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Penal Code of Togo, August 13, 1980, revised in April 2000

TITLE I : GENERAL PROVISIONS

CHAPTER I : GENERAL PRINCIPLES Article - No one shall be subjected to other penalties that were not required by law prior to the commission of the offense.

If the new law is less stringent than the former, it benefits to authors of previous offenses not yet tried.

Art. 2 - The judge may impose criminal sanctions the fact that as much as was expected continued and qualified by law.

Legislative and regulatory enforcement provisions are interpreted strictly.

CHAPTER II : OFFENCES Art. 3 - The offenses are divided into three categories according to the nature and severity of the penalties: the crimes that are punishable by criminal penalties, offenses which are punishable by penalties, the fines which are subject to policy terms.

Art. 4 - The attempt of a crime or offense is punishable as an offense consumed once it has been demonstrated by a beginning of execution, if it has been interrupted or fails its effect by circumstances beyond the control of the perpetrator.

CHAPTER III : THE JURISDICTION OF THE COURTS Art. 5 - Criminal penalties can only be imposed by judges who are by law responsible to learn according to their responsibilities and their geographical jurisdiction.

Art. 6 - The Togolese courts have jurisdiction to entertain any offense committed on Togolese territory, including the maritime space, and air vessels or aircraft to which the law, treaties or customary international recognition of national sovereignty.

However they are not competent to try offenses committed on board foreign military vessels sailing or parked in the waters territorial Togo.

The offense is deemed committed in Togo if at least part of the acts which constitute complicity or facts of the main action took place in Togo.

Art. 7 - The Togolese courts are competent to judge any qualified crimes by Togolese law committed abroad by a Togolese. They also have jurisdiction to try any offense committed abroad by a Togolese if the act is also punishable by the law of the country where it was committed.

It will be the same if the accused has acquired Togolese nationality only after the fact said.

Proceedings may be instituted only on the complaint of the victim or the denunciation of the facts by the authority of the country where they were committed.

Togolese courts are competent to try foreigners outside national territory are guilty as perpetrators or accomplices of offenses against the state security, forgery of the seal of the State of counterfeit currency when have been arrested in Togo and extradited regularly.

CHAPTER IV : THE ACCUMULATION OF OFFENCES Art. 8 - If several crimes or offenses are tried in the same instance of the corresponding sentences can not exceed their accumulated twice the maximum of the maximum penalty. If it is a sentence exceeding twenty years' imprisonment, the other sentences will not be executed and will not enter into consideration for the application of the circumstance aggravating recurrence.

CHAPTER V : THE RELAPSE Art. 9 - Is in any former state of recurrence sentenced definitive crime or offense commits a new crime the same category as the first in a period of ten years or an intentional offense of the same class within three years time after the day the first conviction became final.

The offenses are classified according to categories they affect: 1) persons 2-) payable families 3-) morals 4-) property 5) to the authority of the State 6-) to public peace 7-) Treasury the public domain or the national economy 8-) to state security

Art. 10 - In case of recidivism, the maximum fines and penalties involving deprivation of liberty shall be doubled, the death penalty may be substituted for life imprisonment.

Art. 11 - The aggravating circumstance of recidivism is applicable to offenses that under special provisions of law or regulation.

CHAPTER VI : THE CO-ACTION AND COMPLICITE Art. 12 - If several authors work together and in concert, they are each liable to the penalties for the common offense. None can rely on the exceptions, excuses or immunities of the other.

Art. 13 - The accomplices of a crime or offense are liable to the same punishment as the principal offender, unless otherwise provided by law.

Art. 14 - are considered as accomplices to the offense of knowingly have:

provoked action by providing information or instructions; procured instruments, weapons, vehicles, or other useful means to prepare, consumer action to promote impunity of its perpetrators, aided or assisted the authors of the offense in practice which have prepared, facilitated or consumed.

CHAPTER VII : THE MITIGATING Art. 15 - In the application of the criminal law the judge takes into account the requirements of public order, the particular circumstances of the cause of the personality of the accused and, where applicable, its family responsibilities.

It may reasoned decision, fall below the minimum legal punishment:

- 1) up to 10 years in prison if the crime is punishable by death;
- 2) up to 5 years' imprisonment if the crime is punishable by imprisonment perpetual;
- 3) up to 2 years' imprisonment if the crime is punishable by life time;
- 4-) up to 6 months imprisonment if the offense is punishable by three years at least imprisonment;
- 5) to the minimum font sentences for other crimes.

