



REPÚBLICA DE ANGOLA  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

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# PRELIMINARY DRAFT OF THE PENAL CODE



**REPÚBLICA DE ANGOLA**  
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- Article 432 - (Refusal to provide information)
- Article 433 - (Unlawful export of goods)
- Article 434 - (Fraud in obtaining a benefit or subsidy)
- Article 435 - (Fraud in obtaining credit)
- Article 436 - (Undue use of benefit or subsidy or credit)
- Article 437 - (Special attenuation of the penalties)
- Article 438 - (Passive corruption)
- Article 439 - (Active corruption)
- Article 440 - (Corruption in the area of international trade)



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## **BOOK I**

### **GENERAL PART**

#### **TITLE I**

#### **CRIMINAL LAW**

#### **SINGLE CHAPTER**

#### **General principles**

##### **Article 1.**

(Principle of legality)

1. An act may only be criminally punished if it was determined punishable by law before the act was committed.
2. Security measures may only be applied to cases of perilousness, if its conditions are determined by law previous to its fulfillment.
3. An appeal to analogy is not permitted to qualify an act as criminal, to define a case of perilousness, or to determine a penalty or a corresponding security measure.

##### **Article 2.**

(Application in time)

1. Penalties and security measures are determined by the law in force at the time of the commission of the act or the fulfillment of the conditions which they depend on.



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2. A punishable act in accordance with the law in force at the moment of its completion ceases being punishable if a new law eliminates it from the number of infractions; in this case, if there has been condemnation, even if it has become a definitive sentence, the execution ceases and all its penal effects.

3. If a law is valid for a determined period of time, an act committed during this period continues to be punishable. The penalties and security measures are determined by the law in force at the moment of practice of the fact or the verification of the assumptions on which these depend.

4. If the laws in force at the time of the commission of the punishable act are different from those established in posterior laws, the regime more favorable to the offender is always applicable, except when the offender has already been condemned by a definitive sentence.

**Article 3.**

(Time of the act)

An act is considered as committed at the time the perpetrator acted or, in case of omission, should have acted, regardless of the time when the typical result occurs.

**Article 4.**

(Application in space. General principle)

Except when it is contrary to international treaties or conventions, Angolan penal law is applicable to acts committed in Angolan territory or on board of ships or aircrafts registered with a license or under the flag of Angola, regardless of the perpetrator's nationality.

**Article 5.**

(Application of the Angolan penal law to acts committed abroad)



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1. Unless international convention or treaty to the contrary, the Angolan criminal law is applicable to acts committed abroad, when:

a) regarded as a crime under the articles 240 to 243, 245 to 250, 281, 282, 295 to 305, 315 to 318 and 322 thereof;

b) constitute crimes under Articles 362 to 368 and 370 to 375, provided that the perpetrator is found in Angola and can not be extradited;

c) is committed against Angola, provided that the perpetrator usually lives in Angola and is found here;

d) are committed by Angolans or foreigners against Angolans, provided that:

i. the facts are also punishable by the law of the place in which they have been perpetrated,

ii. constitute a crime which, according to the Angolan law admits extradition, but this may or not not be conceded, and

iii. the perpetrator is found in Angola.

e) that constitute crimes, by international convention or treaty, the Angolan state has been forced to judge.

2. The previous paragraph is only applicable when the perpetrator has not been tried in the country where he committed the crime or have subsequently subtracted from the compliance, in whole or in part, of the sanction that has been convicted to.

#### **Article 6.**

(Place of the commission of act)

An act is considered as committed, as well in the place where, totally or partially, under whatever form of complicity, the offender has acted, or, in case of omission, should have acted, as in the place where the typical result has been produced.

#### **Article 7.**

(Subsidiary application of the Penal Code)





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The dispositions of this diploma are applicable to acts punishable by special legislation, except when contrary legislation exists.



## TITLE II CRIMINAL OFFENSE

### CHAPTER I Bases of punishability

#### Article 8.

(Action and omission)

1. When a legal type of crime includes a certain result, the fact comprises not only the action proper to produce it, as the omission of the action proper to avoid it, except if the intention of the law is different.
2. However, the commission of a result by omission is only punishable when the omissive person is under a legal duty that personally obliges him to avoid that result.
3. The legal duty to act referred to in the preceding paragraph exists whenever there is a legal or contractual obligation to act or when the omitting person has created a dangerous situation for the legal right under a previous act or omission.
4. In case the crime has been committed by omission, the penalty can be specially mitigated.

#### Article 9.

(Individual and collective criminal liability)

1. Unless otherwise stated, only individuals are liable to criminal responsibility.
2. When the law determines the liability of collective entities as such, must be understood that these are legal persons or in fact associations.



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**Article 10.**

(Acting on behalf of others)

It shall be punished whoever acts as holder of bodies of a collective person or in legal or voluntary representation of others, even if they do not compete with it, but the person on whose behalf it acts, the qualities or relations required by the legal type of crime.

**Article 11.**

(Subjective imputation)

Is only punishable when committed intentionally, or in cases specified by law, with negligence.

**Article 12.**

(Malice)

1. Whoever, representing an act that constitutes a type of crime, carries it on, with the purpose of accomplishing it, acts with malice.
2. A person still acts with malice when he represents the accomplishment of an act that constitutes a type of crime as a necessary consequence of his conduct.
3. When the accomplishment of an act that constitutes a type of crime is represented as a possible consequence of the conduct, there is malice if the offender acts accepting that accomplishment.

**Article 13.**

(Negligence)

A person acts with negligence when he does not behave with the care to which, according to circumstances, is obliged and is capable of, and:



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- a) represents as possible the accomplishment of an act that constitutes a type of crime, but acts without accepting that accomplishment; or
- b) does not even represent the possibility of the accomplishment of that act. .

**Article 14.**

(Mistake about circumstances of the act)

1. The mistake about fact or law elements of a type of crime excludes malice.
2. The rule established in the previous number applies to the mistake about a state of things that, if existing, would have excluded the unlawfulness of the act.
3. It is excluded the punishableness for the neglect, in accordance with Articles 11 and 13.

**Article 15.**

(Mistake about unlawfulness)

1. A person acts without fault when he acts unaware of the unlawfulness of the act, if his mistake is not objectionable.
2. It has the same effects of the error on the unlawfulness, the error on a state of affairs which, if any, would remove the guilt from the offender.
3. If his mistake is objectionable, the offender shall be punished with the sentence applicable to the respective intentional crime, which can be especially mitigated.
4. The error is objectionable when, in face of the circumstances, it is reasonable to require from the offender another behavior.

**Article 16.**

(Aggravation of penalty due to result)



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When the penalty applicable to an act is aggravated according to the production of a result, the aggravation is always conditioned by the possibility of attributing that result to the offender at least by negligence.



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**Article 17.**

(Imputability on the grounds of age)

1. Minors under the age of 14 or not susceptible to criminal liability.
2. The legal scale of the penalty is reduced by half or two thirds in its limits, minimum and maximum, if the offender is under 18 or 16 years old, respectively.
3. In the judicial determination of the penalty to apply to the minors referred to in the preceding paragraph shall be taken into particular consideration the needs of rehabilitation and social reintegration of the offender.
4. A penalty of deprivation of liberty exceeding 3 years can not be applied to a minor under the age of 16.
5. The penalty of deprivation of liberty applied to a minor under the age of 16 years must be replaced by an appropriate non-custodial penalty, unless its execution is absolutely necessary to the social defense and to criminal prevention.
6. The applicable regime to the promotion and procedural pursuit procedures for crimes committed by minors under the age of 18 and their trial is established by special law.
7. Minors under 18 are, whenever possible, tried for the crimes they committed, courts with specialized jurisdiction and comply with the custodial penalties in in proper internment, education and training establishments.
8. Young adults under the age of 21 should be mitigated especially the penalty under Article 71, unless compelling reasons of social defense and crime prevention advise against the mitigation.

**Article 18.**

(No imputability on the grounds of psychic anomaly)

1. A person is not imputable if, due to a psychic anomaly, he is incapable, at the time of committing the act, to evaluate the unlawfulness or to conform his conduct in accordance with that appreciation.
2. The imputability is not excluded when the psychic anomaly has been caused by the offender with the intention of committing the act.



3. A person may be declared not imputable if, due to a serious disease of the mind, not accidental and whose effects he cannot control, without being thereby objectionable, has, at the time of committing the act, the capacity to appreciate its unlawfulness or to conform his conduct in accordance with that appreciation.

## CHAPTER II

### Special forms of punishable act

#### Article 19.

(Preparatory acts)

1. Preparatory acts are not punishable, except when contrary legislation exists.
2. Are preparatory acts the external acts destined to to facilitate or prepare the execution of the fact but that do not represent yet the beginning of implementation, in accordance with the following article.

#### Article 20.

(Attempt)

1. Attempt exists when the offender performs acts for the execution of a crime he has decided to perpetrate, which he failed to consummate.
2. Executions are:
  - a) those that fulfill a constituent element of a type of crime;
  - b) those that are proper to produce a typical result; or
  - c) those that, according to common experience and excepting unexpected circumstances, are of a nature as being expected to be followed by acts of the types named in the previous paragraphs.

#### Article 21.

(Punishment of attempt)



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1. Unless otherwise provided, the attempt is only punishable when the respective consummated crime corresponds to a penalty over 3 years of imprisonment.
2. The attempt is punishable with the penalty applied (applicable) to the consummated crime, specially mitigated.
3. The attempt is not punishable when it is clear that:
  - a) the ineptitude of the environment employed by the offender;
  - b) the absence of the essential object to the consummation of the crime.

**Article 22.**

(Desistance)

1. Attempt ceases to be punishable if the offender voluntarily desists from proceeding in the execution of the crime, or prevents its consummation, or, notwithstanding its consummation, prevents the verification of the result not included in the type of crime.
2. When the consummation or the verification of the result are prevented by an act independent of the desistant's behaviour, the attempt is not punishable if he has made serious efforts to prevent the one and the other.

**Article 23.**

(Withdrawal in case of assistance)

If various offenders abet in the act, the attempt of he who voluntarily prevents the consummation or the verification of the act result is not punishable, nor the one who makes serious efforts to prevent the one and the other, even when the other participants proceed with the execution of the crime or consummate it.

**Article 24.**





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(Authorship)

It is punished as perpetrator who:

- a) executes the act by himself;
- b) execute the fact, using as instrument another person;
- c) take direct part in its execution, by agreement or together with another persons or others, or
- d) determine, directly and intentionally, another person to practice the act, provided there is implementation or early implementation.

**Article 25.**

(Complicity)

1. Is punishable as an accomplice who, outside the cases provided for in the preceding article, directly and intentionally, provide material or moral assistance to the practice by others because of a felony.
2. The penalty applicable to the accomplice is the one which is fixed for the principal, specially mitigated.

**Article 26.**

(Unlawfulness in participation)

1. If unlawfulness or the degree of unlawfulness of the act depends on certain qualities or special relations of the offender, to make the respective penalty applicable to all participants it is enough that these qualities or relations occur in any of them, except if the incriminatory rule is different.
2. The communication referred to in the previous paragraph is not verified from the accomplice to the author.

**Article 27.**

(Guilt in participation)



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Each participant shall be punished according to his guilt, regardless of the punishment or degree of guilt concerning the other participants.

**Article 28.**

(Concurrence of crimes)

The number of crimes is determined by the number of types of crime really committed, or by the number of times that the some type of crime is fulfilled by the offender's conduct.



**Article 29.**

(Continuous crime)

The multiple accomplishment of the same type of crime or of several types of crime that fundamentally protect the same juridical asset constitutes only one continuous crime, when performed in an essentially homogeneous way and under the solicitation of a same external situation that considerably diminishes the offender's culpability.

**CHAPTER III**

**Causes that exclude unlawfulness**

**Article 30.**

(Exclusion of unlawfulness)

1. The act is not criminally punishable when its unlawfulness is excluded by the legal system considered as a whole.
2. Namely, it is not unlawful the act practiced:
  - a) in legitimate defense;
  - b) in the exercise of a right;
  - c) in fulfillment of a duty imposed by an authority legitimate order; or
  - d) with the consent of the holder the harmed legal interest.

**Article 31.**

(Legitimate defense)

1. An act constitutes legitimate defense when committed as the necessary means to repel a present and unlawful aggression on legally protected interests of the offender or of a third person
2. If there is excess of the means employed in legitimate defense the fact is unlawful, but the penalty can be mitigated.



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**Article 32.**

(Necessity right)

An act is not unlawful when committed as an appropriate means to avert a present danger that threatens legally protected interests of the offender or of a third person, if the following requisites are verified:

- a) the danger situation must not have been voluntarily created by the offender, save in case of protecting the third person's interest;
- b) There is a sensible superiority of the interest to be safeguarded relatively to the sacrificed interest; and
- c) It is reasonable to impose on the victim the sacrifice of his interest, considering the nature or value of the threatened interest.

**Article 33.**

(Conflict of duties)

1. An act committed by a person who, in case of conflict on the accomplishment of legal duties or legitimate orders from the authority, fulfills the duty or order of equal or superior value to the sacrificed duty or order is not unlawful.
2. The duty of hierarchical obedience stops when it leads to the commitment of a crime.

**Article 34.**

(Consent of the victim)

1. Besides the cases especially prescribed in the law, consent excludes the act unlawfulness when it refers to freely disposable legal interests and the act does not offend social mores.
2. Consent may be expressed by all means revealing a free, honest and enlightened will of the holder of the protected legal interest, and it can be freely withdrawn until the execution of the act.
3. Consent is effective only if it has been given by someone who is over 14 years old and has the necessary discernment to judge its meaning and range, at the moment it is given.



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4. If the consent is not known to the offender, he shall be punished with the penalty applicable to attempt.

**Article 35.**

(Presumed consent)

1. Presumed consent is dealt with as effective consent.
2. There is presumed consent when the situation, where the offender is acting on, reasonably permits to suppose that the holder of the legally protected interest would have effectively given consent to the act, if he had known the circumstances in which it is committed.

**CHAPTER IV**

**Causes that exclude guilt**

**Article 36.**

(Excess of exculpatory legitimate defense)

Acts without guilt who exceeds the means employed in legitimate defense, whenever the excess results in uncensored disturbance, fear or scare.

**Article 37.**

(Exculpatory necessity right)

1. Acts without guilt who perform an unlawful act appropriate to remove a present danger, otherwise non-removable, which threatens the life, physical integrity, honor or freedom of the offender or the third, when it is not reasonable to require from him, according to circumstances of the case, a different behavior.
2. If danger threatens legal interests than those referred to in the preceding paragraph and the remaining conditions mentioned therein are verified, the penalty may be mitigated.



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**Article 38.**

(Conflict of exculpatory duties)

1. Acts without guilt who, in case of conflict of duties, carries out a duty of lesser value and as a result of that compliance practices an unlawful act, whenever it is not reasonable, in face of the circumstances of the case, to require the the offender another behavior.
2. What is provided in the preceding paragraph applies whenever there is the constraint described in it, who practice an unlawful act for having served an order from his hierarchic superior.

**TITLE III**

**JURIDICAL CONSEQUENCES OF THE ACT**

**CHAPTER I**

**Preliminary provisions**

**Article 39.**

(Sanctions)

In tis Code are foreseen the following sanctions:

a) main penalties:

i. prison;

ii. fine;

b) substitute penalties:

i. fine;

ii. prison on weekends

iii. community service;

iv. stay of execution of penalty of prison;

v. admonition;

c) accessory penalties:

i. prohibition to exert a function;



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- ii. suspension to exert a function;
- iii. Interdiction of driving a motor vehicle;
- d) security measures:
  - i. hospitalization;
  - ii. suspension of internment;
  - iii. interdiction activities;
  - iv. cessation of driving license for motor vehicles;
  - v. ban on licensing.

**Article 40.**

(The aim of penalties and security measure)

1. The application of penalties and security measures aims the protection of juridical assets essential to the subsistence of the social community and the reintegration of the offender in society.
2. The execution of sentence of imprisonment should be directed towards the reintegration of prisoners into society, preparing him to lead his life in a socially responsible way, without committing crimes.
3. The execution of imprisonment also serves the defense of society, preventing the commission of crimes.
4. The convicts who are subjected to punishment or measure involving deprivation of liberty remain entitled to fundamental rights, except for the limitations inherent in the sense of condemnation and proper demands for its enforcement.
5. The execution of prison sentences and security measures of internment is regulated by legislation, in which are fixed duties and rights of the prisoners.





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**Article 41.**

(General Rules)

1. There can be no death penalty nor security measures involving deprivation of liberty for a perpetual or unlimited or indefinite term.
2. The imposition of penalties or security measures can not, under any circumstances, serve to bring the convict to torture or cruel, inhuman or degrading treatments.
3. No penalty or safety measure involves as effect, the loss of any civil, professional or political rights.
4. Penalties are not liable of suspension.

**Article 42.**

(Prerequisites and limits of penalties and security measures)

1. Guilt is indispensable presupposition for the application of any penalty.
2. In any case shall the penalty exceed the measure of guilt.
3. A criminal danger it is indispensable presupposition of the application of any safety measure.
4. The safety measure can only be applied if it is proportionate to the gravity of the act and the hazard of the offender.



## CHAPTER II

### Main and substitute penalties

#### Section I

#### Penalties of Prison and fine

##### **Article 43.**

(Length of prison sentence)

1. The term of imprisonment, as a rule, the minimum duration of 3 months and maximum of 25 years.
2. In any case, particularly as a result of recurrence of crimes or concurrence of crimes or extension of penalty, this can exceed the maximum limit of 30 years.
3. The counting of the periods of imprisonment is made according to criteria established by the law of criminal procedure and, failing that, by civil law.

##### **Article 44.**

(Substitution of prison for fine)

1. The prison applied to an extent not exceeding 6 months is replaced by an equal number of days of fine or other non-custodial penalty applies unless the execution of imprisonment is required by the need to prevent the commission of future crimes, and correspondingly applicable the provisions of Article 46.
2. If the fine is not paid, the convict serves a penalty of imprisonment applied in the sentence being correspondingly applicable the provisions of paragraph 3 of Article 48.

##### **Article 45.**

(Prison on weekends)

1. The court may, in case of imprisonment imposed to an extent not exceeding 5 months, that has not been replaced by a fine under the previous article, to determine with the consent of the



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convict, that the penalty is enforced during periods of weekend whenever it is understood that this form of service executes adequately the purposes of punishment.

2. Each period of the weekend, with a minimum of 36 hours and maximum of 48 hours, equivalent to 5 days of completion of sentence of imprisonment imposed.
3. The imprisonment on weekends is served in the prison nearest the residence of the convicted person or, with his agreement in any other establishment, police or otherwise.
4. If an offender fails to appear in the establishment referred to in the preceding paragraph to serve his sentence without justification accepted by the court or to leave without permission of the court the prison regime on weekends may be revoked and the convict is sentenced to serve his sentence under continuous imprisonment.
5. If the prison regime on weekends is revoked are discounted in the penalty applied all periods already completed at the rate of 3 days in prison for each weekend.

**Article 46.**

(Penalty of fine)

1. The penalty fine is set in days, according to the criteria set out in Article 67(1), as a rule, the minimum of 10 days and a maximum of 360.
2. Each day of fine corresponds to an amount between two cents and two tenth of the minimum wage of civil servants, which the court decides on the basis of economic and financial situation of the convict and his personal charges.
3. When the economic and financial situation of the convict justifies, the court may authorize the payment in installments, the last can not go beyond 2 years from the date of the conviction becomes final.
4. Within the limits referred to above and when supervening reasons so warrant, payment terms initially established may be altered.
5. Failure to pay the benefits of one of the installments all of them become due.



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**Article 47.**

(Substitution of prison for work)

1. At the request of the convict, the court may order that a fine is determined wholly or partly replaced by days of work in establishments, workshops, or works of the State or other legal persons governed by public or private institutions of social solidarity, where it finds that this form of compliance performs adequately and sufficiently the purposes of punishment.
2. It is accordingly to the provisions of Article 55(3)(4) and paragraph 1 of Article 56(1).

**Article 48.**

(Conversion of fine not paid into subsidiary prison)

1. If the fine, which has not been replaced by work, is not paid voluntarily or forcibly, is fulfilled by the time corresponding subsidiary imprisonment reduced to two thirds, though the crime was not punishable by imprisonment, not applying for this purpose, the minimum days of imprisonment set forth in Article 43(1).
2. The convicted person may at any time avoiding wholly or partially, the execution of prison subsidiary, paying, in whole or in part, that the fine was ordered.
3. If the convicted person to prove that the reason for non-payment of the fine is not attributable to him, execution may be suspended prison subsidiary, for a period of 1 to 3 years, provided that the suspension is subject to the fulfillment of duties or rules of conduct content is not economic or financial but if the duties or rules of conduct are not met, you run the prison subsidiary and, if so, the penalty is declared extinct.
4. The provisions of paragraphs 1 and 2 shall apply accordingly to the case where the convicted person negligently fails to comply with the days of work for which, at their request, the fine was replaced and, if the failure is not attributable to him, is correspondingly applicable the preceding paragraph.



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## **Section II**

### **Stay of Execution of Imprisonment**

#### **Article 49.**

(Assumptions and duration)

1. The court suspends the execution of imprisonment imposed to an extent not exceeding 3 years if, given the personality of the offender, the conditions of his life, his conduct before and after the crime and the circumstances of this, conclude that the censorship of the act and the threat of prison conducted properly and sufficiently for the purposes of punishment.
2. The court, if it deems it appropriate and adequate to carry out the purposes of punishment, makes the stay of the imprisonment in accordance with the following articles, the performance of duties or the observance of rules of conduct.
3. The duties and the conduct rules can be imposed cumulatively.
4. The enforceable judgment always specifies the basis for suspension and its conditions.
5. The suspension period is set between 2 and 5 years from the date the decision becomes final.



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**Article 50.**

(Duties)

1. The stay of execution of imprisonment may be subject to fulfillment of duties and taxes on the offender to repair the evil of crime, including:
  - a) pay within a given time, in whole or in part that the court considers it possible, the compensation due the victim or secure the payment by means of adequate bail;
  - b) give adequate moral satisfaction to the injured;
  - c) deliver to institutions, public or private social welfare state or a monetary contribution or benefit in kind of equivalent value.
2. The duties imposed can not in any way represent the condemned obligations whose performance is not reasonably required of him.
3. The duties imposed can be modified until the term of the suspension period whenever relevant supervening circumstances occur or that the court only later became aware.

**Article 51.**

(Rules of conduct)

1. The court may impose on the offender compliance for the duration of the suspension of rules of conduct designed to facilitate their reintegration into society.
2. The court may impose on the convict as such:
  - a) does not exercise certain professions;
  - b) does not attend certain means or places;
  - c) does not live in certain places or regions;
  - d) does not follow, lodge or receives certain persons;
  - e) does not attend or not certain associations to participate in certain meetings;
  - f) has not in his power objects capable of facilitating the commission of crimes;
  - g) presents periodically before the court.
3. The court may, with prior consent of the convict, determine the subject of him to medical treatment or cure in appropriate institution.



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4. It is accordingly applicable the provisions of paragraphs 2 and 3 of the preceding article.

**Article 52.**

(Lack of compliance with the conditions of suspension)

If during the period of suspension, the convict, negligently, fails to comply with any of the duties or rules of conduct imposed, the court may:

- a) address a warning;
- b) demand guarantees of compliance with the obligations that condition the suspension;
- c) impose new duties or rules of conduct, or introduce enhanced requirements in the plan of rehabilitation;
- d) extend the period of suspension up to half the original deadline, but not less than 1 year so as not to exceed the maximum period of suspension under Article 49(5).

**Article 53.**

(Revocation of suspension)

1. The stay of execution of imprisonment shall be revoked whenever, in its course, the offender:

- a) breaks, rude or repeatedly, duties or rules of conduct imposed, or
- b) commits a crime for which ends up being condemned and reveal that the purposes that were on the base of the suspension could not, through it, be achieved.

2. Revocation shall determine compliance with the terms of imprisonment specified in the sentence, without the convict being able to require the reimbursement of services performed there.

**Article 54.**

(Extinction of the sentence)

1. The penalty is declared extinct if at the time of his suspension there is no reason that could lead to its repeal.



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2. If, after the period of suspension is pending proceedings for crimes that may decide its revocation or incident for failure to fulfill duties or rules of conduct, the penalty is only declared extinct when the process or the incident are terminated and there is no place for revocation or extension of the period of suspension.

### **SECTION III**

#### **Provision of Work in Favor of the Community and Admonition**

##### **Article 55.**

(Community service)

1. If to the offender should be applied prison sentence not exceeding 1 year, the court will substitute it for the provision of community work whenever it is concluded that in this way are held in an appropriate and sufficient way the purposes of punishment.

2. The performance of community work consists in the provision of free services to the State, other legal persons governed by public or private entities whose purposes the court deems relevant to the community.

3. The performance of work is set between 36 and 380 hours, which can be accomplished in working days, Saturdays, Sundays and holidays.

4. The duration of work can not affect the normal working day, or exceed, per day, what is allowed under the regime of applicable overtime hours.

5. The penalty provision of work for the community can only be applied with acceptance of the damned.

##### **Article 56.**

(Provisional suspension, revocation, termination and replacement)

1. The provision of work for the community may be temporarily suspended for serious medical, family, professional, social or otherwise, can not, however, the time of execution of the sentence exceed 18 months.

2. The court revokes the penalty of provision of community work and orders the compliance of sentence of prison determined to the offender in the sentence, upon conviction:





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- a) intentionally puts himself in a position of being unable to work;
- b) refuses without just cause, to provide work or breach, roughly, the obligations arising from the sentence he was convicted, or
- c) commits a crime for which he will be condemned and reveal that the purposes of the penalty of community work could not, through it, be achieved.

3. It is accordingly applicable the provisions of Article 53.

4. If, as provided in paragraph 2, the convict has to serve his sentence in prison, but has already provided community work, the court does, in time to serve in prison, the discount that seems fair.

5. If the performance of work for the community is considered satisfactory, the court may declare abolished the penalty of not less than 72 hours, once met two thirds of the sentence.

6. If the offender can not fulfill the work that he has been condemned to by a cause not attributable to him, the court, according to what is most appropriate to achieve the purpose of punishment:

a) replaces the term of imprisonment fixed in the sentence by a fine up to 120 days, applying accordingly the provisions Article 45(2), or

b) suspends execution of imprisonment sentence for a certain period that shall set from 1 to 3 years and puts it in accordance with Articles 50 and 51 thereof, the performance of duties or rules of appropriate conduct.

**Article 57.**

(Admonition)

1. If to the offender should be applied a fine of no more than 120 days, the court may be limited to give a warning.

2. The admonition only occurs if the damage has been repaired and the court finds that, by that means, take the purposes of the penalty are carried out appropriate and sufficiently.

3. As a rule, the admonition does not apply if the offender, within 3 years prior to that, has been sentenced to any punishment, including the admonition.

4. The admonition is a solemn oral censure made to the offender in a hearing by the court.



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5. Where the court considers that the presence of parents, other family members of the defendant or other persons is required to give efficacy to the admonition, should summon them for the hearing referred to in the preceding paragraph.

## **SECTION IV**

### **Probation**

#### **Article 58.**

(Prerequisites and duration)

1. The application of conditional liberty always depends on the convict's consent.
2. The court sets the convict at conditional liberty when half of the penalty is fulfilled in a minimum of six months if:
  - a) Considering the circumstances of the case, the offender's previous life, his personality and its evolution during the time of imprisonment, it is reasonable to expect that the convict, when at liberty, will live his life in a responsible social way, without committing crimes; and
  - b) the liberation is manifestly compatible with the defense of social order and social peace.
3. The court sets the convict at conditional liberty when two thirds of the penalty, and a minimum of six months, has been fulfilled, if the requisites mentioned in a) of the previous number are satisfied.
4. When the prison sentence is superior to 5 years for the practice of a crime against persons or a crime of common peril, the conditional liberty only occurs when two thirds of the penalty have been fulfilled and if the requisites mentioned in a) and b) of number 2 are verified.
5. Without prejudice of that which is ascribed in the previous number, the convict sentenced to a penalty superior to 6 years is set at conditional liberty as soon as he has fulfilled five sixths of the penalty.
6. In whatever modality, the conditional liberty has a duration equal to the time of prison which is still to be fulfilled, but never superior to 5 years.



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**Article 59.**

(Probation in case of successive execution of several penalties)

1. If there is execution of various prison penalties, the execution of the penalty to be fulfilled first shall be interrupted:

When half of the penalty has been fulfilled, in case of number 2 of the previous article;

b) When two thirds of the penalty have been fulfilled in the cases of number 3 and 4 of the previous article.

2. In the cases prescribed in the previous number the court decides about the conditional liberty at the moment when it can do it simultaneously in relation to the totality of the penalties.

3. If the sum of penalties to be fulfilled successively exceeds six years of imprisonment, the court sets the convict at conditional liberty, as soon as he has fulfilled five sixths of the sum of penalties, if he has not previously been benefited by it.

4. In the cases mentioned in the preceding paragraph, the court decides on parole at the time to do it, simultaneously, in whole sentences.

**Article 60.**

(Regime)

Are correspondingly applicable to the parole provisions of Article 51 and Article 52(2)(a)(b)(c).

