all or part of the assets.

Article 336 — Illegitimate advantages of a creditor.

(1) A creditor of a bankrupt person who:

Stipulates either with the bankrupt or with any other person special benefits by reason of his vote in the bankruptcy deliberations; or

Makes a special treaty which would result in an advantage in his favor at the expense of the bankrupt's assets.

(2) The penalties are doubled if the guilty party is a bankruptcy trustee.

CHAPTER V

ATTACKS AGAINST CHILDREN AND FAMILIES.

Article 337 — Abortion.

(1) A woman who procures an abortion for herself or who consents to it shall be punished by imprisonment of fifteen days to one year and a fine of 5,000 to 200,000 francs or one of these two penalties only.

(2) Anyone who, even with her consent, procures an abortion for a woman shall be punished by imprisonment of one to five years and a fine of 100,000 to 2,000,000 francs.

(3) The penalties of paragraph 2 are doubled:

Against any person who habitually performs abortions;

Against a person who practices a medical profession or in connection with this profession.

(4) The closure of the professional premises and the prohibition of exercising the profession may also be ordered under the conditions provided for in Articles 34 and 36 of this Code.

Article 338 — Violence against a pregnant woman.

Anyone who, through violence against a pregnant woman or an unborn child, causes, even unintentionally, the death or permanent disability of the child shall be punished by imprisonment of five to ten years and a fine of 100,000 to 2,000,000 francs.

Article 339 — Exceptions.

(1) Articles 337 and 338 are not applicable if the acts are carried out by an authorized person and justified by the need to save the mother from a serious danger to her health.

(2) In the case of pregnancy resulting from rape, medical abortion does not constitute an offense if it is carried out after certification by the public prosecutor of the materiality of the facts.

Article 340 — Infanticide.

The mother who is the principal perpetrator or accomplice of the murder or assassination of her child within one month of his birth is only liable to imprisonment of five to ten years, without these provisions being applicable to other perpetrators or accomplices.

Article 341 — Infringement of filiation.

Anyone whose actions result in depriving a child of proof of their parentage shall be punished with imprisonment of five to ten years.

Article 342 — Slavery and pawning.

When the victim is a minor under eighteen years of age:

The penalty is imprisonment of fifteen to twenty years in the case of a crime as defined in Article 293 (1);

The penalty is imprisonment of five to ten years and a fine of 50,000 to 1,000,000 francs in the event of an offence as defined in Article 293 (2) and the forfeitures of Article 30 of this Code may be imposed.

Article 343 (new).- — Prostitution.

(1) Any person of either sex who habitually engages in sexual acts with another person for remuneration shall be punished by imprisonment of six months to five years and a fine of 20,000 to 500,000 francs.

(2) Anyone who, with a view to prostitution or debauchery, publicly solicits persons of either sex by gestures, words, writings or by any other means shall be punished with the same penalties.

Article 344 (new).- — Corruption of youth.

(1) Anyone who incites, encourages or facilitates the debauchery or corruption of a person under the age of twenty-one shall be punished by imprisonment of one to five years and a fine of 20,000 to 1,000,000 francs.

(2) The penalties are doubled if the victim is under sixteen years of age.

(3) The court may also pronounce the forfeitures of Article 30 of this Code and deprive the convicted person for the same period of parental authority, of any guardianship or curatorship.

Article 345 — Danger moral.

Anyone who, having legal or customary custody of a child under eighteen years of age, allows them to reside in a house or establishment where prostitution is practiced or to work there or for a prostitute shall be punished by imprisonment of fifteen days to six months and a fine of 10,000 to 100,000 francs.

Article 346 (new).- — Outrage to the modesty of a minor under sixteen years of age.

(1) Anyone who commits an act of indecency in the presence of a minor under the age of sixteen shall be punished by imprisonment of two to five years and a fine of 20,000 to 200,000 francs.

(2) The penalties are doubled if the insult is committed with violence or if the perpetrator is one of the persons referred to in Article 298.

(3) The penalty is imprisonment of ten to fifteen years if the perpetrator has had sexual intercourse even with the consent of the victim.