Art. 16- The benefit of mitigating circumstances allows to substitute fines to imprisonment and to provide the fine when the law provides for the application cumulatively with imprisonment.

CHAPTER VIII : PENALTIES SECTION 1 - CRIMINAL PENALTIES Art. 17 - Criminal penalties are: death, life imprisonment, imprisonment from 5 to 20 years, the general confiscation, civic decay.

Section I - Death

Art. 18 - The death penalty is executed by firing squad in a place designated by order of the Minister of Justice, Minister of Justice.

The performance takes place in the presence of the President of the court which imposed the sentence of the prosecution magistrate having required in the case, the defender of the condemned, the director of the establishment of detention, the police commissioner and commander the territorial unity of gendarmerie place of execution, a doctor required for the death certificate, a clergyman at the request of the prisoner.

Art. 19 - It may not be carried out the execution before it was ruled on the petition for clemency made by the convicted person or on his behalf under the provisions of the Criminal Procedure Code.

Art. 20 - The bodies of prisoners will be handed over to their families, sil they demand them, load them to bury do without any ceremony.

Art. 21 - If a woman sentenced to death is pregnant and says her state of pregnancy is medically certified it did not undergo the punishment after his deliverance.

Paragraph 2 - The seclusion

Art. 22 - The imprisonment shall be served in a prison built for long sentences.

A decree issued on a report from the Minister of Justice, Minister of Justice determines the working conditions of réclusionnaires and diet discipline of the institution.

During their detention the réclusionnaires are subject to civil disability and their assets are managed by a guardian such as minors.

Paragraph 3 - General confiscation Art. 23 - General confiscation covers all or part of the universality of the property comprising the offender's assets after satisfaction of the rights of any spouse, or his former co heirs.

The reserve of the heirs, calculated after settlement of liabilities escape confiscation.

The auction of confiscated property is practiced if it is essential to share between the parties, or required by the Administration of Estates.

Otherwise the land titles are transferred to the domain of the State.

Paragraph 4 - Civic forfeiture Art. 24 - Civic Deprivation entails the loss of any public office, unable to serve in the public service to exercise civil rights and political, wearing decorations, to obtain a gun license, a license hunting, to be awarded a public contract to be sworn expert, arbitrator or to be sworn as a witness, teach or hold educational employment in a public or private institution. **SECTION 2 - PENALTIES CORRECTIONAL** Art. 25 - The correctional penalties are: imprisonment fine movable confiscation Ban rights.

Paragraph 1 - imprisonment Art. 26 - Imprisonment is suffered in prisons independent from those of réclusionnaires.

A decree issued on a report from the Minister of Justice, Minister of Justice, shall determine the conditions of supervision and employment of convicted persons, the terms of correspondence and visits from their families, and the control of the management of their properties.

Paragraph 2 - The fine art. 27 - The amount of the fine is set by law for each offense it defines and punishes. It is expressed in national currency.

Payment is made in the manner determined by the Code of Criminal Procedure.

If payment of the fine within the time limit, imprisonment may be substituted for the fine at a rate of one day's imprisonment for 1,000 francs fine on incarceration order of the public prosecutor. The condemned can obtain his release by paying the balance of the fine not covered by the substitute incarceration.

Paragraph 3 - Movable confiscation Art. 28 - The judge may substitute the fine or to imprisonment for a term not exceeding three months confiscation of one or more objects or furniture furniture belonging to the offender to the Treasury. However, if the product of the sale exceed the amount of the fine incurred plus civil penalties and legal costs, the excess will be given to the convicted.

Paragraph 4 - The judicial forgiveness Art. 29 - When the accused will, before judgment, provided the repair of damage caused by the offense, the judge, considering the amendment pledges presented may even while declaring his guilt, waive any trouble.

Paragraph 5 - The stay Art. 30 - The prison sentences and fines may be in whole or part, of a stay of execution for a period fixed by the judge, not exceeding three years.

Art. 31 - In granting the stay, the judge may submit sentenced to special obligations pursuant to Procedure Code Criminal.