**Article 61.**

(Revocation and extinction of conditional liberty)

1. The dispositions in number 1 of the article 56 and of the article 57 respectively are correspondingly applicable to revocation and extinction of conditional liberty.



2. The revocation of the conditional liberty determines the execution of the prison penalty not yet fulfilled.

3. In relation to the prison penalty which is to be fulfilled, the concession of a new conditional liberty in terms of the article 61 may occur.

## CHAPTER III

### ACCESSORY PENALTIES

#### Article 62.

(Prohibition to exert the function)

1. The office-holder of a public service, a public servant, or an Administration offender in active service for which he was elected or appointed, who commits a crime sentenced for a period of imprisonment superior to 3 years, is also prohibited to exert those duties for 2 to 5 years when the act:

- a) is committed in flagrant and serious abuse of position or with a clear and serious violation of the duties that are inherent;
- b) shows indignity in exerting the function; or
- c) implies loss of confidence necessary to exert the function.

2. The disposition of the previous number is correspondingly applicable to professions or activities, the exertion of which depends on the public title or on the authorization or the homologation of public authority.

3. The term during which the offender is deprived of liberty by force of legal proceedings, penalty, or measures of insurance does not count for the duration of prohibition.

4. The disposition of number 1 and 2 ceases when by the same fact, the application of measures of insurance and interdiction of activity occurs in terms of the article 96.



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5. Whenever the office-holder of a public service, a public officer, or the Administration offender is convicted for practicing crime the court communicates the conviction to the authority which he depends on.



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**Article 63.**

(Suspension of function)

1. The accused who is definitely sentenced to prison and has not been disciplinarily dismissed from the civil service he exerts, shall be punished with suspension of function as long as the fulfillment of penalty lasts.
2. The effects which, according to the respective legislation, follow the disciplinary sanction of suspension from exerting the function, are bound to the suspension prescribed in the previous number.
3. The provisions of the previous numbers are correspondingly applicable to the professions and activities, the exertion of which depends on the office-holder of a public service, or on the authorization or homologation of public authority.

**Article 64.**

(Effects of prohibition and suspension to exert the function)

1. Except when it is contrary to the law, the prohibition and the suspension to exert public service determines the loss of rights and franchises assigned to the office-holder, functionary or offender for the corresponding time.
2. The prohibition to exert public service does not prevent the office-holder, the functionary or the offender from being appointed for an office or for a function that may be exerted without the conditions of dignity and confidence required by the service from which he was dismissed.
3. The provisions of the previous numbers are correspondingly applicable to the professions and activities, the exertion of which depends on the office-holder of a public service, or on the authorization or homologation of public authority.

**Article 65.**

(Prohibition to drive motor vehicles)



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1. A person is condemned to prohibition from driving motor vehicles for a period between 1 month and 1 year if he punished:
  - a) a crime committed in the exercise of that driving with serious violation of the rules of the road traffic, or
  - b) for a crime committed with use of vehicle and whose execution has been facilitated by this in anyway relevant.
2. The prohibition takes effect from the final decision and can include driving motorized vehicles of any category or a specific category.
3. The prohibition is communicated to competent services and is subject for the convict who is the holder of a driving permit, the obligation to deliver to the clerk of court or any police station which will forward to that, but in the case of permit issued in a foreign country with international value, the delivery is replaced by note, in that license, of the prohibition enacted.
4. For the period of Interdiction the time that the offender is deprived of liberty by virtue of procedural coercive measure, penalty or security measure does not count.
5. Ceases to paragraph 1, when the same act, takes place in the application of withdrawal or disqualification of a license, in accordance with Articles 97 and 98.

## **CHAPTER IV**

### **CHOICE AND DETERMINATION OF PENALTIES**

#### **Section I**

##### **General Rules**

#### **Article 66.**

(Criterion for the choice of penalties)

If depriving liberty and non-depriving liberty penalty are alternatively applicable to the crime, the court prefers the second whenever the execution of the latter is adequate and sufficient for the purpose of punishment.





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**Article 67.**

(Determination of the penalty measure)

1. The determination of the penalty measure is done according to the offender's guilt and prevention needs, within the law's defined limits.
2. On determining the concrete penalty, the court considers all non-changing circumstances considering, namely:
  - a) the degree of unlawfulness of the act, the execution and severity of its consequences, as well as the degree of violation of the duties imposed on the offender;
  - b) The strength of the malice or of the negligence;
  - c) The feelings manifested on the perpetration of the crime and the aims or motives that determined it;
  - d) the offender's personal conditions and its economic situation;
  - e) The conduct prior to the act and after it, especially when the latter is aimed at repairing the consequences of the crime;
  - f) The lack of preparation to maintain a lawful conduct, manifested in the act, when that lack of preparation must be censured by the imposition of a penalty;
3. The reasons for the measure of the penalty are expressly mentioned in the sentence.

**Article 68.**

(Circumstances for the determination of the penalty measure)

1. The circumstances referred to in paragraph 2 of the preceding article are aggravating when they testify against the offender and mitigating when they testify in his favor.
2. Are only aggravating circumstances, if the offender has committed the crime:
  - a) for futile reasons;
  - b) upon reward, remuneration or its promise;
  - c) for racial, national, ethnic, ideological, religious, sexual or sexual orientation, illness or physical or mental disability motives;



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- d) to facilitate or assure performance, dissimulation, impunity or advantage of another crime;
  - e) with betrayal, ambush, treachery or any other fraud;
  - f) with poison, fire, explosive, torture or any cruel mean that could result in common danger;
  - g) against ascendants, descendants, relatives within the third degree of collateral line, or others, spouse or person in similar circumstances;
  - h) with abuse of authority or relying on the offender of domestic relations, cohabitation or hospitality;
  - i) with abuse of power or breach of duty inherent to position, trade or profession;
  - j) against children, elderly or pregnant women;
  - k) with the joint participation of a child;
  - l) where the victim was under the immediate protection of the authority;
  - m) on the occasion of fire, sinking, flooding, public calamity or particular disgrace of the victim;
3. Are mitigating the circumstances those that decrease the unlawfulness of the act, the offender's fault or the necessity of punishment, including the following:
- a) the offender acted under the influence of ascending or serious threat of a person he depends on or owes obedience;
  - b) the offender's conduct has been determined by honorable motive, or strong temptation or request of the victim or by unfair provocation or undeserved offense;
  - c) there have been honest acts of repentance from the offender, namely the repair, as far as he could, of the damage caused;
  - d) has passed a long time since the practice of the crime, and the offender has kept a good conduct;
  - e) the offender provided important services to society.

**Article 69.**

(Amendments. Concurrence.)

1. Are amendments the circumstances that change the legal scale of the penalty applicable to the crime in regards to which they verify.
2. Incur in the same crime two or more amendments, common or special, just the worst or one of them, if they are of equal gravity, can be considered as such, working the remainder as



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circumstances that only reveal in the determination of the in determining the practical scale of the sentence.

**Article 70.**

(Special mitigation of penalty)

1. The court specially mitigates the penalty, apart from the cases expressly prescribed in the law, whenever there are circumstances previous or posterior to the crime, or contemporary to it, that diminishes the unlawfulness of the act, the guilt of the offender or the necessity of the penalty, in an accentuated manner.

2. It can only be taken into account one single time the amendment that, by itself or jointly with others, both gives rise to a mitigation specifically provided for by law and in this article.

**Article 71.**

(Special mitigation terms)

1. Whenever there is place for mitigation of sentence, the following shall observe regarding the limits of the applicable penalty:

a) the maximum limit of imprisonment is reduced by one third;

b) the minimum limit of the imprisonment penalty is reduced to one fifth if it is equal or superior

to 3 years, and to the legal minimum if it is inferior;

c) the maximum limit of the fine penalty is reduced by one third and the minimum limit to the legal minimum;

d) if the maximum limit of the imprisonment penalty is not superior to 3 years, it may be replaced

by a fine, inside the general limits.

2. The penalty specially mitigated can, after being determined, be replaced by general terms.



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**Article 72.**

(Discharge)

1. When the crime is punishable with imprisonment not superior to 6 months, or only with a fine not superior to 120 days, the court may declare the defendant guilty without applying penalty if:

- a) The unlawfulness of the act and the guilt of the offender are minute;
- b) the damages have been repaired;
- c) reasons of prevention do not oppose to the dispensation of penalty.

2. If the judge has reasons to believe that the damage reparation is about to happen, he may adjourn the decision for a reconsideration of the case within 1 year, on a day which will be immediately fixed.

3. When another rule allows the dispensation of penalty on a facultative nature, this will only take place if the case fulfills the prerequisites stated in the sub-headings of number one above.

**Section II**

**Recidivism**

**Article 73.**

(Prerequisites)

1. Whoever commits a crime of malice by himself or under any form of participation which should be punished with effective imprisonment superior to 1 year, and who after having been sentenced to an effective imprisonment penalty by a definitive decision, shall be punished as recidivist, if, according to the circumstances of the case, the offender should be blamed for the fact that the previous sentence or sentences didn't serve as a sufficient warning against crime.

2. The previous crime for which the offender has been sentenced does not count for recidivism if,  
between its perpetration and that of the next crime, more than 5 years have elapsed; the time during  
which the offender has been subjected to a custodial procedure measure, penalty or security



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measure is  
not counted for that time-limit.

3. Sentences passed by foreign courts count for recidivism as stated in the above numbers, provided that the act constitutes a crime under Angolan law.
4. Penalty prescription, amnesty, generic pardon and indult do not hinder the verification of recidivism.

**Article 74.**

(Effects of recidivism)

1. In case of recidivism, the minimum limit of the applicable penalty is increased by one third and the maximum limit remains unchanged.
2. The Aggravation shall not exceed the measure of the most severe penalty applied in the previous sentences.

**Section III**

**Punishment of Concurrent Crimes and of Continuous Crime**

**Article 75.**

(Concurrence punishment rules)

1. When someone has perpetrated several crimes before the sentence for any of them has become definite, he will be sentenced to a single penalty.
2. The applicable penalty has the sum of the penalties concretely applied to the various crimes as maximum limit, without exceeding 25 years in case of imprisonment and 900 days in case of fine and as minimum limit the higher of the penalties concretely applied to the various crimes.
3. In the penalty measure are not considered, together, the facts and the offender's personality.



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4. If the penalties applied to the concurrent crimes are some of imprisonment and some of fine, their different nature will be kept in the single penalty resulting from the application of the criteria settled in previous numbers.

5. Accessory penalties and security measures are always applied to the offender, even if prescribed by only one of the applicable rules.



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**Article 76.**

(Supervening knowledge of the concurrence)

1. If, after a definite judgment, but before the respective penalty is fulfilled, ceased by prescription or extinct, it is known that the offender had perpetrated, before that judgment, another or other crimes, the rules of the previous article are applicable.
2. The stated in the above number is also applicable in case all the crimes had been separately object of definite judgments.
3. Accessory penalties and security measures applied by the previous judgment are kept, except when it is shown unnecessary in face of the new decision;
4. If they are applicable only to the crime that is to be appreciated, the accessory penalties and security measures referred to in number 3 will only be decreed if they are still necessary in face of the previous decision;

**Article 77.**

(Punishment of continuous crime)

Continuous crime is punished with the penalty applicable to the most serious conduct that integrates the continuation.

**SECTION IV**

**Discount**

**Article 78.**

(Procedural measures)

1. Detention, preventive imprisonment and obligation to stay at home, suffered by the defendant in the process in which he is to be sentenced, are discounted in full in the enforcement of the imprisonment penalty imposed on him.



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2. If the penalty applied is a fine, the detention, preventive imprisonment and obligation to stay at home are discounted at the rate of 1 day of deprivation of freedom for, at least, one day fine.

**Article 79.**

(Prior penalty)

1. If the penalty imposed by decision of definite sentence is posteriorly substituted for another, in this penalty the time of imprisonment that the offender has fulfilled previously must be deducted.

2. If the prior and the posterior penalties are of different nature, a deduction which seems equitable shall be made in the new penalty.

**Article 80.**

(Procedural measure or penalty suffered abroad)

In terms of the previous articles, any processual measure or penalty that the offender has fulfilled abroad for the same fact, or facts, shall be deducted.

## **CHAPTER V**

### **EXTENSION OF PENALTY**

#### **Section I**

#### **Delinquents by Tendency**

**Article 81.**

(Extension of penalty)





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1. The penalty of imprisonment for the practice of intentional crime, for more than 2 years, is extended for two successive periods of 3 years if:

a) the offender has committed two or more intentional crimes, to each one has been applied sentence of prison for more than 2 years, and

b) the expiration of the penalty or the first extension is justifiably expected, given the circumstances of the case, the offender's previous life, his personality and evolution during the execution of imprisonment, that the convict, once in freedom, will not lead his life in a socially responsible way without committing crimes.

2. Any other previous crime is not to be taken into consideration in reference to number 1, when

between its practice and that of the next crime more than 5 years have elapsed; the period during

which the offender has fulfilled legal procedure, prison penalty, or measures of security deprivation

of liberty, are not computed for this term.

3. In terms of the previous numbers, the facts judged abroad which have led to effective prison for

more than 2 years, are taken into account, provided that the prison penalty for more than 2 years

is applicable to them in Angolan criminal law, to a sentence of imprisonment of more than 2 years.

**Article 82.**

(Other cases for extension of penalty)

1. The penalty of imprisonment for the practice of intentional crime, for more than 2 years, is extended for 2 successive periods of 3 years if:

a) the offender has previously committed two or more intentional crimes, to each one has been applied sentence of prison, and

b) presuppositions fixed in number 1 (b) of the previous article occur.

2. It is accordingly applicable the provisions of paragraphs 2 of the preceding article.



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3. Are taken into account under the preceding paragraphs, the acts be judged outside Angola that have led to the application of imprisonment, since they can be applied, according to Angolan criminal law, to a sentence of imprisonment.

**Article 83.**

(Restrictions)

1. 1. If the crimes are committed before the offender has completed 25 years of age, the dispositions of the articles 81 and 82 are only applicable if he has fulfilled a minimum of 1 year of imprisonment.

2. The time limit referred to in Article 81(2) is 3 years, according to the prescriptions of this article.



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**Section II**

**Alcoholics and Similar**

**Article 84.**

(Assumptions and effects)

The penalty of imprisonment applied to alcoholic or a person prone to abuse of alcohol is extended for successive periods of two to 3 years:

- a) the offender has previously committed a crime that has been applied also imprisonment;
- b) the crimes were committed while intoxicated or under the influence of alcohol or the tendency of the offender, and
- c) the extension is necessary to eliminate the alcohol from the offender or fight his tendency to abuse of alcohol.

**Article 85.**

(Immoderate consume of drugs)

The prescriptions in the articles 86 are correspondingly applicable to drug addict offenders.

**Section III**

**Common provision**

**Article 86.**

(Probation)

It is applicable the cases subject to the extension of the penalty, the provisions of Articles 58, 59, 60 and 61.



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## **Section I**

### **Internment of Unimputables**

#### **Article 87.**

## **CHAPTER VI**

### **SECURITY MEASURES**

(Prerequisites and minimum duration)

1. Whoever perpetrates a typically illicit fact and is considered unimputable, is sent by the court to internment in an establishment for cure, treatment or security in terms of the article 18, whenever there is a ground for fear that he may perpetrate other facts of the same kind, on account of psychological anomaly and the gravity of the fact. commit acts of the same type.
2. When the fact perpetrated by the unimputable offender corresponds to a crime against persons or a crime of common perilousness punishable with imprisonment penalty superior the internment has the minimum duration of 3 years, except when the liberation shows to be compatible with the defense of juridical order or social peace.

#### **Article 88.**

(Cessation and extension of internment)

1. Without prejudice of the prescription of number 2 expressed in the previous article, the internment ends up when the court comes to the conclusion that the criminal perilousness which brought it about has ceased.
2. The internment must not exceed the maximum limit of the penalty corresponding to the type of crime committed by the unimputable offender.
3. If the fact perpetrated by the unimputable offender corresponds to a crime punishable with a penalty superior to 8 years, and the danger of new facts of the same type is of much gravity as to turn the liberation unjustifiable, the internment may be prorogued for successive periods of 2 years, until the situation prescribed in number 1 is verified.



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**Article 89.**

(Revision of the internee situation)

1. If the existence of justifiable cause for the cessation of internment is invoked, the court appreciates the case in time.
2. The appreciation is compulsory regardless of the appeal to the court, when 2 years have elapsed from the outset of internment or from the decision that has maintained it.
3. The minimum term of internment fixed in Article 87(2) is safeguarded in any case.

**Article 90.**

(Liberty on probation)

1. If the revision referred to in the previous article shows there are reasons to expect that the object of this proceeding may be achieved in an outdoor measure, the court sets the interned offender at liberty on probation.
2. The period of liberty on probation is fixed between the minimum of 2 years and the maximum of five, however, it must not be superior to the time still wanting to reach the maximum of internment.
3. It is accordingly applicable the provisions of Article 94 (3)(4).
4. If there is no motive for the revocation of liberty on probation, the measure of internment is declared extinct when the period of internment ends.
5. If, when the period of liberty on probation is brought to an end, the legal proceedings are still running their course, or if some incident occurs that may cause its revocation, the measure is declared extinct when the legal proceedings or the incident cease and there is no reason for revocation.



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**Article 91.**

(Revocation of liberty on probation)

1. Liberty on probation is revoked when:

- a) The offender's conduct shows that internment is indispensable; or
- b) The offender is sentenced with a penalty deprivation of liberty and the presuppositions of the execution suspension in terms of Article 49(1) do not occur.

2. The revocation determines the reinternment, the prescription of the article 88 being correspondingly applicable.

**Article 92.**

(Re-examination of the measure of internment)

1. The execution of the measure of internment cannot begin when 2 years or more after the decision that has decreed it have elapsed without examining the presumptions on which it was based.

2. The court may confirm, suspend or revoke the measure it has decreed.

**Article 93.**

(Unimputable foreigners)

Without prejudice of the prescription fixed in international treaty or convention, the measure of internment of unimputable foreigner may be substituted for the expulsion from national territory, in terms of the rules of special legislation.



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## **Section II**

### **Stay of Execution of the Internment**

#### **Article 94.**

(Prerequisites and duration)

1. The court that orders the internment determines its suspension instead of that, if it seems reasonable to expect that its goal will be achieved by means of suspension.
2. In the case prescribed in Article 87(2) the suspension can only take place when the conditions enunciated therein are verified.
3. The decision of suspension imposes on the offender rules of conduct in terms corresponding to those mentioned in the Article 51 (necessary to prevent the perilousness) as well as the duty to submit himself to treatments and proper ambulatory regimes, examinations and observations in places which are pointed out to him.
4. The stay of execution of internment can not be decreed if the offender is simultaneously sentenced to deprivation of liberty and the assumptions of this suspension are not verified.
5. It is accordingly applicable:
  - a) to the stay of execution of internment the provisions of Article 88 and 89(1)(2).
  - b) to the revocation of suspension of internment the provisions of Article 91.

## **Section III**

### **Execution of Custodial Internment Measure and of Imprisonment**

#### **Article 95.**

(Scheme)

1. The measure of internment is executed before the prison penalty to which the offender has been convicted and therein discounted.





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2. As soon as the measure of internment must cease the court sets the offender at conditional liberty if the time corresponding to half of the penalty is fulfilled and the liberation shows to be compatible with the defense of juridical order and social peace.
3. If the measure of internment must cease, but the time corresponding to half the penalty has not yet elapsed, at the offender's request the court may substitute the time of prison still wanting to fulfill half of the penalty for work installments on behalf of the community, until the maximum of 1 year, in terms of article 55, if that shows to be compatible with the defense of juridical order and social peace. When work is done, the delinquent is set at conditional liberty.
4. If the measure of internment must cease, but the delinquent has not been set at conditional liberty in terms of the previous numbers, he shall be as soon as the time corresponding to two thirds of the penalty is fulfilled.
5. At the convict's request, the time of prison still wanting to reach two thirds of the penalty may be substituted, until the maximum of 1 year, for work in favor of the community, in terms of article 55.
6. It is correspondingly applicable the provisions of Article 58 (1)(5).
7. If the fulfillment of work on behalf of the community or the conditional liberty is revoked in terms of number 2 of the article 56 or the article 61, the court will decide if the offender should fulfill the rest of the penalty or continue the internment for the same time.

## **SECTION IV**

### **Non-custodial security measures**

#### **Article 96.**

(Interdiction of activities)

1. Whoever is convicted for a crime committed with serious offence to his profession, commercial or industrial, or with full violation of inherent duties, or is acquitted of it only for lack of imputability, shall be interdicted to exert the respective activity when, in regard to the fact



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perpetrated and the personality of the offender, there is reasonable fear that he might perpetrate other facts of the same kind.

2. The period of the interdiction is fixed between 1 and 5 years, but may be prorogued for another period of 3 years if, when the term fixed in the sentence comes to an end, the court considers that it was not sufficient to remove the perilousness that justified the measure.

3. The period of interdiction is counted from the definite sentence of the decision, without prejudice of being imputed on it the duration of any interdiction decreed by the same fact as a temporary measure.

4. The course of the period of interdiction is suspended during the time in which the offender is deprived of liberty by force of the measure of procession coercion, penalty or measure of security. If the suspension lasts for 2 years or more, the court re-examines the situation that justified the application of the measure, confirming, or revoking it.

**Article 97.**

(Cassation of license and interdiction from driving motor vehicle)

1. In case of being condemned for a crime when driving a motor vehicle, or in relation to it, or a rough violation of the duties concerning the driver; or in case of acquittal only for non imputability, the court decrees the cassation of driving license, when, in face of the executed fact and of the personality of the offender,

a) there is grounded concern that he may come to perform other facts of the same kind, or, that he should be considered inapt to drive a motor vehicle.

2. Among others is susceptible of showing ineptitude in relation to paragraph b) of the prior number the fulfillment due to facts that comprehend the crimes of:

a) omission to help under Article 193;

b) driving a vehicle while under the influence of alcohol, in accordance with Article 291, or

c) dangerous driving of a vehicle, in accordance with Article 290.

**Article 98.**

(Interdiction of grant of license)



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1. When you order the cancellation of driving license, the court determines that the offender can not be granted a new license of motor vehicles of any category or a specific category, and accordingly applicable the provisions of Article 65(3)(4).
2. If the offender is contemplated by the assumptions of the previous article does not hold a driving license, the court merely enacts the Interdiction of grant of license under the preceding paragraph, the sentence being communicated to the competent authority, and accordingly applicable the provisions of Article 65(4).
3. If the offender has already been prohibited of grant of license in the five years prior to the practice, the minimum period of Interdiction is 2 years.
4. It is accordingly applicable the provisions of Article 96 (2)(3)(4).

**Article 99.**

(Cassation of firearms license and Interdiction of grant)

1. In case of conviction for a crime with the use firearm, or acquittal for lack of imputability, the court decrees the withdrawal of firearm license when, in face of the act committed and the offender's personality, there is a fear that this might commit other offenses of the same type.
2. When you order the cancellation of firearms license, the court determines that the offender can not be granted a new firearms license, and accordingly applicable the provisions of Article 65(3)(4).
3. If the offender is contemplated by the assumptions of the previous paragraph 1 does not hold a firearms license, the court merely enacts the Interdiction of grant of license under the preceding paragraph, the sentence being communicated to the competent authority, and accordingly applicable the provisions of Article 65(4).
4. If the offender has already been prohibited of grant of license in the five years prior to the practice, the minimum period of Interdiction is 2 years.
5. It is accordingly applicable the provisions of Article 96 (2)(3)(4).



**Article 100.**

(Termination of measures)

1. If, when the minimum terms for the measures prescribed in Article 96, 98 and 99(2) has elapsed, through a petition from the interdicted can be verified that the designs for the application of those measures no longer subsists, the court declares the measures to be extinct.
2. In case of rejection, a new petition cannot be presented before 1 year has elapsed.

**CHAPTER VII**

**INTERMENT OF UNIMPUTABLE BEARING PSYCHIC ANOMALY**

**Article 101.**

(Prior psychic anomaly)

1. When the offender is not declared non-imputable and is sent to prison but he shows that, in virtue of the psychic anomaly he was suffering at the time of the crime, the regime of those common establishment may be harmful to him, or that he might seriously upset that regime, the court ordains his internment in an establishment allotted to non-imputable for the time corresponding to the duration of the punishment.
2. The internment foreseen in the previous number does not prevent the concession of conditional liberty in terms of the article 58, nor placing the delinquent in a common establishment during the time of deprivation of liberty he still had to fulfill, as soon as the decisive motive of internment ceases.

**Article 102.**

(Posterior psychic anomaly)

1. If an anomaly with the effects specified in Article 101(1) or Article 87 thereof, cometh to the offender after the crime, the court orders internment in a facility destined to the not imputable for the time corresponding to the duration of the penalty.



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2. To the internment referred in the previous number resulting from psychic anomaly with effects prescribed in the article 101, the regime prescribed in number 2 of that article is applied.

3. The internment referred to in paragraph 1, resulting from the psychic anomaly with the effects in Article 87(1) thereof, is deducted from the penalty being correspondingly applicable provisions of Article 95(2)(3)(4) and (5).

**Article 103.**

(Posterior psychic anomaly without danger)

1. If the psychic anomaly that came upon the offender after he had committed the crime does not make him criminally perilous, in terms that, if the offender were unimputable, it would determine his effective internment, the fulfillment of the prison penalty for which he had been condemned is suspended until the state that was the basis for the suspension ceases.

2. It is accordingly applicable the provisions of Article 94 (3)(4).

3. The duration of the suspension is deducted from the time of the penalty that is unfulfilled, and accordingly applicable the provisions of Article 95(2)(3)(4) and (5).

4. The duration of the penalty of which the offender was convicted can not in any case be exceeded.

**Article 104.**

(Review of the situation)

The measures provided in Articles 101, 102 and 103 are accordingly applicable the provisions in Article 89(1) and (2).



**Article 105.**

(Simulation of psychic anomaly)

The alterations in the normal regime of fulfilling the penalty grounded on the prior rules of this chapter become null as soon as the psychic anomaly of the offender is shown to be simulated.

**CHAPTER VII**

**LOSS OF INSTRUMENTS, PRODUCTS AND ADVANTAGES**

**Article 106.**

(Loss of instruments and products)

1. Those objects that have been used or destined to be used to perpetrate a typical illicit fact, or that have been produced by it, when, for its nature or the circumstances of the case, may turn to be perilous for the safety of the people, the morals and order of the public, or may be a serious risk of being used to commit new typical illicit facts, are declared lost in favor of the state.
2. The preceding paragraph takes place even if no particular person can be punished for this.
3. If the law does not fix a special destiny to the lost objects in terms of the prior numbers, the judge may ordain their total or partial destruction, or put them out of trade.

**Article 107.**

(Objects belonging to a third party)

1. Without prejudice of the prescriptions in the following numbers, the loss does not occur if at the date of the fact, the objects do not belong to any of the offenders or beneficiary, or do not belong to them at the moment when the loss was decreed.
2. Although the objects belong to a third-party, the loss is decreed when their owners have concurred in a blameful way in their use or production, or have taken advantage of the fact; or if the objects have been acquired after the fulfillment of the act, the acquires knowing their



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origin.

3. If the objects consist of inscriptions, representations or registrations written on paper, on other stuff or any other audio-visual form of the expression belonging to a third-party in good faith, the loss does not occur, the restitution shall be made after having been scraped out the inscriptions, representations, or registrations that integrate the typical illicit fact. If that is not possible, the court orders their destruction, and will indemnify the injured owners, in accordance with the civil law.

**Article 108.**

(Loss of advantage)

1. Every reward given or promised to offenders of a typical illicit fact, to them or others, is lost in favor of the State.
2. The things or advantages that have been directly acquired by offenders, for themselves or for others, through typical illicit fact and represent a patrimonial advantage of any kind, are also lost in favor of the State, without prejudice to the rights of the offended or to another person of good faith.
3. The provision of the previous numbers is applicable to the things or the rights obtained through transaction or exchange with the things or the rights directly obtained by means of typical illicit fact.
4. If the reward, the rights, the things or the advantages referred in the previous numbers cannot be appropriated in goods, the loss is substituted for payment to the State with the same value.

**Article 109.**

(Deferred payment or payment by installments and attenuation)



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1. When the application of the previous article happens to be the payment of a monetary sum, the provisions of Article 46(3)(4) and (5) is correspondingly applicable.
2. If, taking into consideration the economic situation of the person in question, the application of number 4 of the previous article seems to be unfair or too severe, the court may equitably attenuate the value of that rule.

## **TITLE IV**

### **COMPLAINT AND PRIVATE PROSECUTION**

#### **Article 110.**

(Persons entitled to right to complaint)

1. When the criminal process depends on complaint, the offended has legitimacy to make it, except when it is contrary to the law, and he is as such entitled to the interests that the law endeavors to protect through incrimination.
2. If the offended dies without having made complaint, or without having renounced to do so, the right to complaint belongs successively to the persons indicated as follows, except if any of them has participated in the crime:
  - a) the surviving spouse not judicially separated from person and assets, the descendants and adopted and the ascendants and adopters.
  - b) brothers and their descendants and the person who was living with the offended in the same conditions as consorts.
3. If the offended is under 14 and has no discernment to understand the significance of the exertion of the right of complaint, this belongs to the legal representative, and, if non-existent, to the persons indicated in the previous number, in the same order therein referred, except if any of them has participated in the crime.
4. Any person belonging to one of the classes referred to in the numbers 2 and 3 can make complaint independently of the remainders.
5. When the right of complaint cannot be exerted because the only person entitled to make it would





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be the offender of the crime, the Public Prosecutor may begin legal proceedings if special reasons of public interest demand it.