(4) In case of rape, imprisonment is from fifteen to twenty-five years. Imprisonment is for life if the perpetrator is one of the persons listed in Article 298.

(5) In all cases, the court may deprive the convicted person of parental authority, of any guardianship or curatorship during the periods provided for in Article 31 (4) of this Code.

Article 347 (new).- — Insult of a minor aged sixteen to twenty-one.

(1) Where the offences referred to in Articles 295, 296 and 347 bis have been committed against a minor aged between sixteen and twenty-one, the penalties provided for in the said Articles shall be doubled.

(2) The court may in all cases deprive the convicted person of parental authority, of any guardianship or curatorship during the periods provided for in Article 31 of this Code.

Article 347 bis — Homosexuality.

Any person who has sexual relations with a person of the same sex shall be punished by imprisonment of six months to five years and a fine of 20,000 to 200,000 francs.

Article 348 — Beverages.

(1) The following shall be punished by a fine of 5,000 to 50,000 francs:

The retailer of alcoholic beverages who receives in his establishment a minor under sixteen years of age unaccompanied by an adult of twenty-one years of age who is supervising them;

- The liquor retailer who sells or offers alcoholic beverages in his establishment or in any other public place to a minor under the age of eighteen who is not accompanied by an adult of the age of twenty-one who is supervising him;

- Anyone who makes a minor under twenty-one years old drink to the point of intoxication.

(2) In the event of a repeat offence, the prison sentence is from fifteen days to one month and the fine is from 10,000 to 100,000 francs. The court may also:

Order the closure of the establishment of the convicted retailer under the conditions provided for in Article 34 of this Code;

Order the publication of its decision;

Pronounce against any convicted person the forfeitures of Article 30 of this Code.

(3) This article does not apply to anyone who proves that he was misled about the age of the minor or the age or status of the person accompanying him.

Article 349 — Abuse of weaknesses.

(1) Anyone who abuses the needs, weaknesses or passions of a person under twenty-one years of age to make them enter into any obligation, provision or discharge, or any document likely to compromise the person or fortune of the signatory shall be punished by the penalties provided for in Article 318 of this Code.

(2) For the purposes of this article, a person who is under judicial prohibition or has legal counsel or is in a state of manifest insanity is deemed to be a minor.

Article 350 — Violence against children.

(1) The penalties provided for in Articles 275, 277 and 278 of this Code are respectively death and life imprisonment if the offences referred to in the said Articles were committed against a minor under fifteen years of age, and the penalties provided for in Articles 279 (1), 280 and 281 are in this case doubled.

(2) The court may pronounce the forfeitures of Article 30 of this Code for the offenses referred to in this article.

Article 351 — Violence against ascendants.

The penalty provided for in Article 275 is death and those provided for in Articles 277 and 278 are life imprisonment if the offences referred to in the said Articles were committed against the legitimate, natural or adoptive parents or any other legitimate ascendant of the guilty party and the penalties provided for in Articles 279 (1), 280 and 281 are doubled.

Article 352 — Abduction of minors.

(1) Anyone who, without fraud or violence, kidnaps, entices or diverts a minor under eighteen years of age against the will of those to whom their legal or customary custody belongs shall be punished by imprisonment of one to five years and a fine of 20,000 to 200,000 francs.

However, this paragraph does not apply to anyone who proves that he was misled about the victim's age.

(2) This section does not apply to the case where the minor thus abducted, enticed or diverted marries the perpetrator of the abduction, unless the marriage has been declared null and void.

Article 353 — Kidnapping with fraud or violence.

Anyone who, by fraud or violence, abducts, entices or diverts a minor under the age of twenty-one, even if he believes them to be older, against the will of those who have their legal or customary custody, shall be punished by imprisonment of five to ten years and a fine of 20,000 to 400,000 francs.

Article 354 — Aggravation.

In the cases provided for in the two preceding articles:

1° The penalty is life imprisonment:

- If the minor is under sixteen years of age; or
- If the culprit intends to obtain a ransom or has obtained one.

2° The penalty is death when the death of the minor results.

Article 355 — Non-representation.