Paragraph 5 - Prohibition of Rights Art. 33 - The judge may rule as an additional penalty against the offender the temporary ban on the exercise of certain rights civil, civic or professional. Unless provided otherwise, this prohibition shall not exceed five years from the day the sentence is becomes enforceable.

The condition may include the right to exercise a profession, a public elective office, to be a director or manager of company or association, to be guardian, surrogate guardian, curator of an incapable to obtain or use a hunting or fishing, a firearms permit, vote in political or trade union elections, to be heard evidence on oath in court or before a notary public.

SECTION 3 - PENALTIES POLICE Art. 34 - Police sentences are : criminal work for a period not exceeding two months, a fine not exceeding 30 000 F.

Art. 35 - The Criminal job is to make workdays interest generally under the control of the prison authority. Convicts are not punished on Sundays and public holidays.

In case of unjustified absence in the workplace, the prison authorities can ensure the person convicted and host it in a facility outside the prison working hours.

The rules for filled and monitoring of convicted criminal work are determined by order of the Minister of Justice, Minister of Justice.

Art. 36 - Failure to pay the police fine within the time of my release notice, penal labor can be substituted for the fine because of a criminal working day 500 F fine.

CHAPTER IX : THE SAFETY MEASURES SECTION 1 - THE PROHIBITION OF STAY Art. 37 - Those sentenced to life imprisonment or imprisonment for two years at least, can also be hit with a ban to stay after their release in certain places determined by the sentencing court. This list may be supplemented by joint order the Minister of Justice, Minister of Justice and Minister of the Interior, which is notified to the convicted at least eight days before his release.

The duration of the exclusion order may not exceed 10 years.

Art. 38 - A convicted knowingly sojourn in a forbidden place without having obtained the prosecution pass a special, is punishable by two months to one year of imprisonment.

SECTION 2 - CONFISCATION Art. 39 - When the offense was committed with weapons, ammunition, explosives or dangerous objects or any instrument or of a regulated use, the judge will order the confiscation of the instrument, substance or thing seized so that it is as applicable, be destroyed or delivered to the military authority or to the Administration the authority to use them.

SECTION 3 - CLOSURE OF ESTABLISHMENT Art. 40 - The closure of a business or institution can be ordered for a period not exceeding five years in cases specifically provided by law or regulations.

Any activity in violation of this closure will make the offender liable to a fine of 50 000 to 1 000 000 francs and in case of recurrence of imprisonment of two months to a year.

CHAPTER X : ADVERTISING CONVICTIONS Art. 41 - Apart from the cases specifically provided by law, the judge may order the costs of the condemned the publication in the press of extracts or copies of convictions when the Crown will have specially required because of the exemplary cause.

CHAPTER XI : OF OFFENCES BY CORPORATIONS

Art. 42 - Any legal person may be convicted of offenses committed by its organs for its own benefit within the limits of their authority.

Art. 43 - The penalties applicable to legal persons are:

- 1-) the fine can be increased to five times that incurs by individuals;
- 2) temporary or permanent exclusion from public contracts or loss of benefits under the Investment Code, which are optional additional penalties;
- 3) temporary closure of the company or one of its establishments, which replaces imprisonment;
- 4) dissolution, which replaces imprisonment.

In addition the directors or managers who were the instruments of the offense committed by the company may be deprived for more than five years the right to administer or manage a company.

Any conviction that the fine was published in the expense of the person convicted morality in the Gazette. The judge may also order the publication of the sentence in the press under Article 41.

PART II : THE VARIOUS CATEGORIES OF OFFENCES

CHAPTER I : OFFENCES AGAINST PERSONS **SECTION 1 - HOMICIDE VOLUNTARY** Art. 44 - Whoever voluntarily commits homicide shall be punished by life imprisonment.

Art. 45 - Voluntary manslaughter is punishable by death if it was premeditated in ambush, it has been committed against an ascendant, he was committed for ritual purposes or cannibalism s it was committed to prepare, facilitate or an offense against property or against morality.

SECTION 2 - VIOLENCE VOLUNTARY Art. 46 - Anyone who willfully commits violence against others shall be liable to two months to two years' imprisonment if the violence led to the victim incapacity to work between ten days and three months.