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**Article 111.**

(Extension of the effects of the complaint)

The presentation of complaint against one of the joint participants in the crime turns the prosecutions extensive to the rest.

**Article 112.**

(Extinction of the right to complain)

1. The right of complaint is extinguished in 6 months term counting from the date when the person entitled thereto has had knowledge of the fact and its offenders, from the date of the offended's death, or from the date in which he has become incapable.
2. If there are various persons entitled to the right of complaint, the term is automatically counted for each one of them.
3. The non-exertion timely of the right of complaint in relation to one of the participants of the crime is benefited by the remainders, in cases when the latter cannot as well be persecuted without complaint.

**Article 113.**

(Waiver and desistance of complaint)

1. The right of complaint cannot be exerted if the person entitled to it has expressly renounced or has executed facts from which the renouncement can necessarily be deduced.
2. The complainant can desist from the complaint provided that there is no opposition from the accused until the publication of the sentence in the first jurisdiction. The desistance prevents the complaint from being renewed.



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3. The desistance from complaint in regard to one of the participants in the crime is extensive to the remainders, excepting when there is opposition from the latter, in cases when these cannot as well be persecuted without complaint.



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**Article 114.**

(Private prosecution)

The prescriptions in the articles under this title is correspondingly applicable in cases when the criminal proceedings depend on private prosecution.

**TITLE V**

**EXTINCTION OF CRIMINAL LIABILITY**

**CHAPTER I**

**PRESCRIPTION OF CRIMINAL PROCEDURE**

**Article 115.**

(Prescription term)

1. The criminal proceedings extinguishes through the effect of prescription as soon as from the exertion of the crime has elapsed the following terms:

a) 15 years, concerning crime punishable with prison penalty for a maximum limit superior to 10 years.

b) 10 years, when it concerns crimes punishable with prison penalties with a maximum term equal or superior to 5 years, but not exceeding 10 years.

c) 5 years, when it concerns crimes punishable with prison penalties with a maximum term equal or superior to 1 year, but inferior to 5 years.

d) 2 years in the remaining cases.

2. For the purpose prescribed in the previous number, to determine the maximum term applicable to each crime, the elements concerning the type of crime are taken into consideration, but not the aggravating or attenuating circumstances.



3. When the law alternatively establishes for any crime the penalty of prison or fine, only the first is taken into consideration for the purpose of this article.

**Article 116.**

(Beginning of term)

1. 1. The term of prescription of the criminal proceedings runs from the day when the act has been consummated.

2. The term of prescription only occurs:

- a) In permanent crimes, from the day the consummation ceases;
- b) In continued crimes and habitual crimes, from the day when the last act was practiced;
- c) In crimes that has not been consummated, from the day of the last act of execution.

3. As concerns this article, in case of complicity the fact of the author is always taken into account.

4. When the verification of the result not comprehended in the type of crime is relevant, the term of prescription only runs from the day that result is verified.

5. For the crimes committed against children the prescription shall run on the day the victims complete the age of 18.

**Article 117.**

(Suspension of prescription)

1. The prescription of criminal proceedings is suspended beyond the cases specially prescribed in law during the time when:

- a) The criminal proceedings cannot legally begin or continue for lack of legal authorization, or the verdict to be pronounced by a non-penal court, or else because of the devolution of a question prejudicial to a non-penal judgment;



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- b) the criminal proceedings are dependent on the moment of notification of the instruction judge decision that pronounces the offender;
  - c) the offender serves abroad the penalty or safety measure involving deprivation of liberty.
2. In the case referred to in subparagraph b) above the suspension can not exceed 3 years.
3. The prescription shall run again from the day the cause for suspension ceases.

**Article 118.**

(Interruption of prescription)

- 1. The prescription of criminal proceedings shall be interrupted:
  - a) with the constitution of the defendant under the applicable procedural rules;
  - b) with the notification of the indictment or dispatch which has the same effect;
  - c) with notice of the dispatch that appoints the day of trial in the case of absentees.
- 2. After each interruption, shall start a new prescription.
- 3. The prescription of criminal procedure always occurs when, from its beginning and exempting the time of suspension, the normal prescription term plus half of its time has elapsed,.
- 4. When, by force of special disposition, the maximum limit of prescription corresponds to 2 years, the maximum limit of prescription corresponds to twice the term.

**CHAPTER II**

**PRESCRIPTION OF PENALTIES AND SECURITY MEASURES**

**Article 119.**

(Terms of penalty prescription)

- 1. The penalties prescribe in the following terms:



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- a) 20 years, if they are superior to 10 years of prison;
- a) 15 years, if they are equal or superior to 5 years of prison;
- a) 10 years, if they are equal or superior to 2 years of prison;
- d) 4 years in the remaining cases.

2. The prescription shall start to run from the day of the final sentence of the decision that has applied the penalty.





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**Article 120.**

(Effects of the principal penalty prescription)

The prescription of the principal penalty includes the prescription of the accessory penalty that has not been executed as well as the effects of the penalty that has not been yet verified.

**Article 121.**

(Terms for prescription of security measures)

1. Security measures prescribe in a term of 15 or 10 years, depending on their being custodial security measures or non-custodial measures.
2. The security measure for cassation of driving license prescribes in a term of 5 years.

**Article 122.**

(Suspension of prescription)

1. The prescription of penalty and measure of security is suspended beyond the cases especially prescribed by law, during the time in which:
  - a) by law, the enforcement can not begin or continue to take place;
  - b) the convict is obligated to serve another sentence or safety measure involving deprivation of liberty, or
  - c) the delay of payment of the fine endures.
2. The prescription occurs again from the day when the cause for suspension ceases.

**Article 123.**

(Interruption of prescription)

1. The prescription of the penalty and security measure is interrupted with its execution.
2. After each interruption a new term of prescription elapses.



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3. The prescription of penalty and security measure always occurs when, from its beginning and exempting the time of suspension, the normal prescription term plus half its time has elapsed.

### **CHAPTER III**

#### **OTHER CAUSES FOR EXTINCTION**

##### **Article 124.**

(Other causes for extinction)

Criminal liability is also extinguished in the terms and with the effects set out in Articles 2 and 3 and, also, by death, amnesty, general pardon and indult.

##### **Article 125.**

(Effects)

1. The death of the offender extinguishes the criminal procedure as well as the penalty or the security measure.
2. The amnesty extinguishes the criminal procedure and, in case there has been condemnation, it stops execution of the penalty and its effects, as well as the measure of security.
3. The general pardon extinguishes the penalty, wholly or partially.
4. The indult extinguishes the penalty, wholly or partially, or substitutes it for a more favorable one prescribed in law.



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## **TITLE VI**

### **COMPENSATION FOR DAMAGES RESULTING FROM CRIME**

#### **Article 126.**

(Civil responsibility resulting from crime)

The compensation for damages resulting from crime is ruled by civil law.

#### **Article 127.**

(Compensation for the injured complainant)

1. Special legislation fixes the conditions in which the State can ensure compensation in consequence of criminally typified facts, whenever they cannot be done by the offender.
2. In cases not covered by the legislation referred to in the previous number, the court may grant the complainant, on his request and to the limit of the damage he has suffered, the objects declared to have been lost, the product or the price of their sale, or the value corresponding to the advantages resulting from the crime, paid to the State, or transferred in its favor by force of the articles 106, 107(2) and 108.
3. Leaving out the cases prescribed in the legislation referred to in number one, if the damage caused by the crime is so serious as to have left the complainant without a means of living, and it is to believe that the offender will not make amends to compensate him, the court will grant the complainant, on his request, the amount of the fine, wholly or partially, to the limit of the damage.
4. The State becomes subrogated regarding the rights of the injured for the compensation to the amount it has fulfilled.



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## **TITLE VII**

### **CONTRAVENTIONS**

#### **Article 128.**

(General provisions)

1. Represents contravention the unlawful act therefore designated by law and punishable only with fine.
2. The unlawful act designated contravention is considered crime if the law corresponds a penalty of deprivation of liberty.
3. The provisions regarding crimes are applicable to the contraventions, except otherwise disposed by law.

#### **Article 129.**

(Negligence in the contraventions)

In contraventions negligence is always punished.

#### **Article 130.**

(Convertibility of the penalty of fine)

1. If a fine is not paid, voluntary or coerced, nor have been replaced by work in accordance with Article 47 thereof, subsidiary imprisonment is served, in accordance with the provisions of Article 48.
2. If the fine is not established by law in days of fine, the court sets out prison subsidiary that must be met, between a minimum of 6 days and a maximum 1 year in prison.



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**Article 131.**

(Concurrence of offenses)

If the same act represents simultaneously a crime and contravention, the offender shall be punished for crime, without prejudice to the applications of the ancillary sanction provided for the contravention.

**Article 132.**

(Recidivism and extension of penalty)

The contraventions can not be subject to the application of the rules of this code regarding the recidivism and extension of the penalty.



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## BOOK II

### SPECIAL PART

#### TITLE I

#### CRIMES AGAINST PEOPLE

#### CHAPTER I

#### CRIMES AGAINST LIFE

##### Section I

##### Murder

##### **Article 133.**

(Simple murder)

Whoever murders another person shall be punished with prison sentence from 10 to 16 years.

##### **Article 134.**

(First degree murder based on means)

1. The murder committed using the following means:

- a) poison or other insidious mean;
- b) concealing or otherwise mean that difficult or makes it impossible for the victim do defend herself;
- c) acts of cruelty or torture;

shall be punished with a prison sentence of 15 to 25 years.

2. Murder shall be punished with the same penalty when the act is committed:

- a) two or more people;
- b) with serious abuse of authority, the offender being a civil servant.



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**Article 135.**

(First degree murder based on motives)

If murder is committed because of the following reasons:

- a) greed, pleasure of killing, arousal or gratification of the sexual instinct;
  - b) payment, reward, or promise any reason frivolous or ignoble motive;
  - c) racial, religious, political, tribal or regional hate;
  - d) to prepare, execute or conceal another crime;
  - e) to facilitate escape or to ensure the impunity of the perpetrator of the crime;
  - f) the offender acting coldly or with reflection on the reasons and counter reasons or having persisted in the intention of killing for more than 24 hours,
- shall be punished with imprisonment from 15 to 25 years.

**Article 136.**

(First degree murder based on victim's responsibility)

shall be punished with imprisonment from 15 to 25 years all the murder where the victim is:

- a) ascendant or descendant, adopter or adopted or relative up to the third degree of the perpetrator's collateral line;
- b) a spouse or person with whom the offender lived in a situation identical to that of spouses;
- c) particularly defenseless person on grounds of age, disability, illness or pregnancy;
- d) a member of a sovereign body, the provincial governor, prosecutor, Ombudsman, attorney, officer, civil servant or any person in charge of a public service, an enforcer or security service, as long as the act is committed in the performance or because of the victim's performance of their duties;
- e) witness, declarator, expert, assistant, or offended if the crime is committed with the purpose of preventing the deposition or termination of the facts or because of his intervention in the process;
- f) teacher, examiner, Minister of religious cult in the performance of religious worship or because of the performance of their duties.



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**Article 137.**

(Privileged murder)

Whoever murders another person and on the moment of the act finds himself in a state of great emotion, compassion, despair or other legitimate reasons to decline considerably guilt shall be punished with imprisonment from 1 to 5 years.

**Article 138.**

(Infanticide)

The mother who murders the child under disturbing influence of puerperal condition shall be punished with imprisonment from 1 to 5 years.

**Article 139.**

(Murder by victim's request)

Whoever murders another person serving at the express request, serious and persistent of the victim shall be punished with imprisonment up to 3 years.

**Article 140.**

(Negligent murder)

1. Whoever by negligence murders another person shall be punished with with imprisonment up to 3 years or a fine up to 360 days.

2. If it is gross negligence, the penalty is imprisonment from 1 to 5 years.





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**Article 141.**

(Instigation or help to murder)

1. Whoever instigates another person to commit suicide and this is consummated or actually tried shall be punished with imprisonment penalty up to 3 years.
2. Whoever, in the same circumstances, is limited to provide assistance to the person who decided to commit suicide shall be punished with imprisonment up to 2 years or a fine of up to 240 days.
3. If, by virtue of age, psychic anomaly or other cause, the victim has his ability of valuation or determination decreased, the penalties referred to in paragraphs 1 and 2 are increased by half, within the maximum and minimum limits.

**Section II**

**Crimes Against Infra-Uterine Life**

**Article 142.**

(Termination of pregnancy)

1. Whoever terminate a pregnancy of a woman without her consent shall be punished with imprisonment from 2 to 8 years.
2. The same penalty applies to those who, knowing that the woman is pregnant, exert against her acts of force or violence and thereby terminate the pregnancy, even if that was not the purpose.
3. Whoever, with the consent of the pregnant woman to terminate a pregnancy or helps to stop it outside the cases provided for in Article 144 shall be punished with imprisonment from 1 to 4 years.
4. A pregnant woman who, for reasons of their own, interrupts her pregnancy, or in any way, participates in the termination or consent that a third person terminates it, outside the cases provided for in Article 144, shall be punished with imprisonment up to 3 years or a fine of up to 360 days.



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5. For the purposes of this Article, it is irrelevant the consent of the pregnant woman under 14 years of age or woman who has a psychic anomaly or when the consent is obtained by fraud, threat or violence.

**Article 143.**

(Termination of aggravated pregnancy)

1. The penalties provided for in paragraphs 1 and 2 of the preceding article shall be increased by one third in their limits, if as a result of termination of pregnancy or by the means employed results in serious harm to his wife's physical integrity or death.
2. The aggravation applies also to the offender who habitually dedicates to the practice of the actions described in paragraph 3 of the preceding article.

**Article 144.**

(Termination of aggravated pregnancy)

1. The termination of pregnancy is not punishable if, being held at the request or with the consent of the pregnant woman:
  - a) constitute the only means of removing the danger of death or serious and irreversible damage to physical or mental integrity of the pregnant woman;
  - b) there is strong reason to believe that the fetus is not viable;
  - c) happens on the first 10 weeks of pregnancy;
  - d) shows indicated to avoid harm or danger of serious and lasting damage to physical or mental integrity of the pregnant woman and if you break the first 16 weeks of pregnancy;
  - e) the pregnancy results from a crime against freedom and sexual self-determination and the termination is done on the first 16 weeks of pregnancy.
  - f) there are strong reasons to expect that the unborn child will suffer a serious illness or incurable malformation and if you do the termination the first 24 weeks of pregnancy;
2. In all the cases provided in the preceding paragraph, the termination of pregnancy should be performed by a doctor or under the direction of a doctor in an official health clinic or officially approved and in accordance with the state of knowledge and experience of medicine.



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3. The consent must be provided in a document signed by the pregnant woman, or not knowing or not being able to sign for another person at his request, with an advance of at least 3 days prior to the intervention.
4. In the case of the pregnant woman is under 18 or having more than 18 years, suffering from mental incapacity, consent must be provided by the legal representative, or by ascending or descending, in their absence, by any relative in the collateral line, respective and successively.
5. Consent can not be obtained under the preceding paragraph and being urgent to interrupt the pregnancy, the doctor may decide in good conscience, given the concrete situation, also taking advantage, whenever it is possible, of an opinion from another doctor.
6. Before proceeding to the termination of pregnancy, the doctor must prevent the pregnant woman with the respective implications, trying to clarify and advise her so that your decision can be taken with more awareness and responsibility.

**Article 145.**

(Propaganda favorable to the termination of pregnancy)

1. Whoever through advertising or public meetings, with the intention of taking advantage:
  - a) to provide own or external services, with a view to interrupt pregnancy;
  - b) advertises procedures, means or objects suitable for termination of pregnancy or give explanations on these procedures, methods or objects shall be punished with imprisonment up to 1 year or with fine up to 120 days.
2. The Interdiction of the preceding paragraph shall not apply to activities aimed at raising awareness and promoting procedures, objects and means therein, through informative articles or other scientific or medical or pharmaceutical publications, including a prospectus for drugs or surgical instruments, nor to explanations given by those who want to sell them, or the medical personnel, including nurses from health facilities authorized to terminate pregnancy.



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**Article 146.**

(Circulation of means for termination of pregnancy)

Whoever receive or transmit, in any capacity, means for termination of pregnancy, with the intention of promoting the practice of the facts set out in Articles 142 and 143 thereof, shall be punished with imprisonment up to 1 year or fine of up to 120 days.

**CHAPTER II**

**CRIMES AGAINST PHYSICAL AND PSYCHIC INTEGRITY**

**Article 147.**

(Simple offense to physical integrity)

1. Whoever by negligence murders another person shall be punished with with imprisonment up to 2 years or a fine up to 240 days.
2. The criminal proceedings on a complaint.
3. The court may waive the penalty when the offender:
  - a) there has been reciprocal injuries and have not proven which of the contenders attacked first.
  - b) the offender has limited the response to aggression.

**Article 148.**

(Simple offense to physical integrity)

1. Whoever attacks the body or health of another person in order to provoke:
  - a) severe and permanent deformity or deprivation of organ or member;
  - b) decrease or permanent loss of physical or mental health of one of the senses, a member or an organ or a function;
  - c) particularly painful disease;
  - d) danger to life shall be punished with imprisonment from 2 to 10 years.



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2. If the deprivation of the organ or member referred to in point a) above is made for profit, the penalty is imprisonment of 3 to 12 years.

**Article 149.**

(Aggravation due to result)

1. If from the offense to the body and health of another person comes to lead to death the penalty is:

- a) imprisonment from 1 to 6 years in the case of Article 147;
- b) imprisonment of 3 to 12 years in the case of Article 148(1);
- c) imprisonment from 5 to 14 years in the case of Article 148(2);

2. Whoever commits the offenses under Article 147 and the result of these offenses provided for in Article 148(1) shall be punished with imprisonment from 6 months to 5 years.

**Article 150.**

(Qualification)

Penalties referred to in previous paragraphs are aggravated with a quarter of their minimum and maximum limits as long as any of the circumstances provided in Articles 134, 135 and 36 are met.

**Article 151.**

(Offense to privileged physical integrity)

When the following conditions provided in Article 137 are met, the penalty applicable to the offense to privileged physical integrity is mitigated.

**Article 152.**

(Offense to privileged physical integrity)



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1. Whoever, by negligence, offends the body or health of another person shall be punished with imprisonment up to 1 year or with fine up to 120 days.
2. If the offense does not result in illness or incapacity to work for more than 8 days, the penalty is imprisonment up to six months or a fine not exceeding 60 days.
3. If from the act results a serious offense to physical integrity, the offender shall be punished with imprisonment up to 2 years or a fine of up to 240 days.
4. The criminal proceeding depends on a complaint.

**Article 153.**

(Consent)

1. For consent purposes, in the terms of Articles 34 and 35, physical integrity is considered freely available.
2. To the same effect, the opposition to morality is assessed with regard in particular of the motives and purposes of the offender and the victim, the means used and the predictable extent of the offense.
3. The consent from a child under the age of 18 is not valid, if not provided by him or his legal representative.
4. If it is a minor under the age of 14 or a disabled person due to psychic anomaly, court authorization is required.

**Article 154.**

(Abuse of weapons)

1. Whoever fires a firearm against another person shall be punished with imprisonment sentence from 6 months to 3 years or with a fine of 60 to 360 days, even though the firing did not result in any injury, unless a more penalty cannot be applied due to application of another legal provision.
2. If the offender uses a white weapon or a weapon to throw the penalty is imprisonment up to 1 year or a fine up to 120 days.



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**Article 155.**

(Interventions and medical and surgical treatments)

1. It is not considered offense to physical integrity the intervention and treatment performed by a doctor or any person authorized in accordance with the knowledge and practice of medicine, with the intention of preventing, diagnosing, to overcome or reduce the disease, suffering, injury, bodily fatigue or mental disorder.
2. The doctor or authorized person who, in view of the purposes outlined in the preceding paragraph, carry out interventions or treatments contrary to the knowledge and practice of medicine and thereby jeopardize the life of another person or create danger of serious harm to the body or health of that person shall be punished with imprisonment up to 2 years or a fine of up to 240 days, if any more serious penalty cannot be declared by imposition of any other legal provision.

**Article 156.**

(Representation of violence)

1. Whoever manufactures, imports or keeps on deposit, puts in circulation, promotes, exposes, offers, displays, makes available or makes available to others, sound recordings or visual images or other objects that do consistently condoning acts of violence or cruelty to human beings, shall be punished with imprisonment up to 1 year or a fine of up to 120 days.
2. If the offender acted with lucrative purpose, the penalty is imprisonment up to 2 years or fine of up to 240 days.

**Article 157.**

(Child abuse, to disabled or family members)

1. Whoever lives with a minor or disabled person or have them under their care, under their authority or at their service or to who they have been entrusted for purposes of education, training, treatment, surveillance, custody or training or artistic and usually:
  - a) treat them cruelly or inflict physical or mental abuse;
  - b) employ them in dangerous, inhuman or prohibited activities;





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c) overloaded with excessive work;

d) force them to exert begging

shall be punished with imprisonment from 6 months to 4 years or a fine of 60 to 480 days if any more serious penalty cannot be declared by imposition of any other legal provision.

2. With the same penalty shall be punished who usually exerts physical or psychological violence on his spouse or person with whom they live in a situation analogous to that of spouses or on their own children, the children of the spouse or person with whom they live in a situation analogous to that of spouses.

**Article 158.**

(Participation in a brawl)

1. Whoever participate in brawl with two or more people having committed violent acts or used seriously dangerous instruments shall be punished with imprisonment up to 1 year or a fine of up to 120 days.

2. The penalty is imprisonment up to 2 years or a fine not exceeding 240 days if the brawl result in death or serious injury to body or health of any person.

3. Participation in brawl is not punishable if it is determined by the need to react to an attack, defend others, separate the contenders or when similar situations occur.

**CHAPTER III**

**CRIME AGAINST HUMAN FREEDOM**

**Article 159.**

(Threat)

1. Whoever, by any means, threatens another person with a crime against the physical integrity, personal liberty, freedom and sexual self-determination or property or a considerably high value, in accordance with Article 377(a) so as to cause you fear or anxiety or to undermine their freedom of determination shall be punished with imprisonment up to 1 year or with fine up to 120 days.



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2. The threat of death shall be punished with imprisonment from 6 months to 2 years or a fine of up to 240 days.
3. The penalties set forth in the preceding paragraphs shall be increased by half in its minimum and maximum, if the threat is directed at a person because of race, ethnic origin, color, national origin, religion or sexual orientation.
4. The preceding paragraph applies to the threat directed at a human group which is characterized by race, ethnic origin, color, national origin, religion or sexual orientation of the people who constitute it.
5. Unless the victim is a minor, criminal proceedings on a complaint by the victim or in the case described in paragraph 4, of any member of the group threatened.

**Article 160.**

(Coercion)

1. Whoever, by violence or threat of producing a major evil, embarrass another person to an act or omission or to support an activity shall be punished with imprisonment up to 3 years or with a fine of up to 360 days.
2. The harm referred to in the preceding paragraph is important when in face of the circumstances of the act, is appropriate to compel the person threatened with an action or omission or to support an activity.
3. The act is not punishable when the violence or the threat used are a mean proportionally suitable to the execution of an end not objectionable.
4. The attempt is always punishable.
5. The criminal proceedings depends on a complaint, unless the victim is a minor.



**Article 161.**

(Severe coercion)

When coercion is performed by means of threat of death or of committing a crime punishable by imprisonment exceeding 3 years, a civil servant with serious abuse of their duties, against any person referred to in Article 136(d) or the victim is a defenseless person on grounds of age, physical or mental disability, illness or pregnancy or commit suicide or attempt suicide, the punishment is imprisonment from 1 to 5 years

**Article 162.**

(Kidnapping)

1. Whoever arrests, holds, keeps a person arrested or detained, or in any way deprive them of their liberty shall be punished with imprisonment from 6 months to 3 years or with fine of up to 360 days.

2. When deprivation of liberty:

- a) is preceded or accompanied by torture or other cruel, inhuman or degrading treatment;
- b) is practiced with the false argument that the victim suffered from a mental disorder or against defenseless person, on grounds of age, physical or mental disability, illness or pregnancy;
- c) is committed by the offender simulating public authority or gross abuse of authority;
- d) is practiced against the persons referred to in Article 136(d)(e);
- e) lasts more than 15 days,

the penalty is imprisonment from 2 to 8 years.

3. When deprivation of liberty:

- a) lasts longer than 30 days;
  - b) is preceded, accompanied or results in serious harm to the victim's physical integrity, in accordance with Article 148 or results in the victim's suicide,
- the penalty is imprisonment from 2 to 12 years.

4. The penalty is imprisonment from 3 to 14 years if the deprivation of liberty results in the victim's death.



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**Article 163.**

(Abduction)

1. Whoever, through violence, threat or trickery, abducts another person, transferring her from one place to another, with the intention of:

- a) submit her to slavery;
- b) submit her to extortion;
- c) commit crimes against sexual self-determination;
- d) obtains ransom or reward

shall be punished with imprisonment from 1 to 5 years.

2. The penalty is imprisonment from 2 to 10, from 2 to 12 or 5 to 14 years, if it occurs, respectively, any of the situations described in paragraphs 2, 3 or 4 of the preceding article.

**Article 164.**

(Hostage taking)

1. Whoever commits kidnapping or abduction with the intention to carry out political purposes and coerce a State, an international organization, a natural or legal person or legal action or omission or to support an activity, threatening:

- a) to kill the person kidnapped or abducted;
- b) to inflicting serious injury to their physical integrity, or
- c) to keep it deprived of its liberty

shall be punished with imprisonment from 2 to 8 years.

2. It's correspondingly applicable to the crime of hostage-taking the provisions of paragraph 2 of the previous article regarding the abduction.

3. The penalties set forth in the preceding paragraphs are equally applicable to that determined by the intent and purposes described in paragraph 1, take advantage of the hostage-taking committed by others.



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**Article 165.**

(Slavery or servitude)

1. Whoever reduces another person to the status of individual upon whom it is engaged in whole or in part, the inherent powers to the property right shall be punished with imprisonment from 7 to 15 years.
2. Commits the same crime and shall be punished with the same penalty who alienates, transfer, acquire or take possession of a person in order to keep the state or condition described in the preceding paragraph.
3. Commits, furthermore, the crime of slavery and shall be punished with imprisonment from 1 to 5 years who buys or sells a child for adoption under the age of 14 or, for the same purpose, intermediates business or equal or similar transaction.
4. Whoever traffic people, recruiting them, transporting them or housing them, by violence or threats of producing an evil significance, deception or other fraudulent maneuver or by taking advantage of the existence of a relationship of dependence or a situation of particular vulnerability of the victim for the purpose of exploring her work or pursue with other forms of exploitation, shall be punished with 2 to 8 years in prison.

**Article 166.**

(Medical intervention without consent)

1. Whoever, being a doctor or a person duly authorized, performs medical treatment or intervention without the patient's consent shall be punished with imprisonment up to 3 years or with fine of up to 360 days.
2. The act is not punishable if the consent:
  - a) can not be obtained or renewed without delay that jeopardizes the patient's life or involves serious danger to his body or health;
  - b) is given for a certain intervention or treatment and a different intervention or treatment ends up being fulfilled because these were considered, according to the knowledge and experience of medicine, the appropriate means to avoid a serious danger to the patient's life, body or health.



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3. The fact described in b) above shall be punishable, if circumstances that allow to safely conclude that the consent had been refused by the patient occur.

4. For purposes of this Article, the consent is relevant only when the patient has been properly clarified concerning the diagnosis, the nature, scope and possible consequences of the intervention or treatment, unless it involves the communication of facts which, if known by the patient, could seriously threaten his life or cause serious injury to his health.

5. The criminal proceeding depends on a complaint.

**Article 167.**

(Special mitigation of penalty)

When, in the case of Articles 162, 163, 164 and 165 thereof, the offender freely and voluntarily agree to waive his claim and release the person kidnapped, abducted, taken hostage or enslaved or seek to do so or without having committed against the victim, any other crime during the deprivation of his liberty, the judge may specifically mitigate the penalty.

## **CHAPTER IV**

### **SEXUAL CRIMES**

#### **Section I**

##### **Definitions**

**Article 168.**

(Definitions)

For the purposes of this chapter, is defined:

- a) "Sexual act", any act practiced for the liberation or satisfaction of the sexual instinct;
- b) "Sexual battery" means a sexual act performed by means of violence, coercion, threat or placing the victim in a state of unconsciousness or inability to resist;
- c) "Sexual penetration", copulation, anal intercourse or oral or anal and vaginal penetration with fingers or objects used in circumstances of sexual harassment.



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## **Section II**

### **Crimes Against Sexual Freedom**

#### **Article 169.**

(Sexual assault)

1. Whoever murders another person shall be punished with prison sentence from 10 to 4 years.
2. The same penalty applies to those who, in the same way, make another person suffer or perform sexual act with a third person.