Anyone who, being responsible for a child, does not present him to those who have the right to claim him shall be punished with imprisonment of one to five years and a fine of 20,000 to 200,000 francs.

Article 356 — Forced marriage.

(1) Anyone who forces a person into marriage shall be punished with imprisonment of five to ten years and a fine of 25,000 to 1,000,000 francs.

(2) Where the victim is a minor under eighteen years of age, the prison sentence, in the event of the application of mitigating circumstances, may not be less than two years.

(3) Anyone who gives in marriage a girl under fourteen years of age or a boy under sixteen years of age shall be punished by the penalties provided for in the two preceding paragraphs.

(4) The court may also deprive the convicted person of parental authority, of any guardianship or curatorship for the period provided for in Article 31 (4) of this Code.

Article 357 — Unfair demand for a dowry.

(1) The following shall be punished by imprisonment of three months to five years and a fine of 5,000 to 500,000 francs or one of these two penalties only:

- He who, by promising the marriage of a woman already married or engaged in an unbroken engagement, receives from a third party all or part of a dowry;
- One who receives all or part of a dowry without having reimbursed any rejected suitor;
- He who, without qualification, receives all or part of a dowry with a view to the marriage of a woman;
- Anyone who demands all or part of an excessive dowry on the occasion of the marriage of a girl of twenty-one years of age or of a widowed or divorced woman;
- Whoever, by demanding an excessive dowry, hinders for this sole reason the marriage of a minor girl of twenty-one years of age;

- The heir who receives the material benefits provided for in the preceding paragraphs and promised to the person from whom he inherits.

(2) Each payment, even partial, of the dowry interrupts the limitation period for public action.

Article 358 — Abandonment of home.

(1) Any spouse, father or mother who, without legitimate reason, evades, by abandoning the family home or by any means, all or part of their moral or material obligations towards their spouse or their child(ren) shall be punished by imprisonment of three months to one year or a fine of 5,000 to 500,000 francs.

(2) If the offence is committed only to the detriment of one spouse, prosecution may only be initiated upon prior complaint by the abandoned spouse.

(3) The same penalties shall apply to any guardian or customary guardian who fails to fulfil his legal or customary obligations with regard to the children in his care.

(4) The court may pronounce the forfeitures of Article 30 of this Code and deprive the convicted person of any guardianship or curatorship for the period provided for in Article 31 (4) of this Code and deprive him of parental authority for the same period with regard to one or more of his children.

(5) When the accomplice is the one who received all or part of the dowry, he is punished by imprisonment of three months to one year and a fine of 50,000 to 500,000 francs.

Article 359 — Bigamy.

(1) The following shall be punished by imprisonment of two months to two years and a fine of 25,000 to 500,000 francs:

The polygamist who enters into a monogamous marriage before the dissolution of previous marriages;

One who, bound by a commitment of monogamy, contracts a new monogamous marriage or a polygamous marriage before the dissolution of the previous marriage;

Someone who, married according to the rules of the Civil Code, contracts a new marriage before the dissolution of the previous one.

(2) The burden of proof of the dissolution of the first marriage lies with the accused.

Article 360 — Incest.

(1) Independently of the penalties provided for in Articles 346 (3) and 347 (1), anyone who has sexual relations:

With his legitimate or natural ascendants or descendants, without limitation of degree;

With his legitimate or natural brothers or sisters, full, consanguineous or uterine.

(2) Except in cases of notorious cohabitation or incestuous marriage, proceedings may only be brought on the complaint of one of the blood relatives without limitation of degree.

Article 361 — Adultery.

(1) A married woman who has sexual relations with someone other than her husband shall be punished with imprisonment of two to six months or a fine of 25,000 to 100,000 francs.

(2) The same penalties shall apply to a husband who, in the marital home, has sexual relations with women other than his wife or wives, or who, outside the marital home, has habitual sexual relations with another woman.

(3) Prosecution may only be initiated upon complaint by the offended spouse.

(4) The connivance or forgiveness of the offended spouse prevents or stops any prosecution and the offended spouse remains in control of stopping the effect of the sentence pronounced against the other spouse by agreeing to resume living together.