Art. 47 - The penalty may be increased up to five years imprisonment:

if the violence committed causes mutilation or serious disability or an incapacity for work exceeding three months if the violence is committed with weapons or sharp objects or blunt used as weapons; if the violence is committed in concert by more on a single victim if the violence is committed against a child under 15 or against an invalid or an old man.

Art. 48 - If voluntary violence perpetrated without intent to kill has however resulted in death, the offender shall be punished by five to ten years' imprisonment.

The penalty may be increased to twenty years if the fatal shots were given with weapons or were brought together by a number on a single victim.

Art. 49 - Mild violence, not having resulted in a disability personal work than nine days were punished with a fine of 2,000 to 30,000 francs.

In addition the culprit may be punished from 10 to 60 days penal labor if these slight violence has occurred with weapons or jointly by several on a single victim.

SECTION 3 - THE MENANCES Art. 50 - Any person who utters writing, drawing or symbol, word or message recorded threats against the life or physical integrity of a person will be punished:

- Two to five years' imprisonment if the threat is made with order or conditional accomplish or leave an unlawful act or harmful to others.

- Two months to two years imprisonment or a fine of 30 000 to 500 000 francs if the threat was not accompanied by any order or condition.

SECTION 4 - KILLINGS AND INJURIES OF INVOLUNTARY Art. 51 - Anyone who negligently failing address or precautionary violation of safety regulations have unintentionally caused homicide be punished by two months three years imprisonment or a fine of 50 000 to 1 000 000 francs.

Art. 52 - Anyone who negligently failing address or precaution, infringement of safety regulations, will have unwittingly caused damage to a third party or will cause, shall be punished with imprisonment of one to six months or a fine of 30 000 to 200 000 Swiss francs.

Art. 53 - The penalties provided for in Articles 51 and 52 can be brought to a double homicide or if the injuries were caused during an act of driving under the influence of alcohol or by the driver of a vehicle used for public transport of persons or goods.

SECTION 5 - APOLOGY AND FACTS SUPPORTING Art. 54 - There is no infringement when the homicide or the violence was ordered by the current needs of self-defense even legitimate or others.

Art. 55 - In particular cases of self-defense:

If it has been resorted to homicide or violence during the night to repel the scaling or breaking of housing, shops, farm buildings and other dependencies of an inhabited place;

If the act was in defending against the perpetrators of flights performed with weapons and violence.

Art. 56 - Homicide and intentional violence are excusable:

If they were caused by serious violence or threats against people.

If they were committed by repelling day climbing and burglary of a place inhabited or its dependencies.

If they were committed by a husband on his spouse and accomplice of it at the time he surprised them in the act of adultery.

Art. 57 - Where their excuses will be established:

- If it is a crime punishable by death or life imprisonment the sentence may exceed five years in prison,

- In the case of any other crime the penalty may not exceed two years imprisonment,

- In the case of an offense the penalty may not exceed six months' imprisonment.

SECTION 6 - OFFENCES IN HONOUR Art 58 - Whoever publicly, by any process whatsoever communication has charged another a fact of nature to prejudice his honor and reputation shall be punished by a fine of 10 000 to 100,000 francs.

Art. 59 - Whoever maliciously to others address a gross insult publicly or in writing is punishable by a fine from 2 000 to 30 000 francs.

If the injury has a term of contempt relating to ethnicity, religion or nationality of the victim, the fine will be doubled and the guilty will incur from ten to thirty days penal labor.

SECTION 7 - VIOLATIONS OF THE FREEDOM Art. 60 - Any person who, without lawful authority around and out of the case need retains a person against his will in any place will be punished:

- From two to six months imprisonment if sequestration lasted less than twenty four hours

- From three months to two years' imprisonment if the sequestration lasted from one to ten days,

- From one to five years if the kidnapping lasted more than ten days.

Art. 61 - When the authors sequestration will be delivered to abuse on the victim, the penalties provided for in Articles 46 to 49 shall be placed to duplicate.

Art. 62 - If sequestration was made for facilitating, preparing or consuming an offense against property or blackmail from the public authorities, the culprits will be punished by life imprisonment.

Art. 63 - If the kidnapping resulting in the death of the victim, the perpetrators will be liable to the death penalty.

Art. 64 - The perpetrators or accomplices sequestration benefit from reduced sentences under Article 57 if they have made the unconditional freedom to healthy victim and saves.