#### **Article 170.**

(Sexual assault with penetration)

Whoever, by the means referred to in Article 168(b), performs sexual penetration with another person, even if it is the spouse of the offender, by the same means to constrain to suffer sexual penetration by a third party shall be punished by imprisonment from 2 to 10 years

#### **Article 171.**

(Sexual abuse of person unconscious or unable to resist)

1. Whoever commits sexual intercourse with someone who is unconscious or unable to resist taking advantage of any of these situations shall be punished with imprisonment of up to 3 years.
2. If there is penetration, the penalty is imprisonment from 2 to 8 years



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**Article 172.**

(Sexual abuse of internee)

1. Whoever, taking advantage of the function or position that, in any way, exerts or holds in a prison or nursing establishment for minors, hospital, health facility, care and treatment, sexual intercourse with a person interned or that, in anyway, is entrusted to his care shall be punished with imprisonment from 6 months to 3 years.
2. If there is sexual penetration, the penalty is imprisonment from 1 to 6 years

**Article 173.**

(Sexual harassment)

Whoever, abuse of authority resulting from a hierarchical relationship of dependency or work, seeks to constrain another person, by order, threat or coercion, to suffer or to perform a sexual act, with him or with others, shall be punished with imprisonment of up to 2 years or a fine of up to 240 days.

**Article 174.**

(Sexual fraud)

1. Whoever takes advantage of someone else's mistake regarding his personal identity and thus practice with her sex act, shall be punished with imprisonment up to 2 years or with fine of up to 240 days.
2. If there is penetration, the penalty is imprisonment from 18 months to 6 years.

**Article 175.**

(Artificial procreation without consent)

Whoever commits an act of artificial procreation with a woman without her consent, shall be punished with imprisonment from 1 to 6 years.





**Article 176.**

(Panderism)

1. Whoever, with intent to profit, promote, encourages or facilitates the exercise of repeated practice of prostitution or sexual acts with another person, taking advantage of economic need or situation of particular vulnerability of the victim or to constrain her to that exercise or practice, using violence, threat or fraud shall be punished with imprisonment of 1 to 6 years.
2. If the offender takes advantage of mental incapacity of the victim, the penalty is imprisonment from 2 to 10 years.

**Article 177.**

(Sexual traffic of people)

Whoever, using violence, threat, deception, or taking advantage of any relationship of dependency or particular vulnerability of a person to solicit or constrain the practice of prostitution in a foreign country or encourage this exercise, transporting her, providing accommodation, shall be punished with imprisonment from 2 to 10 years.

**Article 178.**

(Exhibitionism)

Whoever harasses another person through acts of sexual exhibitionism shall be punished with imprisonment up to 2 years or a fine of up to 240 days.



### **Section III**

#### **Crimes Against Sexual Self-Determination**

##### **Article 179.**

(Sexual abuse of minor under the age of 14)

1. Whoever commits sexual intercourse with a minor under the age of 14 or make him to practice it with another person shall be punished with imprisonment from 1 to 5 years.
2. If there is sexual penetration, the penalty is imprisonment from 1 to 12 years
3. Whoever commits an act of artificial procreation with a woman without her consent, shall be punished with imprisonment from 1 to 8 years.
4. Whoever commits acts of exhibitionism before less than 14 years, shall be punished with imprisonment from 6 months to 3 years or a fine of 60 to 360 days.

##### **Article 180.**

(Sexual abuse of minor under the age of 16)

1. Whoever, being over the age of 18, takes advantage of the inexperience of a minor under the age of 16 or particular situation of need in which he finds himself and practices with him sexual acts with him or take him to practice them with the third shall be punished with imprisonment up to 3 years.
2. If there is penetration, the penalty is imprisonment from 6 months to 5 years.

##### **Article 181.**

(Sexual abuse of minor dependent)

1. Whoever practices sexual acts with a minor under the age 18 who has its custody to assist or educate, taking advantage of this situation, shall be punished with imprisonment of:
  - a) 6 months to 3 years, if the minor is 16 years or more;
  - b) 1 to 4 years if the child has 14 or more years of age and under 16;



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2. If there is sexual penetration, the penalty is imprisonment of one to four years in the case of subparagraphs a) above and from 2 to 8 years in the case of b) thereof.

**Article 182.**

(Panderism of minors)

1. Whoever promotes, encourages, favors or facilitates the exercise of prostitution of minor under the age of 18 or the repeated practice of sexual acts by minor under 18 shall be punished with imprisonment from 6 months to 6 years.

2. If the offender uses violence, threats or fraud, act for profit or make profession of the activity described in the preceding paragraph, the minor suffers from psychic anomaly or has less than 14 years, the penalty is imprisonment from 2 to 10 years.

**Article 183.**

(Sexual traffic of minors)

1. Whoever seduces a minor under the age of 18 to the exercise prostitution in a foreign country or, for the same purpose, transport, provides accommodation or hosts, or in any other way, favors that exercise shall be punished with imprisonment from 2 to 10 years.

2. If the offender uses violence, threats or fraud, act for profit or make profession of the activity described in the preceding paragraph, the minor suffers from psychic anomaly or has less than 14 years, the penalty is imprisonment from 3 to 12 years.



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**Article 184.**

(Child pornography)

1. Whoever:

- a) promote, facilitate or allow that a minor under the age 16 participates in obscene reading, watch a show, film show, recordings, exhibition of photographs or observe or examines instruments, pornographic;
- b) uses a minor under the age of 16 years in pornographic photography, film or writing;
- c) give the minor of 16 years of writings, photographs, films, recordings or instruments of pornographic nature.

shall be punished with imprisonment from 2 to 2 years.

2. Whoever:

- a) produces child pornography to be broadcast via computer system, or
- b) disseminates or transmits child pornography through a computer system

shall be punished with imprisonment up to 3 years.

3. If in cases of the preceding paragraphs, the victim is under 14 years, the penalty is imprisonment of 6 months to 3 years.

4. If the offender makes profession of the acts described in the previous practice or for profit, the penalty is imprisonment from 1 to 4 years.

5. For the purposes of paragraph 2, is defined:

- a) child pornography as material that visually depicts a child under the age of 16 or person appearing to be under the age of 16 engaged in sexually explicit conduct;
- b) computer system as defined in Article 233(b).

**SECTION IV**



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## **Common Provisions**

### **Article 185.**

(Aggravation)

1. The penalties provided for in Articles 169 to 171 and 174 to 184 shall be increased by one third in its minimum and maximum limits, if the victim is:

- a) ascendant or descendant, adopter or adopted or akin up to the third degree of the collateral line of the offender or if is under his guardianship or trusteeship, or
- b) is in a relation of hierarchical dependence, economic or employment regarding the offender and the crime is committed taking advantage of that relationship.

2. The penalties provided for in Articles 169 to 174 and 179 to 181 shall be increased by one quarter in its minimum and maximum, whenever the offender carries a sexually transmitted disease which may create danger to the victim's life.

3. The penalties established for the crimes referred to above are aggravated with half of its minimum and maximum limits, whenever the behaviors described in it result in pregnancy, suicide or the victim's death, serious harm to their physical integrity or transmission of incurable disease carrier of danger to the victim's life.

### **Article 186.**

(Complaint)

1) The criminal proceedings depend on a complaint, in relation to the crimes under Articles 169 to 171, 173 to 175 and 178 to 181.

2) The criminal proceedings do not depend on a complaint when:

- a) the crimes mentioned in the previous paragraph results in the victim's death;
- b) the crime is committed against a minor under the age of 16 and the offender has the legitimacy to exercise the right to complain or has the victim under his responsibility;

3) When the crime is committed against a minor under the age of 16, the Public Ministry may institute criminal proceedings regardless of complaint, whenever, in the interest of the victim, that exercise imposes.



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**Article 187.**

(Inhibition of parental authority)

When the offender is sentenced for the crimes referred to in this chapter, may be inhibited, given the gravity of the act and its connection with the function he exerted, the exercise of parental authority, guardianship or trusteeship for a period of 3 to 15 years .

**CHAPTER V**

**ENDANGERING OF PERSONS**

**Article 188.**

(Abandonment of a person)

1. Whoever abandons another person in a place where, on grounds of age, illness or physical or mental condition, is in a situation of not being able to protect or defend herself shall be punished with imprisonment from 6 months to 3 years.
2. If from the abandonment results in real danger to the life or integrity of the person abandoned, the penalty is imprisonment from 1 to 5 years.
3. If the offender is ascendant, descendant, adopter or adopted of the person or the victim who has had the duty to guard, watch or attend, the penalty is imprisonment from 2 to 6 years.
4. If the act results in severe offense to the victim's physical integrity, the penalty is imprisonment from 2 to 8 years.
5. If the act results in the victim's death, the penalty is imprisonment from 2 to 10 years.

**Article 189.**

(Abandonment of a newborn)



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1. If, in cases of the preceding article, the abandoned person is a newborn, the penalties therein are aggravated in half of their minimum limit.
2. For the purposes of this article, it is considered a newborn a child with less than 8 days of life.
3. The penalties provided for in the preceding article are mitigated in half in its minimum and maximum limits, when the abandonment is carried by the mother, still under the disturbing influence of the childbirth, by virtue of extreme poverty, or because is fairly afraid of being severely mistreated because of the child's birth.

**Article 190.**

(Contagion of sexually transmitted disease)

1. Whoever, knowing that is a carrier of a disease, viral or bacterial, sexually transmissible likely to endangering his life, maintains sexual acts with another person without previously informing thereof shall be punished with imprisonment up to 3 years or with fine up to 360 days.
2. If the victim is contaminated or infected, the penalty is imprisonment from 2 to 5 years.
3. If the offender has acted with the intention to infect the victim, without success, the penalty is imprisonment from 2 to 8 years.
4. If the offender has acted with the intention of infecting the victim and actually contaminates her, the penalty is imprisonment from 3 to 10 years.
5. The criminal proceeding depends on a complaint.



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**Article 191.**

(Contagion of sexually transmitted disease)

1. Whoever, with intent to transmit serious illness from which suffers, practice act capable of infecting another person shall be punished with imprisonment up to 3 years or a fine of up to 360 days.
2. If the disease spreads, the penalty is imprisonment of 1 to 5 years.

**Article 192.**

(Obstruction to provide help)

Whoever prevents from receiving help a person in a life-threatening situation, of offense to her physical integrity, freedom, or help to combat an incident or accident that represents danger to the safety of people shall be punished with imprisonment from 1 to 5 years.

**Article 193.**

(Omission of help)

1. Whoever can do so without serious risk to life, physical integrity or liberty, or their third, failing to render assistance to victims of accident, or any other public emergency situation likely to endanger life, physical integrity or liberty of any person or fail to ask the public authority the help needed to remove the danger is punished imprisonment up to 18 months or a fine of up to 180 days.
2. If the hazard has been created by the omitting person, the omission shall be punished with imprisonment up to 3 years or a fine of up to 360 days.





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**Article 194.**

(Refusal of assistance by a doctor or nurse)

The doctor, nurse or other health professional that, illegitimately, refuses to provide assistance in case of life-threatening situation or one that can endanger the body or health of another person shall be punished with imprisonment up to 3 years or with a fine of up to 360 days.

**Article 195.**

(Illegal practice of profession)

Whoever, against law or regulation, practices actions proper of a profession without possessing the corresponding title that qualifies you to exert it shall be punished with imprisonment up to 3 years or a fine of up to 360 days.

**Article 196.**

(Special mitigation or discharge)

If, in the cases provided for in Article 192 to 195, the offender removes the danger before there has been damage, the penalty is specially mitigated, and may even take place, according to the circumstances of the case, the discharge.



## **CHAPTER VI**

### **CRIME AGAINST HUMAN FREEDOM**

#### **Section I**

##### **Discrimination**

#### **Article 197.**

(Discrimination)

1. Whoever, because of gender, race, ethnicity, color, birthplace, religion or belief, sexual orientation, political or ideological convictions, social origin or condition:

a) to refuse employment contract, refuse or restrict the supply of goods or services or restrict or prevent the exercise of economic activity of another person, or

b) to punish or fire workers

shall be punished with imprisonment up to 2 years or with fine of up to 240 days.

2. The same penalty applies to those who refuse or conditional contract or the supply of goods or services or restrict or prevent the exercise of economic activity to a legal person because of gender, race, ethnicity, place of birth, creed or religion, sexual orientation, political or ideological convictions, social origin or condition of its members or members of their governing bodies.

#### **Section II**

##### **Crimes Against Honor**

#### **Article 198.**

(Insults)

1. Whoever, by any mean of expression or communication, in particular through words, and with with intent to injure, offend his honor, good name or consideration of another person shall be punished with imprisonment up to six months or a fine of up to 60 days.



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2. With the same penalty shall be punished whoever, with intent to insult or offend and through the same means, imputes directly on another person, even in the form of suspicion, facts or make offensive judgments about him, his honor, good name or consideration.

3. Applies to the act described in the preceding paragraph the provisions of paragraphs 2, 3 and 4 the following article.

4. If the insults are directed at a person because of race, ethnic origin, color, national origin, religion or sexual orientation or a group composed of people with these characteristics shall be punished with imprisonment of 6 months to 1 year or a fine of 60 to 120 days.

**Article 199.**

(Defamation)

1. Whoever, by any mean of expression or communication and with intent to offend, impute on another person, even in the form of suspicion, facts, or make offensive judgments about his honor and esteem or reproduce them, so that the third person becomes or can become aware of the facts attributed or the judgments formulated, shall be punished with imprisonment up to 1 year or with fine up to 120 days.

2. If the acts or offensive judgments are directed at a person because of race, ethnic origin, color, national origin, religion or sexual orientation or a group composed of people with these characteristics shall be punished with imprisonment of 6 months to 18 year or a fine of 60 to 180 days.

3. The offender is not punished when:

- a) the imputation of the offensive fact is carried out to fulfill legitimate interests;
- b) prove the veracity of the attributable offensive facts;
- c) have had serious grounds for, acting in good faith, considering the accusations true.

4. It is considered that the offender did not act in good faith, if he does not fulfill his duty to inform on the truth of the facts alleged that the circumstances require it.

5. The provisions of paragraph 3 shall not apply where the imputation relates to facts concerning the private or family life.



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**Article 200.**

(Slander)

Whoever, in the case of paragraphs 1 and 2 of the previous article, proceed to the imputation of fact or formulation of offensive judgment of honor, good name or consideration of the offended person, knowing its falsehood, shall be punished with imprisonment of six months to 2 years or with fine from 60 to 240 days.

**Article 201.**

(Advertising)

1. If, in the cases of previous articles, insults, defamation or slander are committed by means or in circumstances which facilitate their dissemination, the corresponding penalties are increased by a third in its minimum and maximum limits.

2. If, in the same cases, the offenses are committed through a computer system or any form of media, the corresponding penalties are increased in half in their limits, minimum and maximum.

**Article 202.**

(Offense to the memory of a deceased person)

1. Whoever injures, defames or slanders the memory of the person already deceased less than 30 years ago shall be punished with the penalties provided in Articles 198, 199 and 200, respectively.

2. It is accordingly applicable the provisions of paragraphs 1 and 2 of the preceding article.

**Article 203.**

(Criminal proceeding)

The criminal proceeding depends on the victim's complain or of any member of the offended group, in the cases provided in Articles 198(4) and 199(2) and of private prosecution in the remaining crimes provided in this section.



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**Article 204.**

(Discharge)

1. When in a case the offender of the crimes defined in this section describes or give explanations of the crime he was accused of and the victim, his representative or the holder of the right to private prosecution or complaint accept the apologies or description, the court dispenses with the penalty offender.
2. The court may also waive the offender from the penalty, if the offense has been caused by an unlawful or objectionable conduct by the victim.
3. If the victim fights back with another offense of the victim, the court may waive from the penalty both offenders or only one of them, according to circumstances.

**Article 205.**

(Public knowledge of sentence)

If the victim or, or upon his death, the holder of the right to private prosecution apply until the closure of the hearing in the first instance the public knowledge of the sentence of condemnation by any of the crimes referred to in this section, even with discharge, the court orders it at the expense of the offender, by whatever means he thinks appropriate, setting the terms under which the sentence must be disclosed.

**Section III**

**Crimes Against the Respect Due to Deceased**

**Article 206.**

(Attempt on the integrity of mortal remains)

Whoever, by subtraction, concealment, destruction, desecration, or any other offensive mean to the respect to the deceased, undermining the integrity of a corpse or ashes of a deceased person shall be punished with imprisonment up to 2 years or a fine of up to 240 days .



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**Article 207.**

(Profanation of funeral location)

Whoever, by any mean, profanes or violates the tomb or grave of a deceased person shall be punished with with imprisonment up to 1 years or a fine up to 120 days.

**Article 208.**

(Aggravation)

If the perpetrator commits the crimes referred to in previous articles moved by reasons of membership or non-membership, real or supposed, to a deceased person's ethnicity, race, religion, sexual orientation, belief, conviction, ideological, cultural or political, or supposed because he was not a member of a particular organization, the penalty is increased by one third in its minimum and maximum limits

## **CHAPTER VII**

### **CRIMES AGAINST RESERVATION OF PRIVATE LIFE**

**Article 209.**

(Breaking and entering)

1. Whoever, without consent, enters, remains or persists in staying in someone else's house or on their dependencies or attachments, after being ordered to withdraw, shall be punished with imprisonment up to 1 year or with fine up to 120 days.

2. If the crime referred to in paragraph 1 is committed during the night or in the wilderness, through violence or threat of violence, use of weapon, burglary, scaling or false keys, in accordance with Article 377(d)(e)(f), or by two or more persons, the perpetrator shall be punished with imprisonment up to 3 years or a fine of up to 360 days.



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**Article 210.**

(Breaking into in a place restricted to the public)

1. Whoever, without consent or except for cases where the law allows him to enter and after being ordered to withdraw, remains or continues to stay in the courtyards, gardens or closed spaces annexed to the housing, in boats or other means of transport or elsewhere sealed and not freely accessible to the public shall be punished with imprisonment up to six months or a fine of up to 120 days.
2. Upon the occurrence of the the circumstances referred to in paragraph 2 of the preceding article, the penalty is imprisonment up to 1 year or fine of up to 120 days.

**Article 211.**

(Disruption and intrusion on privacy)

1. Whoever, without consent and with the intention to penetrate or disturb the peace and quiet or personal, familiar or sexual violence from another person:
  - a) intercept, listen, capture, record or transmit words spoken in a private or confidential conversation;
  - b) intercept, record, register, use, distribute or disclose telephone conversation or communication;
  - c) record or transmit by any means, the image of another person who is in a private place;
  - d) disclose any facts regarding the privacy or the serious illness of another person;
  - e) send telephone or electronic messagesshall be punished with imprisonment of up to 18 months or with fine of up to 180 days.
2. The fact referred to in subparagraph d) above is not punishable if committed as an appropriate means to accomplish a legitimate interest relevant.



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**Article 212.**

(Intrusion by computer means)

1. Whoever:

- a) carries out processing of data or personally identifiable information without being authorized or, if authorized, does not take the necessary precautions to ensure the security of that data in order to prevent them from being disclosed, altered, destroyed or disposed of;
  - b) access, without authorization, the data processed by computer that contain individually identifiable information;
  - c) transmitting, without authorization, to third parties for purposes other than those authorized, data or information processed by computer
- shall be punished with imprisonment up to 1 year or with fine up to 120 days.

2. Whoever, without being competently authorized to create, maintain or use a computer file of personally identifiable data relating to political, religious or philosophical beliefs, party or trade union or the privacy of others

shall be punished with imprisonment up to 2 years or with fine of up to 240 days.

**Article 213.**

(Breach of the secrecy of correspondence)

- 1. Whoever, without consent, opens an order, letter or other writing that is closed and is not addressed to him or take knowledge, by technical processes, of their content or in any way prevent it from being received by the recipient shall be punished with 1 year or imprisonment up to a fine not exceeding 120 days.
- 2. The same penalty shall apply to who, without consent, discloses the contents of letters, orders or closed written documents.





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**Article 214.**

(Breach of the secrecy of telecommunications)

1. Whoever, without consent, interferes with the content of the telecommunication and becomes aware of it shall be punished with imprisonment up to 1 years or a fine of up to 120 days.
2. The same penalty is applied to whom, without consent, discloses the content of the telecommunication referred to in the previous paragraph.

**Article 215.**

(Breach of the secrecy)

1. Whoever reveals or takes advantage of the secrecy belonging to another person which has learned in virtue of his occupation, employment, profession, art or situation shall be punished with imprisonment up to 1 year or with fine up to 120 days.
2. If the act described in the preceding results in damage to any person, the penalty is imprisonment of up to 18 months or a fine not exceeding 180 days.

**Article 216.**

(Breach of professional secrecy)

Whoever, in breach of his obligation of secrecy or professional secrecy, imposed by law, discloses the secret of another person shall be punished with imprisonment from 6 months to 3 years or with fine from 120 to 360 days.

**Article 217.**

(Aggravation)

The penalties laid down in Articles 211 to 216 shall be increased by one third in its minimum and maximum limits, if the act is committed with intent to obtain a reward for the offender or another person or to harm someone.



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**Article 218.**

(Criminal proceeding)

Except in the case of Article 212(2), the criminal proceedings of crimes under this chapter depends on a complaint.

**CHAPTER VII**

**OTHER CRIMES AGAINST JURIDICAL PERSONAL ASSETS**

**Article 219.**

(Recordings, pictures and unlawful films)

1. Whoever, without consent:

a) records the words of another person not pronounced in public, even if directed to him;

b) uses or allows the use of the recording, even if it has been lawfully produced

shall be punished with imprisonment up to 1 year or with fine up to 120 days.

2. The same penalty is applicable to whom, against the will of another person:

a) take pictures or film, even if in meetings or events in which he has legitimately participated;

b) uses or allow the use of the pictures or movies referred to in previous paragraph, even if lawfully obtained.

3. It is accordingly applicable the provisions of Article 217.

4. The criminal proceeding depends on a complaint.

**Article 220.**

(Subtraction to the guarantees of the Angolan State)

1. Whoever, through violence, threat or any fraudulent mean, causes another person to be left out of the scope of protection of the Angolan criminal law and is exposed to be persecuted for political reasons, endangering the life, physical integrity or liberty, becoming object of violence



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or actions contrary to the principles of the Angolan State, shall be punished with imprisonment from 2 to 10 years.

2. The same penalties apply to those who, by the same means, prevent another person from leaving the dangerous situation referred to in the preceding paragraph or to force her to stay.

## **TITLE II**

### **CRIMES AGAINST FAMILY**

#### **CHAPTER I**

#### **CRIMES AGAINST MARRIAGE, MARITAL STATUS AND FILIATION**

##### **Article 221.**

(Bigamy)

1. Whoever, being married, remarries or whoever marries a person, knowing that she is married, shall be punished with imprisonment from 6 months to 2 years or a fine of 60 to 360 days.

2. The same penalties shall apply to those who, having jurisdiction to do so, carry out or authorize the performance of a marriage under the conditions described in the previous paragraph.

##### **Article 222.**

(Misleading on impediment)

1. Whoever, contracts marriage leading the other contracting party to an essential error regarding impediment that is not a previous undissolved marriage shall be punished with prison sentence of 18 months or with a fine up to 180 days.

2. The criminal proceeding depends on a complaint.



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**Article 223.**

(Awareness and concealment of impediment)

1. Whoever marries with the previous knowledge of impediment and conceals it from the other party shall be punished with imprisonment up to 1 years or a fine of up to 120 days.
2. The criminal proceeding depends on a complaint.

**Article 224.**

(Simulation of competence to celebrate a wedding)

Whoever pretends to be a competent authority to enter into marriage and, as such, celebrates it shall be punished with imprisonment from 1 to 3 years or with fine from 120 to 360 days, if any more serious penalty cannot be declared by imposition of any other legal provision.

**Article 225.**

(Misrepresentation of marital status)

Whoever, so as to endanger the official examination of the marital status or family legal position, present or omit statements that result in usurp, become uncertain, distort, change, supposed to do, hide or conceal his or another person's marital status shall be punished with imprisonment up to 2 years or with fine of up to 240 days.

**Article 226.**

(Inexistent birth registration)

1. Whoever declares in the civil registry inexistent birth shall be punished with with imprisonment up to 3 years or a fine up to 360 days.
2. Iht the declaration is done with the intention to prejudice another person, the penalty is imprisonment from 2 to 6 years.



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**Article 227.**

(Supposed childbirth)

Whoever declares someone else's childbirth as his own shall be punished with imprisonment from 1 to 5 years.

**Article 228.**

(Replacement or removal of a newborn)

1. Whoever proceeds to the replacement of a newborn for another or subtract him shall be punished with imprisonment from 2 to 8 years.
2. Newborn is, under Article 189(2), the child with less than 8 days.

**Article 229.**

(Withholding of parental state)

1. Whoever registers as his the child of another person, changing the right to his civil state shall be punished with imprisonment from 6 months to 2 years or a fine of 60 to 240 days.
2. The same penalty shall apply to a third person, in the cases legally allowed, declares falsehood before the authority with competence to register the status of parent of another person.
3. If the crime is committed for a reason recognizably praiseworthy, the court can discharge the offender.

**CHAPTER II**

**CRIMES AGAINST OTHER FAMILY JURIDICAL ASSETS**

**Article 230.**

(Material abandonment)



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1. Whoever, without just cause, fails to provide for the subsistence of the spouse or person in a similar situation of a child under the age of 18 or unable to work or disabled ascending, not providing the necessary resources or failing to pay the alimony to which is legally obligated, or without cause, fails to help seriously ill ascendant or descendant shall be punished with imprisonment up to 2 years or a fine of up to 120 days.
2. If the person with right to food is a pregnant woman and the lack of food or assistance determines the endangering of pregnancy termination, the penalty is imprisonment from 1 to 5 years.
3. If the termination of pregnancy occurs, the penalty is imprisonment from 2 to 8 years.
4. If, in the case of paragraph 1, the obligation to provide food and assistance is satisfied, the court, attending to the particular circumstances of the case, may discharge the offender from the penalty or declare extinct the penalty not yet served.

**Article 231.**

(Removal or refusal to deliver a minor)

1. Whoever removes a minor from the person with the parental authority or legal guardian or to whom is legally entrusted shall be punished with imprisonment from 1 to 4 years if a more severe penalty is not applicable by virtue of another provision of criminal law.
2. Whoever:
  - a) refuses to deliver the minor to the person pointed out in the previous paragraph;
  - b) convinces the minor to escape from the family domicile or from the place where he lives or to abandon that domicile or place, by means of violence, threat or any fraudulent conduct.shall be punished with imprisonment up to 3 years or with fine of up to 360 days.

**Article 232.**

(Dissemination of false paternity)

1. Whoever by negligence murders another person shall be punished with with imprisonment up to 6 years or a fine up to 60 days.
2. The same penalty shall apply to who assumes, publicly and falsely, as child of another person.



## TITLE III

### CRIMES AGAINST FULL FAITH AND CREDIT

#### CHAPTER I

#### FALSIFICATION OF DOCUMENTS, COMPUTER DATA AND TECHNICAL RECORDS

##### **Article 233.**

(Definitions)

For the purposes of this chapter:

- a) "Document" is all the support, in particular, paper, disk, tape, magnetic tape or other material technical media or that incorporates a statement made by a person and has the good repute to prove a legally relevant fact, and also the signal, with legal relevance and effectiveness evidence, written or bet on something to indicate its origin, nature or quality.
- b) "Computer system" is any device or set of devices interconnected or interrelated that, individually or jointly, ensure, pursuant to a program, the automated data processing;
- c) "Computer data" is any representation of facts, information or concepts in a form suitable for processing in a computer network, including programs that allow a computer system to perform a function;
- d) "Technical Registration" is the record, with effectiveness evidence of a value, weight or measure of state or of an event, done through a technical device which, acting, in whole or in part, automatically, delivers results referred to the legally relevant facts.

##### **Article 234.**

(Forgery of document)

1. Whoever, with the intention of prejudicing someone to obtain, to himself or another, an unlawful gain:
  - e) forge a false document, imitating the real one;
  - b) forge or change the real one;
- c) make abusive use of the signature of another person to elaborate a false document;



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d) falsely include in a document legally relevant facts or omit from it legally relevant facts that the should be in the document

shall be punished with imprisonment from 6 months to 3 years or a fine from 60 to 360 days.

2. If the facts described in the previous number:

a) relate to public documents, closed testaments or mail check, the applicable penalty is imprisonment up to 5 years;

b) are committed by a a civil servant in the performance of its duties, the penalty to apply is imprisonment from 1 to 6 years.

3. The civil servant who, in the performance of his duties, intercalates the act or document in protocol, record r official book, without complying withe the legal formalities, shall be punished with imprisonment from 1 to 5 years.

4. The use of a false of forged document for a person different from the forger, with the intention mentioned in the subparagraph 1 of previous paragraph, shall be punished with penalty applicable to the author of the respective crime of forgery, reduced to a quarter of its maximum limit.

**Article 235.**

(Computer falsehood)

1. Whoever, with intent to deceive, enter, modify, remove or delete data in a computer system or, in general, interfere with the processing of such data in order to give rise to false information that can truly be considered and used as evidence,

shall be punished with imprisonment from 6 months to 5 years or a fine from 60 to 600 days.