TITLE IV

FINES.

CHAPTER I

GENERAL PROVISIONS.

Article 362 — Classes of contraventions.

Subject to the provisions of Article 101 (2), contraventions are divided into four classes and the following penalties apply to them:

- Those of the first class, with a fine of 200 to 1,200 francs inclusive;
- Those of the second class, with a fine of 1,400 to 2,400 francs inclusive;
- Those of the third class, with a fine of 2,600 to 3,600 francs inclusive;
- Those of the fourth class, a fine of 4,000 to 25,000 francs inclusive and imprisonment of five to ten days or one of these two penalties only.

Article 363 — Repeat offense.

In addition to the doubling of the maximum penalties provided for in Article 88 (1) (c), the court may, in the event of a repeat offence of the first three classes, impose a prison sentence of which the minimum may not be less than five days and the maximum greater than ten days.

Article R. 364 — Bodily constraint.

1. Bodily constraint takes place for the payment of the fine.
2. It is set at five days for 1st class fines, ten days for 2nd class fines and one month for 3rd and 4th class fines.

However, the convicted person cannot be detained for more than fifteen days for this purpose if he can prove his insolvency.

Article R. 365 — Preference.

In the event of insufficient assets, restitution and compensation due to the injured party are preferred to the fine.

Article R. 366 — Restitutions.

Restitutions, compensation and costs entail imprisonment and the convicted person will remain in prison until full payment.

However, if these sentences are pronounced in favor of the State, insolvent convicts cannot be detained for more than fifteen days.

Article R. 367 — 1st class contraventions.

The following are punishable by a fine of 200 to 1,200 francs inclusive:

1. Those who neglect to maintain, repair or clean ovens, chimneys or factories where fire is used
2. Those who violate the prohibition on firing fireworks in certain places. Any fireworks seized are also confiscated.
3. Hoteliers and others who, obliged to provide lighting, refrain from doing so, as well as those who remove lighting established in the public interest.
4. Those who neglect to clean the streets or passages in localities where this task is left to the residents
5. Those who obstruct the public highway by depositing or leaving there unnecessarily any materials or objects which prevent or reduce freedom or safety of passage as well as those who, contrary to the laws and regulations, neglect to illuminate the materials stored by them or the excavations made by them in public places and highways.
6. Those who throw or expose in front of their houses things that are likely to cause harm either by their fall or by unhealthy exhalations
7. Those who do not comply with the laws and regulations concerning the fight against pests of any kind in the countryside, plantations or gardens

8. Those who, without other circumstances provided for by law, pick fruit belonging to others for consumption on the spot

9. Those who, without having been provoked, utter insults against someone in public as provided for in Article 307 (1) of the Penal Code

10. Those who imprudently throw garbage at others

11. Those who are neither owners, nor usufructuaries, nor tenants, nor farmers, nor enjoying a piece of land or a right of way, or who, being neither agents nor employees of any of these persons, pass over this land or over a part of this land if it is prepared or sown

12. Those found in a state of manifest intoxication in a public place

13. The Clerk who contravenes the provisions of Article 23 D5 of Decree No. 66-DF-237 of May 24, 1966 relating to the report of capital execution.

Article R. 368 — 2nd class contraventions.

The following are punishable by a fine of 1,400 to 2,400 francs inclusive:

1. Those who contravene the provisions concerning the opening of agricultural campaigns

2. Hoteliers and landlords who keep their entry and exit register incompletely or who do not submit it at the times determined by the regulations or when required to do so by the authorities appointed for this purpose

3. Those who let things wander:

- Dangerous demented people in their care;

- Dangerous or ferocious animals, as well as those who do not restrain their animals when attacking or chasing passers-by even if no damage has resulted.

4. Those who throw hard bodies or rubbish against the buildings, houses or fences of others or into the gardens or enclosures of others

5. Those who, being neither owners, nor usufructuaries, nor enjoying a piece of land or a right of way, entered it before the harvest was made

6. Those who drive or allow their vehicles and the animals in their care to pass over another person's land prepared, sown or laden with a harvest, in any season whatsoever, or in a coppiced wood belonging to another person

7. Those who employ women under eighteen years of age in a liquor store for consumption on the premises, with the exception of those belonging to the family of the liquor store owner

8. Those who, through negligence or imprudence, damage in any way an installation or the apparatus of a telephone or telegraph installation.