SECTION 8 - of cannibalism AND PRACTICES HARMFUL TO HEALTH Art. 65 - shall be punished by one to five years' imprisonment who knowingly conch sells, purchases, transports, preparing and consuming human flesh.

Art. 66 - one is liable to any person who causes others to five years imprisonment illness or disability by giving him against his will or conspiracy, abuse of authority or deception, substances harmful to health.

The deliberate administration of substances likely to cause death is punishable sentences of attempted murder.

If the administration of substances harmful to health disability causes serious, the offender shall be liable to five to twenty years' imprisonment.

Art. 67 - shall be sentenced to five to imprisonment for any person engaged in practices likely to disturb public order or harm the people or property

SECTION 9 - PROTECTION OF PUBLIC HEALTH Art. 68 - Exercise illegally medicine or dentistry any person who takes part in the direction where usually followed in establishing a diagnosis or treatment of illness or disease surgery, congenital or acquired, real or supposed, for personal actions, consultations verbal or written or by any other means whatsoever, without holding one of the diplomas required by the regulations.

However, do not fall under the above provisions the healers practicing using traditional methods.

Art. 69 - Anyone who illegally practice medicine or dentistry shall be punished with imprisonment of one month to one year and a fine of 20,000 to 500,000 francs or one of these penalties.

SECTION 10 - THE FAILURE TO BRING RELIEF Art. 70 - shall be punished by one to six months' imprisonment or a fine of 20 000 to 200 000 Swiss francs anyone who fails to wear to a person in danger the relief that without risk to himself or for third parties, could lend him or that could cause.

CHAPTER II : THE ORDER OF FAMILIES AGAINST INFRINGEMENT **SECTION 1 - THE FAMILY OF ABANDONMENT**

Art. 71 - Will be punishable by two months to two years' imprisonment who, without serious grounds, remains more than two months without paying the amount of the pension to which food is taken in execution of a court judgment or a deed .

Art. 72 - The judge in the residence of the creditor shall have exclusive jurisdiction to hear and family abandonment proceedings. The creditor may , however, take their complaint to the judge of the domicile of the debtor.

SECTION 2 -FROM ABANDONMENT OF HOUSEHOLD Art. 73 - shall be punished by one month to one of imprisonment or a fine of 10 000 to 100 000 Swiss francs any parent who without good cause, abandons the home family or neglects to contribute to household expenses and the family as its faculties, despite a formal notification with acknowledgment of receipt to his last known residence.

SECTION 3 - EXAMPLES HARMFUL s.74 - be punished with one month to one year imprisonment or a fine of 10 000 to 100 000 Swiss francs any parent who by his disorderly conduct, his laziness, his rudeness and drunkenness will seriously compromise the health, morals or education of his children or those living in the home.

The judge may also order a care measure or detoxification of the parent guilty.

SECTION 4 - VIOLATIONS IN CIVIL Art. 75 - shall be punished by a fine of 20 000 to 30 000 Swiss francs whoever is legally required to have neglected to report the State-Civil a birth or a death.

Art. 76 - shall be punished by one to five years' imprisonment anyone who abducts, hidden, substituted a child for the purpose of depriving him of his staff and state family.

The same penalties apply to any person knowingly to the officer of Civil-State misrepresentation likely to affect the personal status and family of the person concerned.

Art. 77 - shall be punished by five to ten years imprisonment of the officer or employee of the State-Civil who knowingly has registered misrepresentation, or have deliberately altered, falsified or destroyed records, act or a document of Marital Status.

SECTION 5 - OF CRIMES AGAINST CHILDREN Art. 78 - Any person against the will of the persons exercising parental authority, except on lawful order of the public authority, will have resulted diverted, removed or moved a minor of where those in authority had placed on him, will be punished one to five years imprisonment.

Art. 79 - The penalty shall be five to ten years' imprisonment if the child was under the age of twelve.

It will be the same if the minor was a victim of abuse or violence that it resulted in an incapacity for work exceeding ten days.

Art. 80 - If removal was made in order to ransom the penalties provided for in Articles 62 and 63 shall apply.

Art. 81 - The authors and accomplices of kidnapping or minor movement will benefit from reduced sentences under Article 57 if they have no requirement, given the healthy minor, except to his family or to a public officer.