2. The same penalty applies to those who, not being the forger, with the same intention, uses the computer data forged or false.

3. If the offender is described in the previous public official in the performance of their duties, the penalty is imprisonment from 1 to 6 years.

**Article 236.**

(Forgery of records and technical instruments)





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1. Whoever, with the intention to cause damage to someone or to obtain, to himself or another, an unlawful gain:

a) elaborates a false technical record;

b) forges or change the real technical record;

c) falsely include a technical record that is legally relevant technical, or

d) damages or disrupt the operation of technical equipment in order to vitiate the result of the records obtained

shall be punished with imprisonment from six months to 3 years or with fine from 60 to 360 days.

2. If the facts described in the preceding paragraph are committed by a civil servant while in the performance of his duties, the offender shall be punished with imprisonment from 1 to 6 years.

3. The use of false or falsified technician registration under the preceding paragraph, a person other than the author of the forgery, shall be punished with the penalty applicable, reduced to a small room in its maximum limit.

**Article 237.**

(Destruction, unusability or subtraction of document and technical record)

1. Whoever, with the purpose of causing harm to someone or obtain for himself or for another person unlawful gain, destroy, destroy, do away, hide or replace a document or technical record technician from which can dispose or whose delivery or presentation may be required by others shall be punished with imprisonment up to 3 years or with fine of up to 360 days.

2. When the facts described in the preceding paragraph are committed by a civil servant while in the performance of his duties, the penalty applied with imprisonment from 1 to 5 years.

3. The criminal proceeding for the acts described in paragraph 1 depends on a complaint by the victim, when it is an individual.

**Article 238.**

(Attempt)



In the crimes described in this chapter the attempt is always punishable.

## CHAPTER II

### CRIMES OF FORGERY OF CURRENCY, TAX STAMPS AND DEBT OBLIGATIONS

#### Section I

##### Forgery of Currency

###### Article 239.

(Definition of currency)

1. It is considered currency for the purposes of this section the paper money, consisting of banknotes and metal coins with legal tender status, either in Angola or abroad.
2. Are equivalent to currency, for the purposes of this chapter, tickets and fractions of the national lottery.

###### Article 240.

(Counterfeit currency)

1. Whoever makes money, by imitating the real, in order to pass it or put it into circulation shall be punished with imprisonment from 2 to 12 years.
2. The same penalty shall apply to the director, manager or worker of the issuing bank, with the due competences, who the manufacture and issuance of:
  - a) coins with less than the actual value determined by law;
  - b) paper money in quantities greater than that determined by law.
3. Whoever, without lawful authority, manufactures coin with real value equal to or greater than the lawful currency shall be punished with imprisonment up to 3 years or a fine of up to 360 days.



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4. If the author of counterfeit does not pass or put into circulation forged manufactured currency, the penalties provided in the preceding paragraphs shall be reduced by a third in its maximum limit.

**Article 241.**

(Forgery or change of genuine currency)

1. Whoever forges legitimate currency in order to change, raising it, the face value and pass it or put it into circulation the currency thus forgery shall be punished with imprisonment for 1-9 years.

2. It is considered forgery for purposes of the preceding paragraph the suppression of sign or mark indicating that the notes are out of circulation.

3. If the author of forgery does not pass or put into circulation the forged currency, the penalties provided in the preceding paragraphs shall be reduced by a third in their maximum limit.

**Article 242.**

(Passage and putting into circulation false or forged currency)

1. Whoever, not being the author of crimes of forged currency provided in the previous articles, but in collaboration with him, passes or puts into circulation false or forged currency incurs in the penalty applicable to the forger.

2. The passage or putting into circulation of counterfeit currency in the terms of the preceding paragraph without agreement with the forger shall be punished with the penalty applicable to the author of the forgery, reduced by one quarter in its maximum limit.

3. If the offender only had knowledge of the falsity of the currency after having received it, the passing of putting in circulation counterfeit currency shall be punished with punished with imprisonment up to 1 year or with a fine up to 120 days, except in the case of manufacturing coins with a value equal to or greater than the legitimate under paragraph Article 240(3), in which case the penalty is a fine not exceeding 90 days.



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**Article 243.**

(Unauthorized circulation of currency)

Whoever puts currency into circulation not yet authorized to circulate or currency already removed from circulation shall be punished with imprisonment from 1 to 4 years.

**Article 244.**

(Rejection of legal tender)

Whoever, without reasonable cause, refuses legal tender shall be punished with a fine of 30 to 180 days

**Section II**

**Falsification of Tax Stamps**

**Article 245.**

(Fabrication and forgery or change of tax stamps)

1. Whoever manufactures, imitating the real, or forges or alters official tax stamps destined for the levying of taxes and duties, including the role of exchange sealed letter and postage stamps, with the intention of using, in particular, by passing them or putting them into circulation, the false or forged the tax stamps and franks shall be punished with imprisonment up to 5 years.

2. If the forgery consists in the simple suppression of the signs or marks indicative of the tax stamps or seals have already been used, the penalty is a fine of up to 120 days.

3. If the author of forgery does not actually use the tax false or forged stamps or seals, the penalty is reduced by one third in its maximum limit.



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**Article 246.**

(Use of false or forged tax stamps)

1. Whoever, not being the forger, but in collaboration with him, uses false or forged tax stamps or seals as real or unchanged, shall be punished, whatever the form of use, with the penalty applicable to the author of the forgery.
2. The use of false or forged tax stamps or seals, without agreement with the forger, shall be punished with the penalty applicable to the author of the forgery, reduced to a quarter of its maximum limit.
3. If those who use the false or forged tax stamps and seals only have knowledge of the fake after having purchased, the penalty is imprisonment up to 1 year or fine of up to 120 days, in the case of the crime provided for in paragraph 1 of previous article, or a fine not exceeding 60 days, in the case of the crime provided for in paragraph 2 thereof.

**Section III**

**Forgery of Debt Obligations**

**Article 247.**

(Manufacture and forgery of debt obligations)

1. Whoever, with the intention to cause harm to someone or to obtain unlawful benefit for himself or for another, fabricate, falsify or alter, to make them pass as real or unchanged, checks, stocks or bonds or other documentation of the carrier or commercial nature transferable by endorsement and, in general, any negotiable instrument or a foreign national shall be punished with imprisonment from 2 to 8 years.
2. If any of the obligations referred to in paragraph 1 is issued by the State or by a bank or banking institution, the penalty is imprisonment of 3 to 12 years.
3. The same penalty shall apply to whoever that, with the same purpose and goal, fabricates, forges or alters, credit cards, debit or warranty.
4. If the author of manufacture or forgery will not get to use the bonds forged or falsified, the feathers of the preceding paragraphs shall be reduced by a third in its maximum limit.



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**Article 248.**

(Use of false or forged debt obligations)

1. Whoever, not being the forger, but in collaboration with him, uses false or forged debt obligations, in the preceding article, shall be punished, whatever the form of use, with the penalty applicable to the author of the forgery.
2. The use of false or forged debt obligations, without agreement with the forger, shall be punished with the penalty applicable to the author of the forgery, reduced to a quarter in its maximum limit.
3. When the person who uses false or forged debt obligations only has knowledge of the forgery after having acquired them, shall be punished with imprisonment up to 2 years or a fine of up to 240 days, if it is the crime referred to in paragraph 1 of the preceding article, and imprisonment up to 3 years or a fine of up to 360 days, if it is the crime referred to in paragraph 2 thereof.

**SECTION IV**

**Common Provisions**

**Article 249.**

(Preparatory acts)

1. Whoever prepares the execution of the crimes described in this chapter, acquiring, having in his possession or introduction into Angolan territory suitable materials or equipments for the manufacture or forgery of currency, stamps or debt obligations shall be punished with imprisonment of up to 3 years or a fine of up to 360 days.
2. The facts described in the preceding paragraph are not punishable if the perpetrator:
  - a) voluntarily abandons the execution of the crimes or to prevents another person from executing them;
  - b) destroys, disables or hand to the competent authorities the equipments and materials referred to in paragraph 1 or denounce to the same authorities who owns them or where they can be found.



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**Article 250.**

(Acquisition, internment or traffic of currency, tax stamps and false or forged debt obligations)

Whoever acquires, holds in his power, transports, exits from Angolan territory or include in it forged or falsified currency, tax stamps or debt obligations, shall be punished with the penalties applicable to the authors of the respective forgeries, reduced by half in their maximum limit .

**Article 251.**

(Attempt)

In the crimes of forgery of currency, tax stamps and debt obligations, described in this chapter, the attempt is always punishable.

**CHAPTER III**

**FORGERY OF SEALS, DIES, MARKS, WEIGHTS AND MEASURES**

**Article 252.**

(Forgery of seals, dies and marks)

1. Whoever, with the intention of using them or being used by others as real or unchanged, manufacture, forge or change seals, dies, stamps, marks or other signs of any authority or any government agency shall be punished with imprisonment for 2 to 6 years.
2. If the objects referred to in the preceding paragraph relate to particular entity, the penalty is imprisonment up to 3 years or fine of up to 360 days.



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**Article 253.**

(Use and possession of false or forged seals, dies and marks)

1. Whoever, with the intention to damage to someone or to obtain unlawful benefit for himself or for another, uses or allows others to use the items mentioned in the preceding article shall be punished, not being the forger, with the penalties set forth in paragraphs 1 and 2 of this Article, reduced by one quarter in its maximum limit.
2. Whoever, not being the author of the forgery, has in its possession for the purpose of using them or for others to use them, the items mentioned in the preceding article, shall be punished with imprisonment up to 2 years or with fine of up to 240 days.

**Article 254.**

(Abusive use of seals, dies, marks and stamps)

1. Whoever uses, without authorization of the competent authority, dies, stamps, marks, signatures or signs belonging to any real entity or government agency, with the purpose of causing damage to someone or gain unlawful benefit for himself or for another person, shall be punished with imprisonment up to 3 years or with fine of up to 360 days.
2. If the use relates to real seals, dies, stamps, signature or signs belonging to private entities, the penalty is imprisonment up to two years or fine of up to 240 days.

**Article 255.**

(Forgery of weights and measures)

Whoever, with the intention to cause damage to someone or to obtain, to himself or another, an unlawful gain:

- a) affixes on weights, measures, scales or other measuring instruments a false puncture, imitating the real;
- b) forges the puncture legally affixed on weights, measures, scales or other measuring instruments;





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c) change weights, measures, scales or other measuring instruments legally subject to certification by means of puncture shall be punished with imprisonment up to 3 years or a fine of up to 360 days.

**Article 256.**

(Use of false or forged debt weights and measures)

Whoever, not being the forger, uses weights, measures, scales and other measuring instruments shall be punished with with imprisonment up to 2 years or a fine up to 240 days.

**Article 257.**

(Attempt)

In the crimes described in this chapter the attempt is always punishable.

## **CHAPTER IV**

### **OTHER FORGERIES**

**Article 258.**

(False attestations of certificates)

1. Whoever, being a doctor, dentist, nurse, officer or employee of the laboratory or medical institution or person in charge of doing autopsies and other forensic medical examinations, passes an attestation or certificate or signs a report, knowing it does not correspond to the truth, regarding the condition of the body or physical or mental health, birth or death of a person intended to present faith to public authority, to cause damage to another person, shall be punished with imprisonment up to 3 years or with fine of up to 360 days.

2. The same penalty shall apply to the veterinarian who passes an attestation in accordance with and for the purposes described in the preceding paragraph regarding animals.



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3. The same penalty shall apply even those who pass certificates or certificates, or subscribe to reports under the preceding paragraphs, falsely invoking the profession, quality, or functions in which attests, certifies or reports.

**Article 259.**

(Use of false attestations or certificates)

Whoever, for the purpose of deceiving the public authorities or to prejudice the interest of the State or another person, use the false certificates, attestations and reports referred to in the preceding article shall be punished with imprisonment up to 1 year or with the fine of up to 120 days.

**Article 260.**

(Assumption or attribution of false identity)

Whoever assumes the identity of a third person or attribute to a third person a false identity for the purpose of obtaining unlawful benefit for himself or others or cause damage to someone shall be punished with imprisonment up to 1 year or with fine up to 120 days.

**Article 261.**

(Use of an identification document belonging to another person)

1. Whoever, with the intention to cause damage to another person, uses an identification document issued in the name of another person shall be punished with imprisonment up to 3 years or a fine of up to 60 days.

2. For purposes of this article, identification document is any document, including an identity card and passport, to which the law confers the ability to identify people or certify their status, condition or employment status and rights, benefits or advantages that may result for the holder.

**Article 262.**



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(Legitimate use of designation, sign or uniform)

1. Whoever, in order to make believe that it belongs to him, uses a designation, sign, costume or uniform proper of the duty of public, domestic or foreign service, shall be punished with imprisonment up to 6 months or a fine of up to 60 days.
2. If the designation, sign, costume or uniform are private to members of the armed forces or of those exercising public authority, the offender shall be punished with imprisonment up to 1 year or with fine up to 120 days.

## **TITLE IV**

### **CRIMES AGAINST COLLECTIVE SECURITY**

#### **CHAPTER I**

#### **COMMON DANGER CRIMES**

##### **Article 263.**

(Fire, floods, explosion and other conduct especially dangerous)

1. Whoever:

- a) causes a fire, setting fire to a building, construction, transportation, forest, bush, trees, harvest or field;
- b) causes flood, explosion, collapse or detachment of soil or collapse of building or construction;
- c) emits or release radioactive substances, toxic or asphyxiating gases and, by the ways described, endangering life, limb or property of any person unaware of considerable value shall be punished with imprisonment from 2 to 10 years.

2. The penalty is imprisonment of 1 to 5 years if the danger referred to in the preceding paragraph is caused by the negligence of the offender.



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3. If the conducts referred to in subparagraphs a) b) c) of paragraph 1 are due to negligence of the offender, the penalty is imprisonment of 6 months to 3 years.

4. Patrimony is of considerable value, whenever it exceeds 500 times the minimum monthly salary of civil servants, in accordance with Article 377(a).

**Article 264.**

(Manufacture, acquisition or possession explosive, toxic or asphyxiating substances)

1. Whoever manufactures, purchases, or by any means or title, leases, imports, transports, sells, or simply holds substances or radioactive materials, explosives or incendiary, toxic or asphyxiating gases or substances which are suitable for their manufacture, in violation of legal provisions or disobedience to the requirements of the competent authorities, shall be punished with imprisonment up to 3 years or with fine of up to 360 days.

2. If the conducts described in the preceding paragraph are intended to implement the crime provided for in Article 263 thereof, the penalty is imprisonment from 1 to 4 years.

**Article 265.**

(Forbidden weapons and ammunitions)

1. Whoever manufactures, imports, transports, purchases, transfers, conceals, makes deposits, trades or simply holds weapons classified as war material or prohibited firearms or ammunition in violation of law or in disobedience to the requirements of the competent authorities shall be punished with imprisonment from 1 to 5 years.

2. The same penalty shall apply:

a) manufactures, imports, purchases, transfers, conceal, make deposits, trade or simply holds prohibited weapons or devices intended to design, deliver or disseminate the materials or substances referred to in paragraph 1 above, in violation of the provisions law or in disobedience to the requirements of the competent authorities;

b) change the characteristics of firearms and ammunition and turn them into prohibited firearms or ammunition.



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3. Whoever manufactures, imports, transports, purchases, transfers, conceals, makes deposits, trades or simply holds weapons, ammunition or devices capable of producing nuclear explosion in violation of law or in disobedience to the requirements of the competent authorities, shall be punished with imprisonment from 6 to 12 years.

4. Whoever has in his power propulsion mechanism, camera, drum, pipe or prohibited firearm, silencer, ammunition and telescopic sight to be adjusted, assembled or fired by it, when unaccompanied by the intended weapon, shall be punished with imprisonment up to 1 year.

**Article 266.**

(Non-prohibited weapons, subject to regulation)

1. Whoever manufactures, imports, stores or sells non-prohibited firearms, but subject to regulation, without being legally authorized or licensed by the authorities and bodies, shall be punished with imprisonment up to 3 years or with fine of up to 360 days.

2. Whoever has in his possession a non-prohibited firearm, but subject to regulation, without the required permit or license, shall be punished with imprisonment up to 1 year or a fine of up to 120 days.

3. Whoever has in his possession a weapon or other instrument, seriously dangerous, for the purpose of using them as a weapon of aggression, shall be punished with a fine not exceeding 60 days.

**Article 267.**

(Aggression to the environment)

1. Whoever, in violation of the precepts of the laws and regulations, creating the danger of extinction of:

a) one or more plant or animal species by eliminating copies of fauna and flora;

b) species of legally protected fauna or flora, destroying or damaging the natural habitat, shall be punished with imprisonment from 6 months to 3 years or with fine from 60 to 360 days.



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2. The same penalty shall apply to whom, in violation of the precepts of the laws and regulations, prevents the renewal of one or more sub-surface resources or create the danger of depletion.

3. Whoever releases into the environment any sources, devices, substances or radioactive materials or deposits them in the ground or underground, in the sea, rivers, lakes or other bodies of water, without being authorized by law and regulations or is authorized not observe the measures of protection and specific security required by law or imposed by the competent authorities in accordance with the law or regulations, shall be punished with imprisonment from 1 to 6 years.

4. If the facts described in the preceding paragraphs are due to negligence of the offender, the penalty is imprisonment up to 1 year or fine of up to 120 days in the case of paragraph 1, and imprisonment up to 3 years in the case of paragraph 2.

**Article 268.**

(Pollution)

1. Whoever, in violation of the laws and regulations or the limits and conditions imposed by the competent authorities in accordance with the legal and regulatory requirements, contaminate or pollute the water, soil or air, or in any way damaging their property shall be punished with imprisonment up to 3 years or with fine of up to 360 days;

2. If the offender's behavior is due to negligence, the penalty is imprisonment up to 18 months or fine of up to 180 days;

3. If, on the conduct described in paragraph 1, the offender has endangered the life or physical safety of any person or property of others of considerable value, the penalty is imprisonment from 1 to 6 years.

4. In the case of the preceding paragraph, the danger is caused by the negligence of the offender, the penalty is imprisonment up to 3 years or a fine up to 360 days if the conduct is willful, and imprisonment up to 2 years or fine of up to 240 days if the conduct is negligent.

5. Patrimony is of considerable value, where more than 500 times the minimum monthly wage of the civil service, in accordance with Article 377(a).

**Article 269.**



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(Spread of disease, plague, harmful animal or weed)

1. Whoever spreads disease, pest, weed or noxious animal, and by the spreading, creates real danger of damage to a large number of other person's animals, domestic or useful to man or to crops, plantations, forests and thickets of others, high extension, shall be punished with imprisonment up to 3 years or a fine of up to 360 days.
2. If the danger referred to in the preceding paragraph is due to the offender's negligence, the penalty is imprisonment up to 18 years or fine of up to 180 days.
3. If the conducts described in the same number are due to negligence of the offender, the penalty is imprisonment up to 1 year or fine of up to 120 days.
4. The number and length are considered high, whenever they surpass 500 animals or 50 hectares, respectively.

**Article 270.**

(Adulteration of food or fodder for animals)

1. Whoever corrupts, tampers or forges fodder or food for domestic animals or imports, exports, transports, holds, offering for sale, sells, delivers or distributes fodder or food for these animals, which are corrupted, tampered with or forged and from the conducts described results the creation of a real danger of damage to a significant number of animals shall be punished with imprisonment up to 3 years or a fine of up to 360 days.
2. If the danger is caused due to the negligence of the offender, the penalty is imprisonment up to 18 year or a fine up to 180 days.
3. If the conducts are due to negligence of the offender, the penalty is imprisonment up to 1 year or a fine up to 120 days.
4. For the purposes of paragraph 1, the number of animals is high, whenever it is superior to 500.

**Article 271.**



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(Adulteration of food or medicine substances)

1. Whoever:

a) corrupts, tampers or forges drinking water or other drinks or food substances or medicinal products intended for consumption or use of others;

b) imports, exports, transports, holds, exposes for sale, sells, conceals, delivers or distributes any of the beverages or substances referred to in the preceding paragraph corrupted, altered or forged;

c) imports, exports, transports, holds, offers for sale, sells, conceals, delivers or distributes the substances mentioned in subparagraph;

a) that are expired or altered or damaged by weathering or offenders to which they were exposed and the conduct described endangers the life or physical integrity of others, shall be punished with imprisonment from 1 to 5 years.

2. If the danger is caused by the negligence of the offender, the penalty is imprisonment up to 2 years or fine of up to 240 days.

3. If the behavior is due to the negligence of the offender, the penalty is imprisonment up to 1 year or fine of up to 120 days.

**Article 272.**

(Spread of contagious disease)

1. Whoever spreads contagious disease, and thus creates real danger to the life or physical integrity of another person shall be punished with imprisonment from 2 to 8 years.

2. If the danger is caused by the negligence of the offender, the penalty is imprisonment up to 3 years.

3. If the conduct is due to negligence, the penalty is imprisonment up to 2 years or fine of up to 240 days.





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**Article 273.**

(Alteration of analysis and lack of prescription)

1. The doctor, nurse, health technician or laboratory or its employees or the person legally authorized to conduct examinations or registered assistant medical diagnosis or treatment or curative to provide data or inaccurate results, and thus create real danger to life or physical integrity of another person shall be punished with imprisonment from 2 to 8 years.
2. The same penalty shall apply to the pharmacist or pharmacy employee, providing drugs or medicinal substances other than those prescribed on the prescription, creating the danger referred to in the preceding paragraph.
3. If the danger is produced by negligence of the, the penalty is imprisonment up to 3 years or fine of up to 360 days.
4. If the conducts described in paragraphs 1 and 2 are due to negligence of the offender, the penalty is imprisonment up to 2 years or fine of up to 240 days.

**Article 274.**

(Violation of construction rules and damage in devices destined to prevent accidents)

1. Whoever:

- a) infringes or fails to comply with, in the scope of its professional activity, the legal provisions, regulations or planning techniques, management or execution of construction, complementary facilities or demolitions regarding the safety of the respective works;
- b) destroys, damages or disables, in whole or in part, temporarily or lasting, appliances or any other means existing in the workplace to prevent accidents, or
- c) omits, in violation of the legal norms, regulations or technical regulation, the installation of the devices or means mentioned in the previous paragraph and thus create danger to the life or physical integrity of others or to property of considerable value shall be punished with imprisonment from 1 to 6 years.

2. If the danger referred to in the preceding paragraph is caused by the negligence of the offender, the penalty is imprisonment of 6 months to 3 years or a fine from 60 to 360 days.



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3. If the conducts described in subparagraphs a) and b) of paragraph 1 are due to negligence, the penalty is imprisonment up to 2 years or fine of up to 240 days.

4. For the purposes of this article, patrimony is of considerable value, whenever it exceeds 500 times the minimum monthly salary of civil servants, in accordance with Article 377(a).

**Article 275.**

(Damage in facilities and disruption in services)

1. Whoever:

a) destroys, damages or failures, in whole or in part, facility for use, production, storage, conducting or distribution of water, oil, petrol, gas or electricity or for protection against the forces of nature;

b) prevents or disrupts the operation of communications services or providing the public with water, light or energy, subtracting, or diverting, damaged or unusable, in whole or in part, thing, or energy necessary for the operation of such services and thus, creating danger to life or physical safety of others or for assets outside of high-value shall be punished with imprisonment from 1 to 6 years.

2. If the danger referred to in the preceding paragraph is caused by the negligence of the offender, the penalty is imprisonment of 6 months to 3 years or a fine from 60 to 360 days.

3. If the conducts described in subparagraphs a) and b) of paragraph 1 are due to negligence, the penalty is imprisonment up to 2 years or fine of up to 240 days.

4. For the purposes of this article, patrimony of another person are of considerable value, whenever it exceeds 100 times the minimum monthly salary of civil servants, in accordance with Article 377(a).

**Article 276.**

(Aggravation of penalty due to result)



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If the commission of the crimes under Articles 263, 268(3)(4) and 269 to 275 thereof, result in death or serious harm to physical integrity under Article 148 thereof, the offender shall be punished with the penalties corresponding to the crimes of aggravated half in its minimum and maximum.

**Article 277.**

(Discharge or special mitigation)

1. If, in the cases of the crimes referred to in the preceding article, the offender removes the danger:

- a) discharge may occur, if the removal happens before there has been an effective damage;
- b) the penalty is specially mitigated, if you already have seen the damage but this is not considerable.

2. Damage in not considerable, if it does not surpass the value of 500 times the minimum monthly wage of the civil service, in accordance with Article 377(a).

## **CHAPTER II**

### **CRIMES AGAINST PUBLIC ORDER AND TRANQUILITY**

**Article 278.**

(Public instigation to crime)

1. Whoever in public meeting or assembly or through means of communication with the public, directly encourages the practice of a particular crime shall be punished with imprisonment up to 3 years or with fine of up to 360 days.

2. If the conduct described in the previous paragraph results in the practice of crime, the perpetrator shall be punished as an instigator of the crime committed.

3. The penalty, in any case, shall exceed the imposed for the crime object of the public inciting.



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**Article 279.**

(Public condoning of crime)

1. Whoever in public meeting or assembly or through means of communication with the public praises, extols or rewards the offender of a certain crime in order to create the danger that another crime of the same kind is committed shall be punished with imprisonment of up to 1 year or a fine of up to 120 days.
2. If the conduct described in the previous paragraph results in the practice of another crime of the same kind, the offender is penalized as an instigator of the crime committed.
3. The penalty, in any case, may be higher than the one provided the crime committed because of the conduct described in paragraph 1.

**Article 280.**

(Criminal association)

1. Whoever participates in the formation of an association, organization or group consisting of two or more persons acting in collaboration, have as their purpose the commission of crimes or to lead or direct shall be punished with imprisonment from 2 to 10 years.
2. Whoever joins the association, organization or group mentioned above, becoming a member, collaborates with the association, organization or group whose purpose is the commission of crimes, or gives them support, namely, supplying them with arms, ammunition, instruments crime or places for assembly or shelter or assists them in recruiting new members shall be punished with imprisonment from 1 to 6 years.
3. There may be no place for punishment or the penalty can be mitigated when the offender impedes or prevents the continuation of the association, organization or criminal groups or notifies the competent authorities of its existence, in order to these authorities to avoid the commission of crimes.

**Article 281.**

(Terrorist organization)



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1. It is considered a terrorist association, organization or group consisting of two or more persons acting in concert, have intended to commit crimes of terrorism under Article 282.
2. Whoever participate in the formation of an association, organization or terrorist group or the head or driving shall be punished with imprisonment from 5 to 15 years.
3. Whoever joins an association, organization or terrorist group, becoming a member, shall be punished with imprisonment from 3 to 12 years.
4. Whoever is not a member, working with an association, organization or terrorist group or give them support, especially by providing them with weapons, munitions, instruments of crime, local shelter or meeting or helping them to recruit new members shall be punished with imprisonment from 20 to 10 years.
5. The preparations for setting up an association, organization or terrorist group shall be punished with imprisonment from 1 to 8 years.
6. There may be no punishment or the penalty may be specially mitigated when the offender impedes or tries to seriously prevent the formation or continuation of the association, organization or terrorist group or communicate its existence to the authorities or the preparatory activities of its constitution, in order for these authorities to prevent crimes of terrorism.

**Article 282.**

(Terrorism)

1. Whoever, with the intent to prejudice the integrity or national independence, to destroy, alter or subvert the functioning of State institutions provided for in the Constitution, forcing the Angolan authorities to perform certain acts, to refrain from practicing them or tolerate their practice, committing felonies:

- a) against life, the physical integrity and freedom of people;
- b) against the security of transport and communications, including telegraph, broadcast, television or electronic;



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c) of common danger, through fire, release of radioactive materials, poisons, toxic or asphyxiating gases, flood, avalanche, collapse of buildings or works, contaminated water or food destined to human consumption or spread of animal diseases;

d) sabotage;

e) involving the use of devices or ammunition capable of producing nuclear explosion, bomb, or explosive substances, incendiary means, guns, grenades, postal orders or letters, trapped shell be punished with imprisonment from 5 to 15 years or with the penalty corresponding to the crimes committed referred to in subparagraphs a) to e), aggravated by a fifth in its minimum and maximum limits, if it is equal or greater.

2. The penalties set forth in the preceding paragraph are further aggravated by a third, in the respective minimum and maximum limits, if the offender is the leader of a terrorist organization and one quarter if it is just member or collaborator.

3. Shall also be punished with the penalties set out in paragraphs 1 and 2 whoever commits any of the crimes referred to in subparagraphs a) to e) of paragraph 1, with the intent to frighten or intimidate certain persons, groups or the general population.

4. The penalty is likely to be specially mitigated and may even, according to the circumstances, not be applied, if the offender voluntarily abandons the criminal activity, removes the danger caused by it or significantly reduces, prevents the damage or contributes to discovering the truth and the identification or capture of other responsables.

5. In any of the cases of aggravation provided in this Article, the penalty may exceed the limit established by Article 43(1).

### **Article 283.**

(Participation in riot)

1. It is considered riot the tumultuous gathering of an undetermined number of people likely to endanger public tranquility.