Article R. 369 — 3rd class offenses.

The following are punishable by a fine of 2,600 to 3,600 francs inclusive:

1. Those who cause the death or injury of animals or livestock belonging to others, through the straying of a dangerous madman, or dangerous animals or through excessive speed, bad direction, overloading of vehicles, horses, draft animals, loads or mounts
2. Those who cause the same damage by the use or handling of weapons without precaution or with clumsiness or by throwing hard bodies
3. Those who cause the same damage through dilapidation, deterioration, failure to repair or maintain houses or buildings or through obstruction or excavation or such other works, in or near public roads without precaution or ordered or customary signals.
4. Those who use weights or measures other than those established by the texts in force
5. Authors or accomplices of noise, disturbances or offensive or nocturnal gatherings, disturbing the peace of residents
6. Those who allow livestock in their care to feed on other people's land of whatever nature it may be
7. Those who, except in the cases provided for in Article 230 (1) of the Penal Code, damage or deteriorate in any way public roads or usurp their width
8. Those who, without being duly authorized, remove earth, sand, stones or gravel from public places other than public roads, unless there is a general use that authorizes it.
9. Those who have taken in stray or abandoned livestock do not declare it within three days to the town hall or to the village chief.
10. Those who contravene or fail to comply with the legally made and regularly published regulations or orders of the municipal authority.

However, the competent municipal authority may:

By express provision, classify a violation as first or second class;

To cause a decision by the supervisory authority classifying a contravention as fourth class.

Article R. 370 — 4th class contravention.

The following shall be punished by a fine of 4,000 to 25,000 francs inclusive and imprisonment of five to ten days or one of these two penalties only:

1. Perpetrators and accomplices of fights, assaults or minor violence not resulting in illness or incapacity for work of more than eight days, as well as those who deliberately throw hard bodies or rubbish at others
2. Those who, except in the cases provided for in Article 290 (1) and (2) of the Penal Code, cause, through clumsiness, negligence, imprudence or failure to observe the regulations, an illness or incapacity for work of thirty days or less
3. Those who, outside of hunting, let their dogs wander in search of or pursuit of game
4. Those who, except in the cases provided for in Article 228 of the Penal Code, cause, through imprudence, inattention, negligence or failure to observe regulations, the fire of the movable or immovable property of others.
5. Those who damage ditches, fences and hedges or remove dry wood from hedges
6. Those who, by any means other than those provided for in Articles 157 and 158 of the Criminal Code, prevent anyone acting for the execution of laws, regulations, judicial decisions or legitimate orders from carrying out the mission with which he is legally charged.
7. Those who, without legitimate reason, refuse or neglect to perform a service or provide assistance required by the competent authority either in the event of a flagrant crime or offense, or in order to ensure the execution of a judicial decision, or in the circumstances of accidents, tumults, shipwreck, flood, fire or other calamities, and without prejudice to more severe penalties if applicable
8. Those who, without prejudice to more severe penalties if applicable, send by post documents or objects not authorized by the texts in force or which provide a false indication of the content
9. Those who, without prejudice to more severe penalties if applicable, infringe the monopoly of posts and telecommunications or knowingly use an irregular installation to transmit or receive messages
10. Those who, without prejudice to more severe penalties if applicable, use in manufacturing a product prohibited by the texts in force
11. Those who, having attended a birth, have not made the declaration of birth possibly prescribed by law and within the time limits set by law; those who, having found a newborn child, do not hand it over to the civil registrar or, if they wish to take charge of it, do not make the declaration to the civil registrar of their commune.

12. Those who contravene or do not comply with regulations and orders legally made and regularly published emanating from authorities other than those referred to in Article R. 369 (10) above.

However, the said authorities may, by express provisions, classify the contraventions which they issue into one of the three lower classes.