Art. 82 - When it has been decided the custody of a minor by decision enforceable court, the father, mother or any person who, in disregard of that decision, refuse to present the child, remove or divert, it will remove or distract from the hands of those who received the care, shall be punished with months to two years imprisonment.

If a minor is represented before the judgment is rendered, the judge will deliver only a fine of 20 000 to 100 000 Swiss francs, without prejudice to the benefit of the provisions of Article 29.

Art. 83 - shall be punished by one to three years imprisonment anyone who abandoned a child unable to protect himself.

If the result of this abandonment illness or incapacity for work for more than six weeks the penalty may be increased to five years 'imprisonment.

It will be the same if the offender is an ascendant of the child or a person having authority over him.

If the death of the child resulted from the abandonment the offender shall be punished by five years' imprisonment.

CHAPTER III :

AGAINST INFRINGEMENT OF MANNERS SECTION 1 - ATTACKS THE SHAME Art. 84 - It is a molestation made against any touching his discretion on the body of others in order to excite the senses.

Art. 85 - The indecent assault committed without violence on a child under the age of 14 shall be punished by one to five years imprisonment.

If the child has been subjected to violence or threat the offender shall be punished by five to ten years' imprisonment.

Art. 86 - The indecent assault committed on a person over 14 years will be punished by one to five years imprisonment.

If the attack was accompanied by violence by many, or is the result of violence illness or incapacity for work more than six weeks, the penalty will be 5 to 10 years' imprisonment.

Art. 87 - Rape of imposing by fraud or violence relationships sex with others against their will. Any author or accomplice rape shall be punished by five to ten years' imprisonment.

The penalty may be increased to 20 years if the authors were imposed on the victim several sex or if the violence committed caused either pregnancy or an illness or incapacity for work exceeding six weeks.

It will be the same if the victim was under the age of 14.

SECTION 2 - THE GOOD MANNERS OF OUTRAGES Art. 88 - shall be punished with imprisonment of one to three years and a fine of 100 000 to 500 000 Swiss francs anyone who commits an indecent act or act against nature with an individual of his sex.

Art. 89 - shall be liable to six months to two years imprisonment and a fine of 20 000 to 200 000 Swiss francs or one of these penalties:

- 1) anyone who publicly look to the exhibition of its parts , or any other sexual act offensive modesty;
- 2) anyone who publicly exhibits, manufactures or sells to the public exhibition of objects, images, films, sound recordings or audio visual, contrary to decency;
- 3) a person who distributes or circulated on public roads or post, or door-to-door, all books, brochures, catalogs, flyers, photographs, films, sound or audio visual contrary to decency, without the prior consent recipients;
- 4) anyone through words, written or other means of communication, broadcast or publicly disseminate incentives in practices contrary to good morals.

Art. 90 - The objects, images, films, books, brochures, catalogs, prospectuses, sound or audio visual referred to in the preceding article shall all cases seized and forfeited for destruction.

Moreover the guilty may be deprived for a period of five years at the right to publish, sell or reproduce printed materials, recordings, films or images.

SECTION 3 - OPERATING THE DEBAUCHE Art. 91 - Shall be punished from 2 000 to 30 000 francs anyone fines of one or the other sex who publicly look soliciting for prostitution.

In case of recurrence within a year, the offender shall be liable to ten to thirty days penal labor.

Art. 92 - shall be sentenced to five years' imprisonment and a fine of 100 000 to 1 000 000 Swiss francs anyone, to satisfy the passions of another, encourages or engages one or more persons in prostitution by promises, donations threats, fraud or violence.

Art. 93 - Is considered pimp and liable to the penalties provided for in Article previous one who:

- 1) knowingly lives with a person who habitually engages in prostitution;
- 2) a habitual relationship with one or more persons engaging in prostitution usually, can not justify resources corresponding to his lifestyle;
- 3) puts premises available to persons engaging in prostitution;
- 4) the manager or employee of hotel establishment, habitually tolerates in its establishment the presence of persons engaged in prostitution.

Art. 94 - The imprisonment may be increased to ten years when:

- 1) the offender has incited or engaged in prostitution of minors;
- 2) the party shall have committed violence to introduce or maintain persons in prostitution, if the violence caused illness or incapacity for work exceeding two weeks.

Art. 95 - Every pimp will forfeit all or part of the rights listed in Article 33.