2. Whoever participates in a riot in which was collectively committed violence against persons or property shall be punished with imprisonment up to 2 years or with fine of up to 240 days.

3. The offender that provokes, assembles or directs the riot shall be punished with imprisonment from 6 months to 3 years or with a fine from 60 to 360 days.



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4. The offender is exempt from punishment, if he withdraws from the riot voluntarily or through warning or by order of the authorities.

**Article 284.**

(Participation in armed riot)

1. The penalties set forth in the preceding article are high, the second paragraph, to imprisonment from 6 months to 3 years, and of paragraph 3, to imprisonment from 1 to 5 years, whenever:

a) one of the participants, at least, carries and displays a firearm;

b) several participants are carrying concealed firearms;

c) several participants are carriers of various objects, overt or hidden, that could be used as weapons.

2. The riot is not considered armed when the participant is carrying weapons banned by the other participants of the riot or get away from him on his own initiative.

3. Whoever takes a gun to a riot, without knowledge of other participants, shall be punished as a participant in an armed mutiny.

4. The provisions of paragraph 4 of the preceding article shall apply to the armed riot.

**Article 285.**

(Disobedience to order of dispersion of gathering)

1. Whoever participates in an illegal assembly, consisting of an undetermined number of people held in public or free access to the public and does not obey to the lawful order to disperse given by the competent authority with the express warning that the gathering was illegal and that disobedience to the order is a crime, shall be punished with imprisonment up to 1 year or with fine up to 120 days.

2. If the perpetrator of the crime has promoted the gathering, the penalty is imprisonment up to 2 years or fine of up to 240 days.



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**Article 286.**

(Alarm caused by the threat of practice of a crime)

Whoever threatens to commit a crime or simulates that, he or another person, will commit a crime and thus cause alarm among the population shall be punished with imprisonment up to 2 years or a fine of up to 240 days.

**Article 287.**

(Abuse of alarm signal or of request for aid)

Whoever, abusively, calls or triggers an alarm signal or requests by any other way, help from others, pretending that it is necessary in virtue of an accident, danger, or situation of collective need shall be punished with imprisonment up to 2 years or with a fine of up to 240 days.

### **CHAPTER III**

### **CRIMES AGAINST THE SAFETY OF TRANSPORT**

**Article 288.**

(Deviation or capture of aircraft or ship)

1. Whoever diverts from its course a civilian ship or aircraft, in flight or on the navigation course, or takes possession of them shall be punished with imprisonment from 5 to 15 or 2 to 10 years, if there are or not passengers aboard the aircraft or ship.

2. Are considered civilian the aircrafts and ships that are not allocated to military activities or soldiers, nautical rescue or patrol or State supervision.

**Article 289.**

(Attempt on the safety of transport)

1. Whoever:





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- a) destroys, removes, damages or renders unusable installation, equipment or signaling;
  - b) hinders the operation or the circulation of a means of transport;
  - c) makes a false signal or warning or gives false information;
  - d) takes over trains in circulation that transport passengers or alters its course;
  - e) seizes or diverts from its route a public road transport, with passengers on board;
  - f) practices any other action that could lead to disaster or seriously reduces the safety of transports and thus endangers the life or actual physical integrity of persons or property of high-value belonging to others shall be punished with imprisonment from 2 to 10 years.
2. If the victim is contaminated or infected, the penalty is imprisonment from 2 to 5 years.
3. If the offender's conduct is due to negligence, the penalty is imprisonment up to 2 years or fine of up to 240 days.
4. The assets are of high value, whenever it exceeds 100 times the minimum monthly salary of civil service, pursuant to Article 377(b).

**Article 290.**

(Dangerous driving of vehicles)

1. Whoever, when driving a vehicle, grossly violates the rules of conduct or is unable to do so safely, due to physical or mental disabilities, or is under the influence of drugs or substances producing similar effects in a state of drunkenness or or excessive fatigue, and thus creates real danger to life or physical integrity of another person or to assets of high value belonging to others, shall be punished:
- a) with imprisonment from 2 to 6 years in the case of transport vehicle through air, water or rail;
  - b) with imprisonment from 6 months to 3 years or a fine from 60 to 360 days in the case of any road vehicle, with or without motor, driven in a road, public or open to the public.



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2. If the offender causes danger by negligence, the penalty is imprisonment of 1 to 3 years or a fine of 120 to 360 days in the case of paragraph a) above, and up to 18 months imprisonment or a fine not exceeding 180 days in the case of b) thereof.

3. If the offender's conduct is due to negligence, the penalty is imprisonment up to 18 months or fine of up to 180 days in the case of paragraph a) above, and imprisonment up to 1 year or fine of up to 120 days in the case of b) thereof.

4. Is correspondingly applicable the provisions of paragraph 4 of the previous article and paragraph 2 of the following article.

**Article 291.**

(Drink driving)

1. Whoever, with the intent or negligence, drives on public roads or open to the public a road vehicle, with or without motor, while intoxicated or under the influence of narcotic drugs or psychotropic substances producing similar effects shall be punished with imprisonment of up to 1 year or a fine of up to 120 days.

2. It is considered intoxicated the driver that was submitted to the alcohol test, is found driving with a blood alcohol level equal to or greater than 1 milligram per liter.

**Article 292.**

(Launching of projectile against vehicle)

Whoever throws a projectile against any transport vehicle moving in the air, water or land shall be, regardless of the outcome, punished with imprisonment up to 1 year or with fine up to 120 days.

**Article 293.**

(Special mitigation)



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1. When, in the crimes under Articles 290 to 292, the school transport vehicle is of rescue or emergency, light transportation of passengers or goods, the penalty shall be increased by one quarter in its minimum and maximum.

2. If the commission of the crimes provided for in Article 290 to 292 results in death or serious harm to physical integrity under Article 148 thereof, the offender shall be punished with the penalties corresponding to the crimes committed aggravated in one third in their minimum and maximum limits.

**Article 294.**

(Discharge or special mitigation)

1. If in cases of crimes under Articles 289 and 290, the offender removes the danger:

a) discharge may occur, if the withdrawal occurs before the damage is found;

b) the penalty is mitigated, if you already have checked the damage, but this is not considerable;

2. It is accordingly applicable the provisions of Article 277(2).



## **TITLE V**

### **CRIMES AGAINST THE STATE**

#### **CHAPTER I**

#### **CRIMES AGAINST THE SECURITY OF THE STATE**

##### **Section I**

##### **Crimes Against the National Independence and Integrity**

###### **Article 295.**

(High treason)

Whoever:

1. With violence or threat of violence, theft or abuse of sovereign functions, intentionally endangers the independence of Angola and its sovereignty over all or part of the national territory shall be punished with imprisonment from 10 to 20 years.
2. The same penalty applies to the Angolan citizen or foreigner residing in Angola, in time of war, participating in military operations against Angola or in any way provide them with help.

###### **Article 296.**

(Falsification determinative of treason)

Whoever makes available to others or makes public falsified or apocryphal objects, information about them or false statements about facts that, in case of authenticity or veracity, would be important for the external security of the Republic of Angola or for relations of the Republic of Angola with a foreign power, making them believe that such objects or events are authentic and thereby endanger the independence or integrity of the Republic of Angola shall be punished with imprisonment from 2 to 12 years.

###### **Article 297.**



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(Preparation of high treason)

Whoever, in any way, prepares or contributes to the preparation of a crime of high treason against Angola shall be punished with imprisonment from 1 to 10 years.

**Article 298.**

(Understandings with foreign countries to cause war)

1. The Angolan citizen or foreigner residing in Angola that has understandings or holds conversations with a government, association or foreign institution or his intermediary, with the intention of triggering a war or an armed action against the Republic of Angola, shall be punished with imprisonment from 3 to 10 years.

2. When the actions described in the preceding paragraph results in serious danger to the independence or integrity of the Republic of Angola, the penalty is imprisonment from 5 to 15 years.

**Article 299.**

(Incitement to war or reprisal)

1. Whoever, without competences to do so without being duly authorized by the Angolan Government, commits acts that could cause a war or reprisals against Angola shall be punished with imprisonment from 1 to 5 years.

2. If as a result of the actions described in the preceding paragraph is triggered against Angola a war or reprisals, punishment is imprisonment from 2 to 10 years.

**Article 300.**

(Collaboration with foreign countries to constrain the Angolan state)

Whoever collaborates with the government, association or a foreign institution or its intermediary to constrain the Angolan State to subject to foreign interference in the prejudice



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of it independence or sovereignty, to declare or not declare war or to maintain or not maintain neutrality in war shall be punished with imprisonment from 1 to 10 years.

**Article 301.**

(Offender activity with sabotage purposes)

Whoever, putting himself, intentionally or knowingly, in favor of projects or initiatives against the stability or security of the Republic of Angola, accepts the burden of government, foreign association or institution, to prepare sabotage actions in Angola, and for that effect:

- a) spies targets of sabotage;
- b) produces, looks for, keeps, for himself or for others, transmits or introduces other means of sabotage in Angola;
- c) constructs, maintains or inspects camps for receipt of means of sabotage or support points for the sabotage activities;
- d) attract someone for the practice of sabotage actions;
- e) establishes or maintains the connection between government offenders and saboteurs, foreign governors of association or institution

shall be punished with imprisonment from 2 to 8 years.

**Article 302.**

(Breach of State secrecy)

1. Whoever, with the intention to encourage foreign power, to make public or accessible to unauthorized individual facts, objects, documents, plans or knowledge accessible only to a limited circle of people and that should be kept secret, endangering the interests of the Angolan relating to national independence, unity and integrity of the state or its internal or external security shall be punished with imprisonment from 3 to 10 years.

2. The same penalty applies to whoever, with the same intent and endangering the interests referred to above, destroys, removes or forges the objects, documents or plans referred to therein.



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3. When the offender commits the act of abusing the position he occupies in position of responsibility which especially requires him to the custody of State secrecy, shall be punished with imprisonment from 5 to 15 years.

4. If there has been no intention to benefit a foreign power, the penalties are imprisonment of 1 to 5 years in cases of paragraphs 1 and 2, and imprisonment from 2 to 8 years in the case of paragraph 3.

5. Negligence is, in all cases, punished with imprisonment up to 3 years or with fine of up to 360 days.

**Article 303.**

(Espionage)

1. Whoever tries to access a state secret to reveal it or assist

others to do so shall be punished with imprisonment from 1 to 10 years.

2. If the act is done in collaboration with government, association, organization, or foreign intelligence service or one of its agents, the penalty is imprisonment of 3 to 12 years.

3. If the perpetrator commits one of the acts described in the preceding paragraphs, in violation of a duty specifically imposed by the status of his duty, service or mission that has been competently entrusted, shall be punished with imprisonment from 3 to 10 years in the case of paragraph 1, and imprisonment from 5 to 12 years in the case of paragraph 2.

4. If the activity of the offender does not have the purpose of the state secret, but even so, the collection of information endangers national security, the penalty is imprisonment from 1 to 5 years.

5. If the act described in the preceding paragraph is carried in collaboration with the entities referred to in paragraph 2 or for their benefit, the penalty is imprisonment from 2 to 8 years.

**Article 304.**

(Unusability of means of proof)



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1. Whoever forges, deletes, destroys, becomes unrecognizable, defaces or alters the direction, damages, disables or renders unavailable evidence of facts concerning the relations between Angola and other State or international organization and thereby endanger national interests shall be punished with imprisonment from 1 to 5 years.
2. The penalty is imprisonment from 2 to 10 years if the act is perpetrated on something that has been made available to the author by virtue of their status as civil servant or someone especially linked to public service.

**Article 305.**

(Diplomatic infidelity)

1. Whoever, officially representing Angola before a foreign government, a community of states, an interstate institution or another international organization, intentionally, prejudices the Angolan rights or interests in negotiations with those entities or assume a commitment without for that matter being competently instructed by the Angolan state shall be punished with imprisonment from 2 to 8 years.
2. If, in the case of the preceding paragraph, the offender does not actually cause damage or makes a commitment, but violating instructions received from the Angolan government, or with intent to mislead, provides false information about events in negotiations in which he participated shall be punished with imprisonment from 1 to 5 years.
3. The criminal proceeding depends on the decision of the Government.





## Section II

### Crimes against National Defense and Armed Forces

#### Article 306.

(Unusability of means of defense)

1. Whoever, with the intention to endanger the safety of Angola, the ability to defend or attack their troops or people's lives, destroying, damaging or cracking plants, establishments, buildings, equipment, weapons, ammunition or other military means essential to national defense, the armed forces, or the protection of the civilian population in case of war, shall be punished with imprisonment from 3 to 12 years.
2. The same penalty applies to that which, with the same intention, builds or orders the built, produces or orders the production in a faulty way the facilities, establishments, buildings, equipment or other military assets referred to above.

#### Article 307.

(Destruction or unusability of structures or military means)

1. Whoever, without the competent authorization, destroys, damages or renders unusable the structures or facilities referred to in paragraph 1 above and, thus, endangers the security of the Republic of Angola and its ability to defend or from an attack of their armed forces shall be punished with imprisonment from 2 to 8 years.
2. Negligence shall be punished with imprisonment up to 3 years or with fine of up to 360 days.

#### Article 308.

(Propaganda against national defense and armed forces)

1. Whoever, in the event of armed conflict, discloses false statements or grossly distorting true facts and with this disrupt the action of the armed forces shall be punished with imprisonment up to 3 years or a fine of up to 360 days.



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2. If the perpetrator commits the actions described in the preceding paragraph with the intention to obstruct or hinder the action of the armed forces, the penalty is imprisonment from 1 to 5 years.

**Article 309.**

(Recollection of military information)

1. Whoever, apart from the cases of Article 303, gathers information on matters of national defense or lead organization whose object is to gather information of military nature, recruits informants or supports any of these activities shall be punished with imprisonment from 2 to 5 years.

2. If the perpetrator commits the act mentioned in the previous paragraph to the association or organization or prohibited entities or foreign agencies, to disrupt the military capability of the Angolan armed forces or jeopardizing it, the penalty is imprisonment of 3 to 10 years.

**Article 310.**

(Illustrations of goal or military event)

1. Whoever does an illustration of event, facilities, establishments or other means to make a military or aerial photograph of maneuvers or military exercises or military reserved part of the Angolan territory and puts the illustration or photograph available to others and thus jeopardize the ability of their armed forces shall be punished with imprisonment of one to 3 years or with fine from 120 to 360 days.

2. In case of negligence, the perpetrator shall be punished with imprisonment up to 1 year or a fine of up to 120 days.



### Section III

#### Crimes Against Foreign States

##### Article 311.

(Attack against bodies or representatives of foreign States or international organizations)

Whoever perpetrates an attack against physical integrity, life or liberty of a foreign state authority, a member of a foreign government, the diplomatic representative or consular officer abroad or international organization acting in an official national territory shall be punished with imprisonment from 2 to 8 years, if any more serious penalty cannot be declared by imposition of any other legal provision.

##### Article 312.

(Offense to the honor of bodies or representatives of foreign States or international organizations)

1. Whoever in national territory, r injuries, defames or slanders the authority of a foreign state, a member of a foreign government or foreign diplomatic or consular representative or director of an international organization in an official capacity in Angola shall be punished with imprisonment up to 2 years or with a fine not exceeding 240 days.

2. When the act is committed publicly, in a meeting or by diffusion of written documents or any media media, the penalty is imprisonment of 1 to 3 years or a fine of 120 to 360 days.

##### Article 313.

(Outrage to symbols of foreign States or international organizations)

Whoever removes, destroys, damages or becomes unrecognizable to flag or badge of sovereignty of a foreign country or international organization that is publicly patent by virtue of legal provisions or recognized or used in any other way, offend or outrage shall be punished with up to 2 years imprisonment or a fine of up to 240 days.

##### Article 314.



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(Criminal proceeding)

There will only be a criminal proceeding regarding the crimes provided for in this section when there is a complaint from the interested foreign government or the international organization and the government of Angola grants authorization for the prosecution.

#### **SECTION IV**

#### **Crimes Against the Realization of the State**

##### **Article 315.**

(Rebellion)

1. Whoever, by illegal means, performs any act which, directly or indirectly, modifies, in whole or in part, the constitutional law and subverts the state institutions established by it shall be punished with imprisonment from 3 to 12 years if any more serious penalty cannot be declared by imposition of any other legal provision
2. If the act is committed by means of armed violence or armed mutiny, the penalty is imprisonment from 5 to 15 years.
3. Whoever incites the people of Angola to civil war or rebellion shall be punished with the penalty provided for in paragraph 1.

##### **Article 316.**

(Sabotage)

1. Whoever, with the intention to overturn, alter, destabilize or overthrow the constitutionally established rule of law, destroys, damages, impedes the normal and efficient operation of roads, transmission or transportation, port facilities, factories or warehouses, plants public services or for the supply and satisfaction of vital needs of the population shall be punished with imprisonment from 3 to 10 years.



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2. When the actions described in the preceding paragraph result in serious danger to the independence or integrity of the Republic of Angola, the penalty is imprisonment from 5 to 15 years.

3. Whoever, with the intention to commit or abetting another to commit the act referred to in paragraph 1, imports, stores, buys, sells, purchases for any reason, distributes, transports, holds in its possession or uses prohibited weapon, device or explosive substance, radioactive or adequate to produce toxic gas or asphyxiating gas or nuclear explosion shall be punished with imprisonment from 2 to 8 years.

**Article 317.**

(Attempt against the President of the Republic or other members of organs of sovereignty)

1. Whoever perpetrates an attack against the life or physical integrity of the President of the Republic of Angola due to the performance of their duties shall be punished with imprisonment from 3 to 12 years, if not more serious penalty is applicable by virtue of another provision of criminal law .

2. If the act described in the preceding paragraph is committed against a member of the National Assembly or the Government or against the judiciary, the penalty is imprisonment from 2 to 8 years, if any more serious penalty cannot be declared by imposition of any other legal provision.

**Article 318.**

(Coercion against the President of the Republic and other organs of sovereignty)

1. Whoever, by violence or threat of violence, coerces the President or any other organ of sovereignty not to exercise their powers or to exert them in a definite direction shall be punished with imprisonment from 2 to 8 years.

2. If the actions described in the preceding paragraph is committed against a member of the National Assembly or the Government or against the judiciary, the penalty is imprisonment from 1 to 5 years.

**Article 319.**



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(Offense to the State, its symbols and bodies)

1. Whoever, publicly, in a meeting or through diffusion of words, images, sounds or written, maliciously desecrates the Republic of Angola, the President or any other sovereign body shall be punished with imprisonment from 6 months to 3 years or with a fine 60 to 360 days.
2. If the outrage has as its object the flag, colors, insignia or the anthem of the Republic, the penalty is imprisonment up to 2 years or fine of up to 240 days.
3. If the outrage is directed at members of the National Assembly, the Government or the judges, the penalty is imprisonment up to 2 years or a fine not exceeding 240 days, if any more serious penalty cannot be declared by imposition of any other legal provision.

**Article 320.**

(Disruption of the functioning of the organ of sovereignty)

1. Whoever, by agitation, disturbance or tumults, disrupts the functioning of organ of sovereignty, shall be punished with with imprisonment up to 2 years or a fine up to 240 days.
2. If, in the same way, disrupts the free exercise of duties of a member of any sovereign body, shall be punished with imprisonment up to 1 year or a fine of up to 120 days.

**Article 321.**

(Violation of premises)

1. Whoever, participates in public demonstrations and concentrations in enclosures or open spaces adjacent to buildings of the National Assembly or any other organ of sovereignty, in violation of legal provisions concerning the use of these facilities or spaces and thus disrupt the operation shall be punished with up to 6 months imprisonment or a fine of up to 60 days.
2. The organizers and instigators of concentrations and events referred to in the preceding paragraph shall be punished with imprisonment up to 1 year or a fine of up to 120 days.



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**Section V**  
**Common Provisions**

**Article 322.**  
(Preparatory acts)

Shall be punished with imprisonment up to 3 years or with fine of up to 360 days the preparatory acts of crimes under Articles 301 to 304, 306 and 307, 309, 311 315 to 317.

**Article 323.**  
(Special mitigation)

1. The penalty for crimes against state security that involve the production of a hazard can be mitigated if the offender voluntarily makes serious efforts to reduce the hazard or to remove it.
2. If the offender prevents the production of danger or remove it, the penalty is especially mitigated.

**Article 324.**  
(Additional penalty)

The court may, in case of conviction for any of the crimes against state security, considering the gravity of the act committed and its reflection in civic responsibility and condemned the policy, declaring his inability to be elected to the positions of President or member of the National Assembly for a period of 3 to 8 years.



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## **CHAPTER II**

### **CRIMES AGAINST PUBLIC AUTHORITY**

#### **Article 325.**

(Usurpation of functions)

1. Whoever, without being legally authorized to do so, performs duties or acts of public officials themselves, of military command, of a military force or of public order, falsely claiming that quality, shall be punished with imprisonment up to 2 years or with fine of up to 240 days.
2. The same penalty applies to public officials, military command of a military force or of public order which has been suspended from their functions and exercise.

#### **Article 326.**

(Disobedience)

1. Whoever misses the due obedience to legitimate orders or commands, communicated, in accordance with the provisions of law, by the competent official authority or, whenever:
  - a) there is a prior legal provision that, in this specific case, threatens failure to comply with the order or warrant as a crime of disobedience;
  - b) if there is no legal provision referred to in the preceding paragraph, the authority or official warned the offender that the failure to order or warrant involves the crime of disobedience, or
  - c) the order or warrant have intended to comply with a court ordershall be punished with imprisonment of up to 6 months or with fine of up to 60 days.
2. The penalty is imprisonment up to 1 year or fine of up to 120 days, when the legal provision referred to in subparagraph a) above shall impose any infringement of the order or warrant qualified as disobedience.

#### **Article 327.**

(Violation of prohibitions or interdictions)





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Whoever does not meet criminal sentence that imposes criminal prohibitions or interdictions, or as an accessory penalty or as a safety measure not involving deprivation of liberty, shall be punished with imprisonment up to 2 years or with fine of up to 240 days.

**Article 328.**

(Resistance against worker)

1. Whoever, by violence or threat of violence, resists an officer or member of the military, militarized security or public order, to prevent them from performing an act for the legitimate performance of their duties shall be punished with imprisonment up to 3 years or a fine of up to 360 days.

2. The penalty is imprisonment from 2 to 5 years.

a) the offender is armed and uses or mentions the use of the weapon;

b) the employee or member of the military, militarized security or public order has suffered life-threatening danger or serious physical harm to its integrity.

3. The court can especially mitigate the penalty when the offender has committed the act convinced that, by mistake not inevitable, the act was illegitimate whose realization had resistance.

**Article 329.**

(Embezzlement of projects submitted to the public authority)

Whoever destroys, damages, disables, or otherwise, subtracts the area of public authority document or movable arrested, seized or that have been subject to any injunction or any other documents or things submitted to the public power or authority shall be punished with imprisonment up to 5 years if any more serious penalty cannot be declared by imposition of any other legal provision.

**Article 330.**

(Breach of seals or marks)



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Whoever breaks, damages or renders unusable seals or marks under the law by authority or civil servants to identify or keep inviolable a thing or place or to make public that they were seized or they had a protective order shall be punished with up to 2 years imprisonment or a fine of up to 240 days.

**Article 331.**

(Plucking away, destruction or alteration of placards)

Whoever plucks away, alters, damages or destroys, or any other way, impedes that the notice is posted by a competent official to do so shall be punished with imprisonment up to 1 year or with fine up to 120 days.

**Article 332.**

(Release of prisoners)

1. Whoever frees a person legally deprived of her liberty, to induce escape, or promote it, or assist their evasion shall be punished with imprisonment from 6 months to 5 years.
2. If the offender uses violence or is in charge of the custody of the person lawfully deprived of liberty, the penalty is imprisonment from 2 to 8 years.
3. If the drop has occurred because of negligence of the guard in charge of the person lawfully deprived of their liberty, the penalty is imprisonment up to 2 years or fine of up to 240 days.

**Article 333.**

(Mutiny of prisoners)

1. People legally deprived of their freedom who, by joining forces and using violence, gather in mutinies and:
  - a) attack the prison officers or other persons entrusted with the supervision, custody or control or coerce them to do or abstain from performing any act;



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b) try to escape or try that any of them or another inmate escapes shall be punished with imprisonment from 1 to 5 years, if any more serious penalty cannot be declared by imposition of any other legal provision.

2. The penalty is imprisonment from 2 to 10 years, when some of the mutineers:

a) the holder of a firearm or other weapon designed to be used in the execution thereof;

b) placing the victim in danger of death or serious harm to their physical integrity.

### **CHAPTER III**

### **CRIMES AGAINST ACHIEVEMENT OF JUSTICE**

#### **Article 334.**

(Denial of justice)

1. The magistrate, court or public prosecutor, who, within their respective powers, refuses to administer justice or to apply the law or that delaying the administration of justice or the application of the law shall be punished with imprisonment up to 2 years or with a fine not exceeding 120 days.

2. If the act described in the preceding paragraph is committed with the intention to benefit or harm someone, the penalty is imprisonment of one to 3 years or a fine of 60 to 360 days.

#### **Article 335.**

(Misconduct)

1. The magistrate, court or public prosecutor, or arbitrator who prevaricates in the resolution of a matter of justice, deciding or promoting against the right, with intent to harm or benefit anyone, shall be punished with imprisonment from 1 to 5 years.

2. If the transgression takes place in the process of a criminal nature, it would result in a deprivation of liberty or maintenance of deprivation of liberty of a person, the penalty is imprisonment from 1 to 8 years.



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3. The worker who, in any proceedings, including disciplinary, unlawfully promotes or fails to promote, decides or stop deciding and, in general, performs or abstain from doing the act inherent in the exercise of the duties he performs, with intent to harm or benefit anyone , shall be punished with imprisonment up to 3 years or with fine of up to 360 days.
4. If the transgression takes place in the criminal process and from the conduct described in the previous results to deprivation of liberty or maintenance of deprivation of liberty of a person, the penalty is imprisonment from 1 to 5 years.
5. Incurring the penalty set out in paragraph 3 the employee who, without the authority, orders or executes a custodial sentence.

**Article 336.**

(False statement, declaration, testimony, expertise or translation)

1. Whoever, as a witness, declarant, part expert, technician, translator or interpreter, before the court or authorized official to receive as evidence, testimony, declaration, deposition of a party, report, information or translation, give evidence or testimony on the part , makes a statement, presents a report, gives information or does a false translation shall be punished with imprisonment from 6 months to 3 years or with fine from 60 to 360 days.
2. The same penalty shall apply to whoever, without just cause, refuses to testify, provide statements or submit a report, information or translation, when its provision and presentation is mandatory.
3. The penalty is imprisonment from 2 to 8 years if the act described in the previous result in the deprivation of liberty of someone or their maintenance.
4. There shall be no punishment provided in the preceding paragraphs if the offender voluntarily withdraws in time for the withdrawal be taken into account in the decision and before losses are incurred for someone.

**Article 337.**

(Personal advantage)



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1. Whoever, after the commission of a crime, provides assistance to those who practiced it, preventing, thwarting or deceiving, in whole or in part, the activity of judicial authorities, so that he removes himself from the course of justice, the application of or criminal sanctions for its enforcement shall be punished with imprisonment up to 3 years or with fine of up to 360 days.
2. The sentence in which the offender is subsequently convicted can never be greater than that provided by law for the crime committed by those who benefited from the aid.
3. Shall not be punished:
  - a) the offender who, with that assistance, tries to avoid that, against himself is also applied or executed a criminal sanction;
  - b) the spouse, adopters or adopted, or relatives to the third degree of the person providing aid and also those who live with this situation analogous to that of spouses.

**Article 338.**

(Slandorous denunciation)

1. Whoever, by any means, before an authority or publicly denounce or launch about a person suspected of a crime, with knowledge of falsity and intent of the imputation that it is against initiate criminal proceedings shall be punished with imprisonment from 1 to 3 years or with fine from 120 to 360 days.
2. The penalty is imprisonment of one to five years if the means used by the offender to present to translate, alter or detract from any form of evidence.
3. If the act results in the deprivation of liberty of the victim, the penalty is imprisonment from 1 to 8 years.
4. The sentence for the crimes described in the preceding paragraphs is publicly announced through a media, at the discretion of the court and at the expense of the offender, if the victim requests it until the closure of the hearing at first instance.

**Article 339.**



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(Subtraction or deviation of case or substantiating documents)

1. Whoever subtracts, destroys, hides, does not return or deflects a lawsuit, a log book, or parts thereof, or document relating thereto, or even document or object with probative value that has received by virtue of their duties shall be punished with imprisonment of 1 to 3 years or with fine from 120 to 360 days.
2. If the fact mentioned in the preceding sentence results in conviction, deprivation of liberty of any person or their maintenance, the penalty is imprisonment from 2 to 8 years.
3. If the offender is a magistrate, court or public prosecutor, the penalty is imprisonment from 2 to 6 years in the case of paragraph 1, and 30 to 10 years in the case of paragraph 2.

**Article 340.**

(Obstruction of justice)

The public official who unlawfully obstructs or hinders the assistance of a lawyer or advocate of the accused detained or arrested shall be punished with imprisonment up to 1 year or a fine of up to 120 days.