It may also be disqualified from driving motor vehicles for five years.

The court may order the closure of the establishment where the offense was committed, pursuant to Article 40.

Beds or other furniture used in debauchery may be seized and forfeited.

Art. 96 - Those who have engaged in prostitution may be subject to health examinations and treatment measures if they are infected with venereal diseases.

The examination and treatment costs will be borne by pimps who operated the activity of these people.

CHAPTER IV : THE OFFENCE AGAINST PROPERTY *SECTION 1* - VOL Art. 97 - Anyone who embezzled a thing that belongs to him not guilty of theft.

Art. 98 - A theft is punishable by six months to three years imprisonment and a fine of 20 000 to 100 000 Swiss francs or one of these penalties.

Art. 99 - are also considered theft: the fraudulent removal of a vehicle for temporary use, modifications or alterations of fraudulent distribution facilities of water, gas or electricity for the purpose of removing all or part the user to pay the royalties.

Art. 100 - The flight's qualification was committed with a circumstance follows:

1) night, 2) jointly by several perpetrators or accomplices, 3) using duplicate keys or climbing, indoor or break outside, 4) in a place inhabited or used for habitation 5) with firearms, 6 °) with violence or threats on people, 7 °) with use of a motor vehicle, 8 °) by using a badge or uniform confusingly similar with those of agents of the public authority or alleging a false order of said authority. 9 °) by an employee, worker, servant in the master's house service that he was, 10 °) with a carrier, hotelier or custodian or employees in respect of things filed under their professional liability.

Art. 101 - The theft with one of the circumstances referred to in Article precedent is punishable by one to five years imprisonment.

Theft committed at least two of the circumstances referred to in section 100 is punishable by five to ten years' imprisonment.

If it has been made use of weapons or violence have caused to the victim disease or incapacity for work exceeding two weeks or if the theft was committed at least three circumstances referred to in Article 100 guilty will be punished by ten to twenty years' imprisonment.

If the authors of the flight exerted violence that caused mutilation or severe disability of the victim, they will be punished by life imprisonment.

Art. 102 - Do may give rise to civil damages thefts to the prejudice of a spouse, ascendant or descendant.

SECTION 2 - THE BREACH OF TRUST Art. 103 - commits a breach of trust anyone who received summons an object or a value for a specific use has disposed in fraudulently and will represent him.

Art. 104 - commits a breach of trust the director or company manager who fraudulently has disposed of social goods in violation of the statutes and associated rights.

Art. 105 - commits a breach of trust holder of a blank check that it fraudulently carries an obligation to discharge or undue prejudice to a party.

Art. 106 - The penalties provided for in Article 98 shall apply to the abuse of trust.

If the breach of trust committed by a professional in the exercise of his profession he is punished by one to five years imprisonment.

The culprit may also be deprived of the right to carry on business professional for five years.

SECTION 3 - ARS Art. 107 - is guilty of swindling anyone using maneuver for fraudulent abuse of credulity is unduly give a sum, property or assets to the detriment of others.

Art. 108 - The penalties provided for in Article 98 shall apply to the scam.

Art. 109 - If the fraud was committed by use of false documents or false insignia or uniforms the penalty may be doubled.

SECTION 4 - VIOLATIONS IN THE USE OF CHEQUES Art. 110 - Will be punished with the penalties of the scam whoever issued a check knowing that it could be paid regularly or lack of provision, either because of an opposition making available provision, or will have knowingly removed the provision between transmission and presentation of the check.

Art. 111 - Will be punished with one month to one year imprisonment and a fine equal to the amount of the check or NSF those who, knowingly have agreed to receive or endorse a check issued the conditions defined in the preceding article.

In addition they will not be admissible complaint by constituting part if civil defaulted.

Art. 112 - Shall be liable to the penalties provided in section 110 whoever falsified, altered or forged a check or has knowingly used a check falsified, altered or counterfeit.

Art. 113 - In case of recurrence or multiple prosecutions the Tribunal may prohibit convicted for a period of five years in addition to issuing checks other than those that allow only the withdrawal of funds by the drawer from the drawee or those certified .

This decision is notified by the Legal Department at the Central Bank and the Bank, where the convicted person has his account. Any check stock issued in contempt of this prohibition will result in the liability of the banker in case of payment incident.