**Article 341.**

(Professional disloyalty of lawyer)

1. The lawyer or solicitor who provides legal assistance to both sides of the same conflict to harm or benefit any of them shall be punished with imprisonment from 3 months to 3 years or a fine of up to 360 days.
2. The lawyer or solicitor who, in a cause at his responsibility, intentionally favors the other party in detriment of its constituent shall be punished with imprisonment from 1 to 5 years.

**Article 342.**

(Breach of investigation secrecy)



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1. Whoever discloses acts, facts or the contents of documents protected by a lawsuit protected by investigation secrecy or to which the procedural law or the judge does not allow public access shall be punished with imprisonment up to 3 years or a fine of up to 360 days.
2. The penalty is imprisonment up to 6 months or fine of up to 60 days in the case of disciplinary proceedings.

## **CHAPTER IV**

### **CRIMES COMMITTED IN THE PERFORMANCE OF PUBLIC DUTIES AND IN PREJUDICE OF PUBLIC DUTIES**

#### **Article 343.**

(Active corruption of worker)

1. Whoever offers, promises or grants an advantage that is not due to the employee or person specially obliged to provide public service to perform an act of his duties shall be punished with imprisonment up to 1 year or with fine up to 120 days.
2. If the offer, promise or grant of benefit has a view to induce the officer or person especially obliged to provide public service to commit a wrongful act, the penalty is imprisonment of one to 3 years or a fine of 120 to 360 days .
3. If, in the case of the preceding paragraph, the unlawful act is committed, the penalty is imprisonment from 1 to 5 years if any more serious penalty cannot be declared by imposition of any other legal provision.

#### **Article 344.**

(Active corruption of judge or referee)



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1. Whoever offers, promises or grants an advantage that is not due to a judge or arbitrator to perform or for having performed an act of his duties shall be punished with imprisonment up to 3 years or with fine of up to 360 days.
2. If the offer, promise or grant of benefit has a view to the commission of an unlawful act, the penalty is imprisonment from 1 to 5 years.
3. In the case of the preceding paragraph, the wrongful act is committed, the penalty is imprisonment of 3 to 10 years, if any more serious penalty cannot be declared by imposition of any other legal provision.

**Article 345.**

(Passive corruption of worker)

1. The worker or person especially obliged to provide public service that requests, demands or accepts the promise of benefit or a benefit which is not due to practice or not practice act of their duties shall be punished with imprisonment up to 2 years or with fine up to 240 days.
2. If the request, demand or acceptance of a promise or advantage is intended to the practice of unlawful act, shall be punished with imprisonment from 1 to 5 years.
3. In the case of the preceding paragraph, the unlawful act is committed, the penalty is imprisonment from 2 to 8 years, if any more serious penalty cannot be declared by imposition of any other legal provision.

**Article 346.**

(Passive corruption of judge or referee)

1. The judge or arbitrator who requests, demands or accepts the promise of advantage or benefit which is not due to practice or not practice the act of their duties shall be punished with imprisonment from 1 to 3 years.
2. If the request, demand or acceptance of a promise or advantage is intended to the practice of unlawful act, shall be punished with imprisonment from 2 to 8 years.





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3. In the case of the preceding paragraph, the unlawful act is committed, the penalty is imprisonment of 3 to 12 years, if any more serious penalty cannot be declared by imposition of any other legal provision.

**Article 347.**

(Embezzlement)

The civil servant who unlawfully appropriates of, for its own or someone else's benefit, money or movable property that does not belong to him and has been delivered to him, is in possession or who has access by virtue of their duties shall be punished according to the value of movable or appropriate money, with penalties for the crime of theft under Article 378 thereof, increased by one third in its minimum and maximum limit.

**Article 348.**

(Embezzlement of use)

1. The civil servants who use or allow the use of cash or movable property that do not belong to him and have been delivered to him, are in his possession or has access by virtue of his duties, for purposes other than those to which the thing is destined to shall be punished with imprisonment of up to

2 years or a fine of up to 240 days.

2. If, in the case of public money, the offender gives public use other than that which was intended to without weighty reasons that justify it, the penalty is imprisonment up to 1 year or fine of up to 120 days.

3. Shall not be punished the embezzlement of, when the money or movable thing are not of high value, under Article 377(b).

**Article 349.**

(Economic participation in business)

1. The worker who, with the intention to gain advantage which is not due, participates in legal transactions involving property interests that, in whole or in part, will perform on account of its



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duties, manages, monitors, defends and holds shall be punished with up to 2 years imprisonment or a fine of up to 240 days.

2. If the act described in the preceding harm the property interests therein, the penalty is imprisonment from 1 to 5 years.

**Article 350.**

(Illegal charge of contributions)

1. The worker in charge of collecting taxes, fees or other contributions who receives them, knowing that they are owed by the taxpayer or that are due in smaller amount, shall be punished with imprisonment up to 1 year or a fine of up to 120 days.

2. The same penalty shall apply to the worker who grants illegal discounts to taxpayers.

**Article 351.**

(Traffic of influence)

1. Whoever, by himself or through an intermediary, demands or accepts any benefit or promise of benefit to use his alleged influence with a public entity and, therefore, obtain an unlawful decision favorable to the offender that referred to in paragraph 2 of this article or the entity he represents or in the interest of the entity of which shall be punished with imprisonment from 1 to 5 years if any more serious penalty cannot be declared by imposition of any other legal provision.

2. The same penalty applies to those who, in his name or the entity he represents, gives or promises to give the benefit referred to in the preceding paragraph.

**Article 352.**

(Trespass of home by worker)

The worker who, abusing of the powers inherent to his duties, commits the crime of trespassing or entering and staying in another's house provided for in Article 209 or violates the



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professional domicile of who, by the nature of his activity is linked to the duty of confidentiality shall be punished with imprisonment up to 3 years or with fine of up to 360 days.

**Article 353.**

(Use of public force against the execution of law and public order)

An official who, being competent to request or order the use of public force, does it to prevent the execution of the law, warrant or lawful order of a public authority shall be punished with imprisonment up to 3 years or with fine of up to 360 days.

**Article 354.**

(Lack of collaboration)

The employee who, without legitimate reason, does not collaborate with the justice body or administration or any public service, after that collaboration having been legally requested, required or ordered by the competent authority shall be punished with imprisonment of up to 2 years or a fine of up to 240 days.

**Article 355.**

(Torture and cruel and degrading treatments)

1. Whoever, having the task of prevention, prosecution and investigation of contraventions of any kind, the instruction of the respective cases, the execution of criminal reactions legally applied or the protection, custody or supervision of persons deprived of their, practices against him or any other person acts of torture or submit her to cruel, inhuman or degrading treatment to:

- a) obtain from her or from another person a confession, information or testimony;
- b) punish her for an act committed or allegedly committed by her or by a third party;
- c) intimidate her or a third party



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shall be punished with imprisonment of 1 to 6 years if a more severe penalty is not applicable by virtue of another provision of criminal law.

2. For the purposes of paragraph 1 act of torture, cruel treatment,

inhuman or degrading that by which are deliberately inflicted to a person intense and acute physical or mental pain or suffering or intense physical or mental fatigue, whenever they do not result in legal sanctions, are not inherent to such sanctions or caused by it accidentally and also the use of chemicals, drugs or other means likely to disrupt or impair the ability to resolve or the free expression of will of the person under custody or control of the offender.

**Article 356.**

(Aggravation)

The penalty is imprisonment from 5 to 12 years if the conduct described in the previous article to cause serious harm to the physical or mental integrity of the victim and from 8 to 15 years if the conduct results in serious and incurable illness, suicide or death of the victim.

**Article 357.**

(Liability of the immediate superior)

1. The immediate superior that expressly or implicitly authorizes the practice, by his subordinate, of torture, cruel, inhuman or degrading treatment shall be punished with the penalty applicable to the author

2. The immediate superior who, having learned the commission of offenses referred to in Article 355 and 356, does not denunciate within ten days shall be punished with imprisonment up to 3 years or a fine of up to 360 days.

**Article 358.**

(Persecution of innocents)

1. The worker who, being in charge of research, education or instruction or promotion of procedure in criminal cases, chases a person, knowing that she is innocent, that with regard to her there are no assumptions of the application of security measures or that it can not be



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subjected to this persecution shall be punished with imprisonment from 2 to 6 years.

2. In the case of criminal or security process for imposing penalties or security measures not involving the deprivation of freedom, respectively, or administrative or disciplinary proceedings, the penalty is imprisonment up to 3 years or fine of up to 360 days.

**Article 359.**

(Abuse of power)

An official who, outside the cases referred to in previous articles, takes advantage of the power inherent to his duties, with the intention of obtaining unlawful gain for himself or for a third party or cause damage to another person, shall be punished with imprisonment up to 1 year or with a fine not exceeding 120 days.

**Article 360.**

(Breach of secrecy by worker)

1. The officer or person especially obliged to provide public service, knowing that endangers the public interest or that of a third party or with intent to obtain a benefit for himself or for another person, reveals a secret that he has been entrusted or that he has become aware in the exercise of their duties shall be punished with imprisonment from 1 to 5 years.

2. In case of negligence, the penalty is imprisonment up to 1 year or fine of up to 120 days.

3. The criminal procedure requires the participation of the entity responsible for the service or complaint of the victim.



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**CHAPTER V**  
**GENERAL PROVISION**

**Article 361.**

(Civil servant)

1. For the purposes of criminal law, the term employee includes:

- a) the civil servant;
- b) administrative agent;
- c) the holders of political office, elected or appointed, and
- d) whoever, even though provisional or temporarily, for a fee or free, voluntary or mandatory, has been called upon to play or to practice or participate in the performance of an activity in the civil service administrative or jurisdictional, or, in the same circumstances, performs duties in public-benefit organizations or participate in them, including members of the armed forces called upon to perform civilian functions of a public nature.

2. To the civil servant shall be deemed managers, holders of the supervisory board and employees of public companies.

3. Are also similar to the public official, for the purposes of articles 343 and 345 thereof, all who perform duties similar to those described in paragraph 1 under any public-law to which Angola is a member, when the offense is committed in whole or in part, in Angola.



## **TITLE VI**

### **CRIMES AGAINST PEACE**

### **AND INTERNATIONAL COMMUNITY**

#### **Article 362.**

##### **(Incitement to hatred against a people and apology of war)**

1. Whoever repeatedly and publicly incite hatred against a people, with the intention to trigger a war, shall be punished with imprisonment from 6 months to 6 years.
2. The same penalties apply to those who, in the same way, make the apology of war against a State or a people.
3. If a war were to be unleashed, the penalty is imprisonment of 3 to 10 years.

#### **Article 363.**

##### **(Recruitment of members of the armed forces)**

Whoever recruits members of the armed forces or security Angolan with the intent to wage war against a foreign state or territory or by force to overthrow the legitimate government of another state or territory shall be punished with imprisonment from 2 to 6 years.

#### **Article 364.**

##### **(Recruitment of mercenaries)**

1. Whoever recruits mercenaries for an organization or armed group whose purpose is to overthrow by violent means the legitimate Government of another State, prejudice its sovereignty, independence or territorial integrity or disrupt the normal functioning of its institutions shall be punished with imprisonment for 2 to 8 years.
2. It is a mercenary who is regarded by international law as such.



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3. The offense mentioned in this article is concluded with the conclusion of the recruitment, the enlistment or with the incorporation into the armed group or organization referred to in paragraph 1.

**Article 365.**

(Incitement to discrimination)

1. Whoever, in a meeting, public place or by any means of dissemination or communication with the public, incites hatred against a person or group of persons because of race, ethnic origin, color, national origin, religion or sexual orientation, with the intention of discriminating, shall be punished with imprisonment from 6 months to 6 years.

2. The same penalties apply to those who, in a meeting or public place or by any means of dissemination or communication with the public, inciting violence against a person or group of persons because of race, ethnic origin, color, national origin, religion or sexual orientation.

3. If the facts described in the preceding paragraphs are committed through a computer system, as described in Article 233 thereof, the penalty is imprisonment from 1 to 6 years.

4. Whoever founds, directs, or is part of an organization set up to incite discrimination or who repeatedly and publicly incites discrimination, hatred and violence against a person or group of persons because of race, ethnic origin, color, national religion or sexual orientation shall be punished with imprisonment from 2 to 8 years.

5. The same penalties apply to those who participate in the activities of the organization referred to in the preceding paragraph or who finances them or, by any other mean, provides support or assistance.





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**Article 366.**

(International terrorism)

1. A person who commits any of the felonies listed in subparagraphs a) to e) of Article 282 with the intention of:

a) terrorize or intimidate certain persons, groups or populations

in general;

b) impair the integrity or independence of any State, alter or subvert the functioning of the institutions of this state or the functioning of the institutions of any public international organization or force their authorities to perform certain acts, refrain from the practice or tolerate that are committed shall be punished with imprisonment from 5 to 15 years or a penalty corresponding to the crime, increased by a fifth in its minimum and maximum level, if the latter one is equal or superior.

2. The penalties are also aggravated in a third in their respective minimum and maximum limits, if the offender is the leader of an organization consisting of two or more persons, in a concerted manner, practices acts of terrorism, and in a fourth, if he is a member or employee of such organization.

3. The penalty may be mitigated if the offender voluntarily abandons his criminal activity, removes the danger caused by it or significantly reduces, prevents the damage occurred or contributes to the discovery of truth and the identification or capture of other responsables.

4. It is accordingly applicable the provisions of Article 282(5).

**Article 367.**

(Genocide)

1. Whoever, within the framework of concerted action and with the intention to kill or destroy in part a national, ethnic, racial or religious group:

a) voluntarily kills any member of the group, subject to inhuman, cruel or degrading and, in general, seriously offends the physical and mental health;



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- b) subjects the group to life and existence conditions capable of causing its destruction in whole or in part;
- c) imposes measures intended to prevent procreation and births within the group, or
- d) transfers, by force, minors under the age of 18, belonging to the group to another group shall be punished with imprisonment from 5 to 25 years.

2. The public incitement to hatred and reiterated a national, ethnic, racial or religious group for the purpose of destroying, in whole or in part, shall be punished with imprisonment from 3 to 10 years.

**Article 368.**

(Crimes against humanity)

Whoever, in the context of a widespread or systematic attack against a population or in the context of armed conflict, international or domestic, or during the military occupation of a state, territory or part of the territory, commits against protected persons the following facts:

- a) murder;
- b) extermination;
- c) slavery;
- d) imprisonment or other form of severe deprivation of physical liberty in violation standards and principles of international law;
- e) outrage upon personal dignity, through, inter alia, the use of torture and other cruel, inhuman and degrading treatment;
- f) rape, sexual slavery, prostitution, pregnancy and sterilization;
- g) persecution on political, racial, ethnic, cultural, or for reasons of nationality, gender, religion or sexual orientation;
- h) enforced disappearance;
- i) submission of one or more persons to physical mutilation or to any medical or scientific experimentation that are not driven by medical, dental or hospital treatment or made in the interest of people and causing death or seriously put in danger their lives or health;



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j) the displacement of a population for reasons related to armed conflict, unless it is ordered and carried out by imperative military reasons shall be punished with imprisonment from 3 to 20 years if not more serious penalty is applicable by virtue of another provision of criminal law.

**Article 369.**

(Definitions)

For the purposes of the preceding article, the following apply:

- a) "Attack" means any conduct involving the multiple practice of the acts described therein, pursuant to a State policy or of an organization directed to this practice;
- b) "Extermination," the destruction or disposal of a group of people or a population the effect of the conditions that were intentionally submitted by depriving them, in particular of food or medicine;
- c) "Enslavement" means the exercise of a power translated into a right of ownership or possession of a person, including the exercise of that power in the trafficking of persons;
- d) "Deportation or forcible transfer" means the movement of persons by expulsion or other coercive means the area in which they are wrongly recognized by international law or transfer, directly or indirectly, by the Occupying Power, part of its civilian population into the territory it occupies, or the relocation of all or part of the population of the occupied territory within or outside this territory.
- e) "Torture and other acts of cruel, inhuman or degrading treatment", the acts of which are caused by physical or psychological suffering or intense physical fatigue or psychological, whenever the suffering that do not result in legal sanctions, are not inherent to such sanctions or not are caused by them accidentally, and also, the use of chemicals, drugs or other means likely to disrupt or impair the ability to resolve or free expression of will of the person who is under custody and control of the offender.
- f) "Sexual slavery", the exercise of the powers inherent in or associated with the right of ownership over one or more persons, who are constrained by those who arrogate powers to the practice of one or more acts of sexual nature;
- g) "Forced prostitution", the practice of one or more acts of a sexual nature by one or more people against or without their will, in return for pecuniary benefit or otherwise, for the offender or other person;
- h) "Persecution" means the intentional deprivation of fundamental rights contrary to international law, on grounds relating to the identity of the persecuted group or collectivity;



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i) "Enforced disappearance", the arrest, detention or abduction of persons by a State or a political organization or with its authorization, support or acquiescence followed by the refusal of such State or organization to acknowledge the deprivation of liberty of these persons or to provide information on their fate or whereabouts.

j) "Protected Persons", besides the civilian population and civilians in general, the wounded, sick or shipwrecked, medical personnel or religious personnel, prisoners of war, persons *hors de combat*, parliamentarians and their spouses and any other protected person by treaties or international agreements to which Angola is a party or has acceded.

**Article 370.**

(Other crimes against humanity)

Shall be punished with the punishment provided for in Article 368 thereof, whoever performs any other act or omission classified as a crime against humanity by the law of treaties and international conventions received the Angolan legal system.

**Article 371.**

(War crimes against civilians)

1. Whoever, in violation of international law and on the occasion of an international or internal armed conflict or military occupation of a state, territory or part of it:

- a) attacks the civilian population;
- b) take hostages among civilians;
- c) recruits or allow the recruitment and service in warring forces minors under the age of 16;
- d) uses civilians or other protected persons under international law to prevent certain sites, areas or forces immune from military operations, using them as human shields;
- e) obligates nationals of an enemy force to fight or engage in warfare against his own country or force the members of the civilian population to enlist and fight in a belligerent force of an internal armed conflict;
- f) intentionally launches an attack knowing that it will cause injury and loss of human life among the civilian population, clearly excessive in relation to the benefits expected of a military nature.



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g) personal attacks on a peacekeeping mission or humanitarian assistance, in accordance with the Charter of the United Nations, where these people are entitled to the protection afforded to civilians under international law shall be punished with imprisonment from 5 to 16 years if more severe penalty is not applicable by virtue of another provision of criminal law.

2. Are considered civilians and elements of the civilian population, for the purposes of this article, people who do not participate directly in hostilities and members of the belligerent forces who have laid down their arms or been prevented from fighting for injury, illness, imprisonment or any other reason.

3. For purposes of this article, are protected by international law the persons referred to in Article 369(j).

**Article 372.**

(War crimes against assets that are not military targets)

Whoever, in the conditions described in 1 above:

a) attacks, by any means, villages, dwellings or buildings not protected and, in general, goods or civilian targets, causing its partial or total destruction, where such goods or civilian targets or military targets do not represent military targets nor those operations can be justified by significant benefits or military advantages;

b) plunders conquered cities;

c) attacks buildings dedicated to religion, education, arts, science, assistance or charitable purposes, historic monuments, hospitals and other places to accept and treat sick and wounded who are not military objectives;

d) attacks buildings, material, medical units and transport, identified with the distinctive signs and emblems of the Geneva Conventions of 1949, in accordance with international law;

e) destroys or appropriates, so massive and arbitrary, of goods where the destruction or appropriation not justified by major needs of a military nature

shall be punished with imprisonment from 3 to 12 years if a more serious penalty is applicable by virtue of another provision of criminal law.



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**Article 373.**

(War crimes against combatants)

Whoever, in the context described in Article 371(1):

- a) compels a prisoner of war or a belligerent force to serve in the armed forces of a hostile power or in the ranks of another belligerent;
- b) deprives a prisoner of war or a belligerent or other protected person of international law the right to a fair and impartial trial;
- c) condemns and executes without trial by a regularly constituted court affording judicial guarantees generally recognized as indispensable, a prisoner of war or a belligerent party or any person under the protection of international law;
- d) kills or wounds a combatant who have laid down their arms or have unconditionally surrendered shall be punished with imprisonment from 80 to 20 years, if any more serious penalty cannot be declared by imposition of any other legal provision.

**Article 374.**

(Other war crimes)

1. Whoever, in the event of armed conflict uses:

- a) nuclear weapons;
- b) poison or poisoned weapons;
- c) asphyxiating and poisonous gases or any substance likely to cause death, illness or serious harm to physical integrity of an unknown number of people;
- d) bullets that expand or deform inside the human body;
- e) weapons, projectiles and material and methods of warfare likely to cause, by their nature to cause superfluous injury, unnecessary suffering and indiscriminate effects or designed to cause extensive damage, severe and enduring to the natural environment and endanger the health and survival of populations shall be punished with imprisonment from 3 to 20 years if any more serious penalty cannot be declared by imposition of any other legal provision.

2. Shall be punished with the same penalties whoever performs any other act considered a crime of war by international treaties or conventions entered into by the Republic of Angola and received into domestic law.



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**Article 375.**

(Destruction of ships, aircrafts or other civil transports)

Whoever, during a war or armed conflict, destroys or severely damages, vessel or aircraft or civilian civilian vehicles by road or rail transport of passengers, unnecessarily and without adopting, if that is the case, the requisite measures to preserve safety of those on board, shall be punished with imprisonment from 2 to 10 years, where a heavier penalty does not fit under another provision of criminal law.

**Article 376.**

(Incapacities)

In case of conviction for any crime under this chapter may, depending on the type of crime and its projection on civic responsibility and policy of the convicted, be declared in the sentence unable to be elected President of the Republic National Assembly deputies, or to be appointed to positions in government, for the period of 2 to 10 years.



## TITLE VII

### CRIMES AGAINST PATRIMONY

#### CHAPTER I

#### PRELIMINARY PROVISION

##### Article 377.

##### (Definitions)

For the purposes of this title, is defined:

- a) "value pretty high," which exceeds 500 times the minimum monthly salary of civil servants, at the time the act is committed;
- b) "high value", which exceeds 100 times the minimum monthly salary of civil servants, at the time the act is committed;
- c) "diminished value", which does not exceed half the minimum monthly salary of civil servants, at the time the act is committed;
- d) "Burglary", the break, fracture or destruction in whole or in part in any device designed to close or prevent entry from outside or inside the house or indoors depending on it;
- e) "Escalation", the introduction at home indoors or her dependent, not intended for local, in principle, to entry, in particular, ceilings, balconies, windows, walls, underground openings or any

device designed to close or prevent the entry or passage;

f) "False keys":

- i. the imitated, counterfeited or altered;
- ii. the real ones, when they are not in the power of who has the right to use them;
- iii. the lock picks or any instruments that could serve to open locks or other security devices.

g) "Mark", means any construction, planting, fence, hedge, sign or other signal to establish the boundaries of properties or concessions, placed by court order, by administrative act or authorization of competent authority.





h) "Band or gang", the group formed by two or more people to the repeated commission of crimes against property and headed by one of them.

## CHAPTER II CRIMES AGAINST PROPERTY

### Section I Crimes of Larceny

#### Article 378. (Larceny)

Whoever, with intent to appropriate to themselves or others, of movable property of another person,

subtracts it shall be punished with sentences of:

- a) up to 3 years of imprisonment or a fine up to 360 days if the subtracted value of the thing is not high;
- b) imprisonment from 6 months to 5 years or a fine from 60 to 600 days if the subtracted value of the thing is high;
- c) imprisonment for 1-7 years, if the subtracted value of the thing is considerably high.

#### Article 379. (Aggravated larceny)

1. The penalties set forth in the preceding article are exacerbated whenever the movable property subtracted:

- a) has significant meaning for the economic or technological development, scientific value, historical or artistic and is part of public display or collection, or the public, is in the custody of deposit or collected in museums or any of its

workshops or dependencies;



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- b) is affect to a religious worship or intended to honor the memory of the dead and subtraction occur in place for the worship or cemetery;
- c) is intended to provide public services or products of first necessity and subtraction disrupt the supply or service to the public;
- d) is subtracted from the place for the deposit of goods or objects or removal of any means of transport and subtraction occur between the time of loading and the arrival or delivery;
- e) is locked in a drawer, safe or similar, equipped with lock and key or other device designed specifically to safety;
- f) has, by their nature, high hazard.

2. The penalties set forth in the preceding article are also aggravated when the offender:

- a) enters, to commit the act, in a housing, even if it is mobile, commercial or industrial establishment or enclosed space, public or private, through burglary, scaling or false keys;
- b) is a member of band or gang and theft is committed with the collaboration of at least one other member of the gang or band;
- c) takes advantage of the particular physical or mental vulnerability of the victim or occasions of fire, explosion, flood, shipwreck, earthquake, riot and, in general, conditions favorable to the commission of theft brought about by any disaster, accident or other situations involving public disturbance and commotion;
- d) enters illegally in a housing or mobile homes, commercial or industrial establishment or in any enclosed space, public or private, hidden or remain there for the purpose of committing the theft;
- e) carries out the act with usurpation of title, uniform or insignia of a civil servant, civil or military, claiming false order or displaying false identification of public authority or offender of public authority;
- f) uses a vehicle to facilitate the implementation of the theft or, where appropriate, facilitate their escape;
- g) makes livelihood from the practice of theft.

3. Where any of the circumstances listed in the preceding paragraphs, the crime of theft is punished according to the following:

- a) the provisions of paragraph a) of Article 378. thereof, to imprisonment for 6 months 4 years or a fine of 60 to 500 days;



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- b) as provided in Section b) thereof, by imprisonment from 1 to 6 years or with fine from 120 to 800 days;
- c) the provisions of paragraph c) of that Article, with imprisonment for 2-8 years;

4. If the thing stolen is of small value, there is no room for qualification.

**Article 380.**

(Simple larceny)

1. Whoever, being joint owner or joint owner, partner or joint heirs of a movable joint to be subtracted shall be punished with the penalties provided in Article 378 thereof, reduced by half in its ceiling.
2. It is not punishable by the removal of fungible thing in common, if not exceed the amount subtracted from the share that belongs to the offender.

**Article 381.**

(Larceny of use of vehicles)

Whoever, without authorization of the holder, subtracts the use of automobile or other motor vehicle, boat or aircraft, to use them temporarily and then returns them, shall be punished with imprisonment from 6 months to 2 years or a fine of 60 to 240 days.

**Article 382.**

(Larceny of own thing)

1. Whoever, being the owner of a movable property, that has been seized, arrested, seized, given as security or incorporated legal deposit, to be subtracted at the expense of the third shall be punished with the penalties of Article 378.
2. Are equivalent to the subtraction and punished as such the deviation or destruction of the thing referred to in the preceding paragraph.



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**Article 383.**

(Larceny of energy)

1. Whoever, using any illegal or illicit means, subtracts from the distribution network, or complex installation, electricity or any other economic value, belonging to another person shall be punished with imprisonment up to 2 years or with fine of up to 240 days .
2. For the purposes of the preceding paragraph are equivalent to energy, gas or water or other fluid conduits or subtracted from the installation of supply chains and distribution of those products to the public.

**Article 384.**

(Punishability of attempt)

In the crime of theft, the attempt is always punishable, unless the subtracted value of the thing is tiny.

**Article 385.**

(Restitution or repair)

1. When something is stolen, where appropriate, restored or when the injury is caused by the theft until the beginning of the trial in first instance, fully repaired, the penalty is mitigated, as long as there is no legitimate damage to third party.
2. If is possible a partial restitution or reparation or occurring during the hearing, but before the start of the oral discussion of the cause, the penalty may, depending on circumstances, be mitigated.



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**Article 386.**

(Criminal proceeding)

1. The criminal proceedings on a complaint, the crimes of theft described in Article 378, 380, 381 and 383.
2. The prosecution relies on private prosecution when, in the case of the crimes listed in the preceding paragraph:
  - a) the offender is a spouse, ascendant or descendant, adopter or adopted, or the like relative to the second degree of the victim or person living with him in conditions similar to those of the spouses;
  - b) the thing stolen is of small value and designed to meet the real and urgent need of any of the persons mentioned in the preceding paragraph or the offender itself.

**Section II**

**Crimes of Theft**

**Article 387.**

(Theft)

1. Whoever, with the purpose of appropriating to themselves or others, of movables property, subtracts it or forces who own it to deliver it, using violence against a person or threatened with imminent danger to life or physical integrity or putting it in an inability to oppose or resist the subtraction delivery shall be punished with imprisonment up to five years.
2. If the subtracted thing is of high value, the penalty is imprisonment of 1 to 8 years.
3. If the value of the subtracted thing is considerably high, the penalty is imprisonment from 2 to 10 years.



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**Article 388.**

(Aggravated theft)

1. Where any of the circumstances listed in Article 379(1)(2), the crime of theft described in the preceding paragraph shall be punished:

- a) the provisions of paragraph 1 by imprisonment from 6 months to 6 years;
- b) the provisions of paragraph 2 by imprisonment for 18 months to 9 years;
- c) the provisions of paragraph 3 by imprisonment from 3 to 11 years.

2. The penalty is 3 to 12 years in prison when:

- a) the theft is committed with a firearm or any of the offenders bear a firearm at the time of the crime;
- b) the result that, by intent or negligence, real danger to the victim's life or serious harm to their physical integrity.

3. The penalty is 5 to 15 years, is the result that, by way of negligence, the death of the victim or another person.

4. There shall be no qualification set out in paragraph 1 where the value of movable property is low.

**Article 389.**

(Violence subsequent to subtraction)

Apply the preceding sentences of the article that surprised after the subtraction, use of forms of violence described herein to conserve power over things or subtracted to ensure impunity.

**Section III**



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## **Crimes Against Misappropriation**

### **Article 390.**

#### **(Breach of trust)**

1. Whoever takes illegitimate ownership of movable properties that have been delivered by title not translatable of property that produces obligation to return or to present or to apply the right order, shall be liable to penalties established pair to the crime of theft, in Article 378., taking into account the value of the proper thing.
2. The attempt is always punishable, unless the appropriate value of the thing is small.

### **Article 391.**

#### **(Qualified breach of trust)**

1. When has received the thing unlawfully appropriated by virtue of filing required by law, by reason of occupation, employment or profession or as a guardian, legal custodian or trustee, the offender shall be punished with:
  - a) imprisonment for 6 months to 4 years or a fine of 120 to 500 days if the value of the thing appropriated is not high;
  - b) imprisonment of one to six years or a fine of 120 to 600 days if the value of the thing appropriated is high;
  - c) imprisonment of 2 to eight years if the appropriated value of the thing is pretty high.
2. If the value of thing appropriated is small, there is no room for qualification.

### **Article 392.**

#### **(Unlawful appropriation of assets of public sector companies)**

Whoever, by virtue of the position he plays, has the power to administer,



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manage or dispose of property of a public company, public limited company or corporation in whose capital the State participates and, in any way, appropriating them shall be punished with the penalties set forth in the preceding article.

**Article 393.**

(Illegitimate appropriation of something found or in case of accession)

1. Whoever unlawfully appropriating of movable property of another that has found shall be punished with imprisonment up to 1 year or a fine of up to 120 days.
2. If the value of the thing found is small, the penalty is a fine of up to 60 days.
3. The same penalties apply to those who illegally appropriate of money or other movable property of another who has come into his possession or detention by mistake, by natural force or effect of unforeseeable circumstances or by any other means, regardless of their will.

**Article 394.**

(Restitution or repair)

Applies to offenses under this chapter, the provisions for the crime of theft, in Article 385, with the necessary adaptations.

**Article 395.**

(Criminal proceeding)

1. The prosecution for the crimes described in Articles 390 and 393 depend on a complaint.
2. It depends on the procedure of private prosecution for the crime of abuse of trust under Article 390 thereof, when:
  - a) the offender is a spouse, ascendant or descendant, adopter or adopted, or the like relative to the third degree of collateral by the victim or person living with him in conditions similar to those of the spouses;





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b) the unlawfully appropriated thing is of small value and designed to meet the urgent need for the offender itself or any of the persons mentioned in the previous paragraph.

## **SECTION IV**

### **Crimes of Damage**

#### **Article 396.**

##### **(Damage)**

1. Whoever causes relevant damage to a thing of another person, destroying it and damaging it, defacing it or disabling it, shall be punished with the penalties established pair to the crime of theft in Article 378 thereof, according to the value of the damage caused by the damage.

2. It is considered relevant damage that which results in a loss of more than half the national minimum wage of civil servants.

#### **Article 397.**

##### **(Damage of things with public value and interest)**

1. Whoever destroys, damages, defaces or turns unusable:

a) public monuments or things legally classified or integrated into the cultural heritage;

b) things or site listed or placed under official protection of the law;

c) something of significant importance to the technical or technological development of the country;

d) something exposed, placed or deposited in the archive, museum, library or possessing significant artistic, cultural, historical or scientific;

e) anything designed to use public utility and shall be punished with imprisonment of up to 8 years or with fine of up to 900 days.

2. The penalty is imprisonment up to five years or a fine of up to 600 days, if the value of the damage caused is not high.

#### **Article 398.**



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(Damage with violence)

1. If the damage is done by using the offender of violence against a person or serious threat to life or physical integrity or putting it in a situation of not being able to resist him, the penalty is imprisonment from 2 to 8 years.
2. If the act results in real danger to the life of the person offended or threatened or serious harm to their physical integrity, the penalty is imprisonment of 3 to 12 years.
3. If the fact results in the death of another person, the penalty is imprisonment from 4 to 15 years.
4. The penalties in the preceding paragraphs shall apply to whoever, surprised committing the act, use of violence or threat of violence to continue to commit it, or to ensure impunity.

**Article 399.**

(Computer damage)

1. Whoever, with intent to cause injury to a third party, alters, damages, disables, deletes, destroys, or otherwise causes damage to computer systems or computer data, as these are defined in Article 233 thereof, shall be punished with imprisonment 6 months to 3 years or a fine of up to 360 days.
2. The same penalty applies to those who, through the introduction or transmission of computer data or otherwise interfere with the operation of computer system, intentionally causing harm to anyone.
3. In each case described in the preceding paragraphs, the penalty is:
  - a) imprisonment of one month to 3 years or a fine from 120 to 360 days if the value of the damage is not high;
  - b) imprisonment of one to five years or a fine of 120 to 600 days if the injury is high;
  - c) imprisonment from 2 to 8 years if the value of the damage is pretty high.



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4. If the damage is not relevant, in accordance with Article 396, there is no place for qualification.

**Article 400.**

(Repair)

To the crimes of damage provided in Articles 396 and 399 thereof, shall apply the provisions of Article 385 for theft, with the necessary adaptations.

**Article 401.**

(Criminal proceeding)

1. The prosecution for the crimes of damage referred to in Article 396 and 399 depend on a complaint.
2. The prosecution relies on private prosecution when, in the same crimes, the offender is a spouse, ascendant or descendant, adopter or adopted or relative to the third degree of collateral by the victim or person living with him in conditions similar to those of spouses.

**Section V**

**Other Crimes Against Property**

**Article 402.**

**(Usurpation of property)**

1. Whoever, by means of violence or serious threat to people, occupies property not belonging to or maintains the occupation, with intention, in relation to that, the real right to exercise unauthorized by law, award or administrative act shall be punished with imprisonment up to 3 years or with fine of up to 360 days, where a heavier penalty does not fit, because of the violence used or threatened.
2. The criminal proceedings depend on a complaint, except in the case of usurpation of waters of common use.



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**Article 403.**

(Plucking away, destruction and change of milestones)

1. Whoever, with intent to appropriate for himself or for another person, thing or property of others, plucks away, destroys or alters a mark shall be punished with imprisonment up to 1 year or with fine of up to 240 days.
2. The criminal proceeding depends on a complaint.
3. It shall apply the provisions of this crime for theft under Article 385 and Article 386(2)(a), with the necessary adaptations.

**CHAPTER III**

**CRIMES AGAINST PATRIMONY IN GENERAL**

**Section I**

**Crimes of Swindle**

**Article 404.**

(Swindle)

Whoever, using cunning or deceitful means, induces or maintains others in error or mistake and, with the purpose of obtaining for himself or a third embezzlement to take actions that will cause you to practice or cause pecuniary loss to a third person is punished to penalties established for the crime of theft under Article 378 thereof, according to the value of the loss.

**Article 405.**

(Aggravated swindle)

1. The penalties referred to in the preceding article are exacerbated when:
  - a) the act is performed by taking advantage of the offender of the particular vulnerability of the victim or times of disaster, accident or calamity;



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b) the offender is the holder of public office or person responsible for public service and commit the act in the exercise of his duties or because of them, to usurp the title, uniform or badge holder of public office or to claim false order of public authority;

c) the offender makes the scam way of life;

d) there has been collecting public appeal for funds for assistance or help;

e) the offender has used to commit the crime media.

2. Where any of the circumstances listed in the preceding paragraph,

the offender shall be punished with the penalties established pair to the crime of robbery with paragraph 3 of Article 379 thereof, according to the value of the loss.

3. If the value of the loss is small, there is no room for qualification.

**Article 406.**

(Swindle to obtain food, beverages, fuel or services)

1. Whoever, in order not to pay:

a) consumes food or beverages in a commercial establishment open to the consumption of such products;

b) uses of the service room or hotel or similar establishment;

c) supplies motor vehicle fuel or lubricants or use cleaning and maintenance of vehicles in companies, service stations or locations for the supply of those goods or the provision of those services and refusing to settle the debt shall be punished with imprisonment up to 6 months or a fine of up to 60 days.

2. The same penalties apply to those who, for the same purpose, use a transport or enter in a public place of conditioned access to purchase tickets without purchasing.

**Article 407.**

(Computer and telecommunications swindle)



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Whoever, for the purpose of obtaining for himself or for third illegal financial advantage:

a) affects the results of data processing by computer program structuring incorrect, incomplete or incorrect use of data, using data without authorization, or through intervention by any other unauthorized way, the processing;

b) uses software, electronic devices or other means which, separately or jointly, are intended to reduce, change or prevent, in whole

or in part, the normal functioning or operation of telecommunications service, and the forms described, causing damage to others of a patrimonial nature shall be punished with the penalties of Article 405.

**Article 408.**

(Swindle regarding to work or employment)

Whoever, for the purpose of obtaining for himself or for third, illicit enrichment:

a) attracts residents in Angola through promises of work or employment in a foreign country;

b) attracts people living abroad with promises of work or employment in Angola and cause property damage to persons recruited shall be punished with imprisonment from 6 months to 3 years or with fine from 60 to 360 days.



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**Article 409.**

(Abusive of handicapped persons)

Whoever, outside the framework described in section 404, but for the purpose of obtaining for himself or for third, and illicit enrichment, abuse of position of inexperience minor, incompetent person or carrier of mental illness, leads those people to practice acts that entail for them or others, a loss is a financial punishment, that article we have us, as the perpetrator of fraud.

**Article 410.**

(Punishability of attempt)

In crimes of fraud, the attempt shall be punished, unless the injury is slight.

**Article 411.**

(Restitution or repair)

It applies to crimes described in this chapter the provisions for the crime of theft, in Article 385.

**Article 412.**

(Criminal proceeding)

1. The criminal proceedings on a complaint, except in the case of felony fraud.
2. The prosecution relies on private prosecution when, in the case of the preceding paragraph, the offender is a spouse, ascendant or descendant, adopter or adopted, relative or akin to the third degree of collateral relationship with the victim or lives with her in conditions similar to those of spouses.

**Section II**



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## **Other Crimes Against Patrimony in General**

### **Article 413.**

#### **(Extortion)**

1. Whoever, for the purpose of obtaining for himself or for third, economic advantage that he is not due, using violence or threat of significant importance for evil, coerces a person to make an asset available to cause damage to that or another person shall be punished with the penalties established pair to the crime of theft under Article 387 thereof, according to the value of economic advantage extorted.
2. The penalty is imprisonment from 2 to 12 years.
  - a) the offender makes use of a firearm to carry out the threat;
  - b) the offender is a member of gang or band for the repeated commission of the crime against property and extortion has been committed with the collaboration of at least one other member of the gang or band;
  - c) the result that, by intent or negligence, real danger to the life of the victim or third or serious harm to the respective physical integrity.
3. The penalty is imprisonment from 4 to 15 years if the violence or threat results, for negligence, in the death of the victim or another person.

### **Article 414.**

#### **(Infidelity)**

1. He who, by law or legal act, has been entrusted with the duty to administer, supervise or otherwise dispose of assets or other property interests of others and intentionally cause such property or interests a significant financial damage shall be punished with imprisonment of up to 3 years or a fine of up to 360 days.
2. It is important that financial loss has high value, in accordance with Article 377 or leave the victim in economic difficulties.





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3. If the assets or patrimonial interests are of a public company, publicly traded company or companies in whose capital the State reimbursed, the penalty is imprisonment up to 5 years or a fine not exceeding 600 days.
4. The criminal proceeding depends on a complaint.
5. Applies to the crime of infidelity to the provisions in Article 385 theft with the necessary adaptations.

**Article 415.**

(Use and abuse of credit card, debit or warranty)

1. Whoever, without the consent of the holder or abusing of such consent, uses credit card, debit or guarantee the issuer for a payment, causing the card holder or another person a financial loss is liable to the penalties established pair to the crime of theft in Article 378, taking into account the value of the damage caused.
2. The attempt is always punishable.
3. It is applicable to the crime described in this article, the provisions for the crime of theft under Article 385. And paragraph a) of paragraph 2 of Article 386. º.

**Article 416.**

(Use of false attestations or certificates)

The illicit use of credit card, debit card or warranty and, if appropriate, the corresponding secret code, removed or revealed by means of violence against a person or a threat of imminent danger to life or physical integrity or putting the agent unable to oppose or resist to the removal or from resisting the revelation, is equivalent to the crime of theft and punishable under Articles 387, 388 and 389, with the necessary adaptations.



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**Article 417.**

(Usury)

1. Whoever, for the purpose of obtaining for himself or for third, a pecuniary benefit, does, by exploiting a situation of need, mental illness, incapacity, incompetence, lack of experience or weakness of character of the debtor, with which it undertakes to promise him or grant him or promised to someone else, a material advantage manifestly disproportionate to the consideration shall be punished with imprisonment up to 3 years or a fine of up to 360 days.
2. The criminal proceeding depends on a complaint.
3. The penalty is imprisonment up to 5 months or fine of up to 600 days when the offender:
  - a) makes usury a way of life;
  - b) conceals the unlawful pecuniary advantage by simulating contract or security;
  - c) knowingly causes, by means of usury, the ruin of the victim's assets.
4. The penalties are mitigated if, by the beginning of the trial in the first instance, the offender:
  - a) expressly renounces the promised delivery of the illegal advantage;
  - b) returns the illegal advantage received, plus interest at the statutory rate, since the day it was received;
  - c) modifies, with the agreement of the other part, the deal celebrated, in accordance with the rules of good faith.
5. If the facts referred to in the preceding paragraph occur after the trial began, but before oral argument, the penalty can also, according to circumstances, be especially mitigated.

## **CHAPTER IV**

### **CRIMES AGAINST PATRIMONIAL RIGHTS**



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**Article 418.**

**(Frustration of outstanding credits)**

1. The debtor who, with intent to frustrate an execution has brought satisfaction and consequent of the outstanding debt, practices acts of available assets or that produce obligation or who destroys, damages, makes it disappear, conceals or withholds property of their assets or artificial, and fictitiously reduce the latter is punished if it were to be judicially declared insolvent, with imprisonment of up to 3 years or with fine of up to 360 days.

2. The third party who commits the act described in the preceding paragraph with knowledge of the debtor or for the benefit shall be punished with up to 2 years imprisonment or a fine of up to 240 days.

**Article 419.**

**(Intentional bankruptcy)**

1. The merchant who, with intent to harm creditors:

a) destroys, damages, disables or makes assets disappear of its patrimony;

b) fictitiously reduces its active assets, concealing or hiding objects or rights, acknowledging credits and debts by invoking nonexistent or simulated, using flawed accounting, false balance sheet or in any other way, a net worth less than the actual;

c) creates or artificially aggravates damage or, in the same way, reduces profits;

d) buys goods on credit, for the purpose of selling them, or use in payment, at a price substantially less than the current and, thus, delaying the failure is punished, if the bankruptcy court were to be declared, with imprisonment for 1 to 5 years or a fine of 120 to 600 days.

2. The same penalty is applied to the agreed that does not justifies the regular use of the existing asset values at the date of bankruptcy.



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3. The third party who, with knowledge of the debtor or merchant on your behalf, commits the acts described in paragraph 1 shall be punished with imprisonment from 6 months to 3 years or with fine from 90 to 360 days.

**Article 420.**

(Negligent bankruptcy)

1. The merchant who, through gross negligence, enters in bankruptcy shall be punished, if this were to be judicially declared, with imprisonment up to 2 years or with fine of up to 240 days.
2. The criminal proceeding depends on a complaint.

**Article 421.**

(Favoring or creditors)

1. A debtor who, knowing his insolvency, or predicting the imminence of it, with the intention of favoring some at the expense of other creditors on debts not yet due or overdue debts solver in a different way of payment in cash or usual values or offers guarantees that it was not required to shall be punished:
  - a) if he is judicially declared bankrupt, with imprisonment up to 2 years or a fine of up to 240 days;
  - b) if he is judicially declared insolvent, with imprisonment up to 1 year or a fine of up to 120 days.
2. The criminal proceeding depends on a complaint.

**Article 422.**

(Disturbance of of analysis and lack of prescription)

1. Whoever, with intent to obtain pecuniary benefit for himself or for third, impedes, impairs or vitiates the results of the auction sale or judicial or other public auction authorized or imposed by law, achieving, by gift, promise, threat or violence, understanding or any other fraudulent



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means or artifice, to stop someone from bidding or launch or that somehow is disturbed the freedom of their acts shall be punished with imprisonment up to 3 years or a fine of up to 360 days, is worth more serious it is entitled by another provision of criminal law, according to the violence used.

2. The same penalties apply to those who, with the same intention, by gift, promise, violence, understanding with other competitors or any other fraudulent means or artifice, determine which one gets from tender governed by public law or causes, somehow, the competition to be distorted away from their objectives or tamper with their results.

3. The same penalties apply to those who, with the intention under the above, accept gifts, promises or benefit or advantage.

**Article 423.**

**(Receiving)**

1. Whoever, with intent to obtain for themselves or for others, advantage, acquires or receives, in any way, saves or hides anything obtained through typical and unlawful act against property or contributes to a third party to acquire it in good faith, receives, keeps or hides shall be punished with imprisonment up to 3 years or with fine of up to 360 days.

2. Whoever, without making sure of their origin, acquires or receives, in any way, something which by its nature or quality, the condition of the person who offered it to him or the amount of the price they want, should reasonably suspect that comes from that typical illegal and against the estate shall be punished with imprisonment up to 1 year or with fine up to 120 days.

3. The penalty is imprisonment from 2 to 5 years or a fine of 360 to 600 days if the offender makes the receiving a way of life.

4. It applies, *mutatis mutandis*, the provisions for theft under Article 385 and Article 386(2)(a).

5. The receptor is punished, even though for incapacity of guilt or other legal reason, not being the offender of the fact that the thing originates.

6. Are equal to the things referred to in this article the values and products that, with them, are directly obtained.



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**Article 424.**  
**(Material assistance)**

1. Whoever, having knowledge of a typical fact illegal and against the estate, helps offenders to take advantage of things obtained with its practice shall be punished with imprisonment up to 1 year or a fine of up to 120 days.
2. Applies to material assistance, *mutatis mutandis*, the provisions for theft under Article 385 and Article 386(2)(a).



## TITLE VIII

### CRIMES AGAINST THE CONSUMER AND THE MARKET

#### Article 425.

(Clandestine slaughter of animals)

1. Whoever proceeds to the illegal slaughter of animals for public consumption shall be punished with imprisonment up to 1 year or with fine up to 120 days.
2. Incur in the same penalty those who purchase for public consumption meat from animals slaughtered illegally, provided they have knowledge of the clandestine nature of the slaughter.
3. It is considered illegal slaughter of animals that:
  - a) without the competent health inspection;
  - b) outside the local slaughterhouse or licensed for that purpose;
  - c) not normally used for human consumption.
4. Illegal slaughter is equated with the provision for public consumption of meat from animals whenever:
  - a) they have perished of disease;
  - b) the meat is unfit for consumption;
  - c) it's meat from animals slaughtered in hunting activity, which has not undergone health inspection.
5. In case of negligence, the penalty is a fine up to 120 days.



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**Article 426.**

(Hoarding)

1. Whoever, at the expense of regular market supplies and difficulty or irregular supply of essential goods and basic needs or raw materials needed to produce them:

- a) hides them or stores them in locations not shown to enforcement authorities, when such indication is required;
- b) refuses to sell them, according to the uses of the activity;
- c) refuses or delays its delivery, after being ordered and accepted their supply;
- d) closes the establishment or place of exercise of commercial activity in order to prevent the sale;
- e) purchases goods in quantities clearly outweigh the needs of supply or the normal renewal of its reserves in storage;
- f) conditions the sale of other goods to purchase, own or third, or ask for them manifestly exorbitant price for the purpose of discouraging the buyer to acquire them, shall be punished with imprisonment up to 3 years or with a fine of up to 360 days.

2. In case of negligence of the offender, the penalty is imprisonment up to 1 year or fine of up to 120 days.

3. Does not represent hoarding the refusal to sell raw materials, goods or property:

- a) essential to the domestic supply of the producer or seller;
- b) in an amount clearly disproportionate to the normal requirements of the consumer purchaser;
- c) in quantities that could harm the fair distribution among customers;
- d) by justified lack of confidence by the seller regarding the timely payment by the purchaser, in the case of sale on credit.





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**Article 427.**

(Speculation)

1. Whoever, being a trader or dedicating usually to trade:

- a) sell goods or commodities at a price higher than the legally established or, if no legally established price, with net profit margin above 20% in wholesale sales or 40% in retail sales;
- b) sell goods or merchandise for a price higher than the constant labels, signs, or lists prepared by the seller;
- c) holds or expose for sale goods, per unit weight or measure should have when they are less than the weight or measure found or when packed, the amounts are lower than those provided in the package shall be punished with imprisonment of up to 3 years or a fine of up to 360 days.

2. If the conduct described in the preceding paragraph are due to negligence of the offender, the penalty is imprisonment up to 1 year or fine of up to 120 days.

**Article 428.**

(Fraud on goods)

1. Whoever manufactures or transforms goods or imports, exports, stores,

carries, holds, exposes for sale, sells, distributes or puts into circulation counterfeited or imitated goods, causing them to pass as genuine or unchanged, or of a different nature or quality inferior to that offender, assigned to it shall be punished with imprisonment up to 1 year or with fine up to 120 days.

2. In case of negligence, the penalty is imprisonment up to 6 months or fine of up to 90 days.



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**Article 429.**

(Corruption, adulteration or falsification of food)

1. Whoever corrupts, tampers with or falsifies food substances or food products for public consumption shall be punished with imprisonment up to 3 years or with fine of up to 360 days, where a heavier penalty does not fit under another provision of criminal law, according created the danger or damage caused by the conduct described.

2. The same penalties apply to those who:

a) import, export, hold, deliver or distribute substances or food products for public consumption corrupted, tampered with or falsified;

b) import, sell, offer for sale, deliver or distribute products or substances mentioned in the preceding paragraph that are out-dated or are altered or damaged by weathering or natural offenders to which they are exposed.

3. In case of negligence, the penalty is imprisonment up to 1 year or fine of up to 120 days.

4. If the substances or products are intended for animal feed, the penalty is imprisonment up to 2 years or a fine not exceeding 240 days, if a more serious penalty is applicable, by another provision of criminal law, because of the danger created or produced by the damage offender's conduct.

5. If the conducts described in the same number are due to negligence of the offender, the penalty is imprisonment up to 9 year or fine of up to 90 days.

**Article 430.**

(Destruction or undue application of raw materials and assets)

1. Shall be punished with the penalties established for the crime of hoarding who, at the expense of market supply:

a) destroys the goods and raw materials

referred to in Article 426;



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b) applies them for purposes other than those that were normally intended, by the tax law or determined by competent authority.

2. The same penalties apply to those who destroy, damage or failure of its own assets that are essential to the economy.

3. In case of negligence of the offender, the penalty is imprisonment up to 1 year or fine of up to 120 days.

**Article 431.**

**(Misleading advertising)**

1. Commercial advertising to include information relating to goods or services which are likely to mislead consumers about the nature, composition, origin, date of manufacture, essential qualities or results of use, breadth and value of collateral or conditions of purchase, return, repair or maintenance shall be punished with imprisonment up to 1 year or a fine of up to 120 days.

2. It is considered commercial advertising, for the purposes of the preceding paragraph, all information not legally enforced, issued on the direct purpose of promoting the public, selling a good or service or whatever means of communication used.

**Article 432.**

**(Refusal to provide information)**

1. Whoever:

a) in the context of surveys or completing manifestos ordered by competent authority for the purposes of official knowledge of the stocks of certain goods, does not to provide information as requested or provides false or poorly or refusing to provide any other information that, for the same purpose, you are required;

b) does not pay or provides false or poorly the information for the purpose of supervision is requested or required for the implementation of pricing systems in force or the movement of firms or establishments;



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c) withholds the presentation of merchandise, writing, accounting and documentation as requested or required by the authorities to monitor, investigates or instructs processes for the types of illicit described in this title shall be punished with imprisonment up to 1 year or fine up to 120 days.

2. It is equivalent to the situations referred to in the preceding paragraph, the failure to meet deadlines set by law or ordered by competent authority, for the offender to provide information or submit or provide the information referred to therein.

3. If there is negligence, the perpetrator shall be punished with a fine of up to 120 days.

**Article 433.**

(Unlawful export of goods)

Whoever exports the goods, depending on licensing, without the license issued by the competent authority shall be punished with imprisonment up to 2 years or with fine of up to 240 days.

**Article 434.**

(Fraud in obtaining a benefit or subsidy)

1. Whoever receives grants or subsidies:

a) providing the competent authorities to grant them, false, inaccurate or incomplete, the basic facts relating to the granting or omitting these facts;

b) using documentary evidence of the right to grant or subsidy or basic facts for the grant, obtained by incomplete or incorrect information shall be punished with imprisonment up to five years.

2. The penalty is imprisonment from 2 to 8 years, when the subsidy or grant is a considerably high value, in accordance with Article 377(a).

3. Are considered essential for the grant of benefits or subsidy the facts:

a) declared as such by law or by the entity granting the subsidy or grant;

b) that rely on legally grant, reimbursement, maintenance or renewal of the subsidy or grant.



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**Article 435.**

(Fraud in obtaining credit)

1. Whoever requests and receives a credit for a business or establishment and, to obtain in:

- a) provides false or incomplete information that are fundamental to the grant;
- b) uses evidence of the economic situation of the applicant the granting of credit false, incomplete or outdated;
- c) hides the deteriorating economic situation of the applicant the granting of credit, which occurred after the formulation of their application, shall be punished with imprisonment up to 3 years or a fine of up to 360 days.

2. The preceding paragraph applies to extensions of the concession and, in general, to any change to the system of credit conditions granted.

3. The penalty is 1 to 5 years, if the value of money borrowed is pretty high, in accordance with Article 377(a).

4. If there is negligence of the offender, the penalty is imprisonment up to 1 year or fine up to 120 days in the case of paragraph 1, and up to 2 years imprisonment or a fine up to 240 days in the case described in paragraph 2.

5. Are considered essential for the purposes of paragraph a) of paragraph 1, the information that the law or the grantor depend to grant the credit.

6. It is always punishable the attempt of the acts described in paragraphs 1 and 2.

**Article 436.**

(Undue use of benefit or subsidy or credit)

1. Anyone using values obtained by way of subsidy or grant for purposes other than those that were intended shall be punished with imprisonment up to 2 years or a fine of up to 240 days.

2. The same penalty shall apply to those using a value obtained through the granting of credit for purposes other than as provided in the line of credit or determined by the entity legally responsible.



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**Article 437.**

(Special mitigation of penalty)

The penalties provided for in Article 434, 435 and 436 shall be mitigated, if the recipient returns the amount received by way of grants or subsidies or the debtor settles the debt resulting from loans, plus interest at the legal rate which are due by the beginning of the trial at first instance.

**Article 438.**

(Passive corruption)

1. Whoever, not having the quality of a public official under Article 361 thereof, and working, exercising or performing job functions for any organization or association or legal person, regularly or irregularly constituted, the private sector, directly or indirectly, by himself or through an intermediary, receives for themselves or for third, advantage or promise to accept it, it is not due, as compensation for conduct contrary to their professional duties or functional, thereby violating the competition rules or cause pecuniary loss to third or entity to whom to work, exercise or perform office functions shall be punished with imprisonment up to 2 years or with fine of up to 240 days.
2. If the offender does actually violates any of their professional duties or functional, but accepts the promise or receives the benefit, the penalty is imprisonment up to 1 year or fine of up to 120 days.
3. If, in any case described in the preceding paragraphs, the offender repudiates the promise to returns the benefit received before causing injury and perform the infringing conduct of their professional duties or is exempt from the penalty functional.

**Article 439.**

(Active corruption)

1. Whoever, by himself or through a third party, makes promises or offers the advantages mentioned in the previous article that the offender described therein shall be punished with imprisonment up to 3 years or with fine of up to 360 days.



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2. If the offender, before the practice of the actions described in the previous article, expressly removes the promise or requests the restitution of benefits offered, the penalty is imprisonment up to 18 months or fine of up to 180 days.

**Article 440.**

(Corruption in the area of international trade)

1. Whoever offers or promises to a public official, national or foreign, or foreign political office holder of any benefit to, in an unlawful manner, make them achieve or maintain a contract, business or advantageous position in the field of international trade shall be punished with imprisonment of 1 to 5 years.

2. For the purposes of the preceding paragraph, are considered:

- a) "National civil servants" referred to in the Article 361;
- b) "Foreign civil servants," who, by election or nomination, are in charge of a public nature position to a foreign country or company or body of public abroad, as well as employees or offenders of international organizations or suprapstate of public-law;
- c) "Foreign holders of political office," people who, thus, are qualified by the law to exercise those positions.