The Tribunal may order the provisional enforcement of the ban.

SECTION 5 - THE FRAUDS Art. 114 - Will be punishable by two months to two years imprisonment and a fine of 20 000 to 200 000 Swiss francs or one of these penalties, any merchant or manufacturer who has sold, delivered or offered in bad faith goods, objects, instruments or substances do not have the quality and fair marketable or not having the weight or measurement indicated.

Art. 115 - Shall be liable to the penalties provided in the preceding article whoever distributed by any means whatsoever false advertising touting imaginary qualities or giving inaccurate information about the product being advertised.

The lead author is the manufacturer or the retailer who sell the product. If advertising was developed by an advertising agent it will be exempt from prosecution if he proves that he was abused by the claims of the manufacturer or importer as to the quality or composition of the product.

Art. 116 - Consumer associations are entitled to pursue the perpetrators of fraud and to act as civil parties in particular to obtain the correction of false advertising by the same media.

SECTION 6 - THE SWINDLING Art. 117 - Shall be punished with imprisonment of three months to one year and a fine of 20 000 to 100 000 Swiss francs knowing anyone unable to pay is absolute fact will serve a meal or a drink in a catering establishment or drinking establishment, or will be made to a room in a hotel, or have taken a taxi or hire car.

SECTION 7 - BANKRUPTCIES

Art. 118 - Merchants, managers or directors of companies convicted of bankruptcy according to the requirements of the Code of Commerce will be punished:

for simple bankruptcy of one month to two years' imprisonment;

for fraudulent bankruptcy of one to five years imprisonment.

Art. 119 - The bankruptcy of accomplices shall be equally punishable even if they do not have the quality of trader.

Art. 120 - Sentences can be doubled if the perpetrators are professionally engaged in foreign exchange, brokerage securities or banking.

SECTION 8 - CONCEALMENT OF FRAUDULENT AND CEL Art. 121 - The penalties provided for in Article 98 those who are knowingly harbored, objects or values obtained using one of the offenses in this chapter.

Art. 122 - If the receiver is aware at the time of concealment of circumstances aggravating giving the main offense of a criminal offense, he shall be punished with the penalty applicable to the crime, unless denounced the crime and returned the Things harbored.

Art. 123 - shall be sentenced to six months' imprisonment or a fine of 20 000 to 200 000 Swiss francs who, being improperly come into possession of a sum, object or value, through error or fortuitous event, will have none made restitution to the appropriate person or has not made the declaration to the authority competent within a short time after the discovery of the error or the apprehension of the found object.

SECTION 9 - THE BLACKMAIL Art. 124 - Shall be punished by one to five years imprisonment for anyone who, under the threat of revealing a secret, to engage in a smear, destroy any document, undermine freedom or integrity of one or more people have extorted or attempted to extort money or the delivery of securities or signature or delivery of a written, an act or any part containing obligation, alienation or discharge.

Art. 125 - The imprisonment may be increased to twice if the threat received a commencement of execution

SECTION 10 - DESTRUCTION, DAMAGE Art. 126 - Any person who willfully destroys or attempted to destroy the prejudice of others buildings, ships, aircraft, shops, buildings operating for the dwelling or occupied by personnel will be punished:

1) death, if the destruction was carried out by fire or explosives, 2) life imprisonment if the destruction was carried out by other means .

Art. 127 - Any person who willfully destroys or attempted to destroy the prejudice of others unmanned buildings, roads, dams, bridges, structures, public utility buildings or not occupied by operating personnel will be punished:

1) to life imprisonment if the destruction was carried out by fire or explosives, ten to twenty years' imprisonment if the destruction was carried out by any other means.

Art. 128 - Any person who willfully destroys or attempted to destroy the prejudice of others shacks, huts, sheds or other buildings light will be punished:

1) one to five years imprisonment if at the time of the action building was occupied by one or more persons; 2) two months to one year of imprisonment if the building was unoccupied at the time of the action .

Art. 129 - Any person who willfully destroys or attempts to destroy public or private land vehicles will be punished:

death if the destruction was made at the time the vehicle was carrying people, even during parking or stopping,

2) five to ten years' imprisonment if the destruction was carried out when the vehicle did not contain any person,

3) from six months to three years' imprisonment if the vehicle was destroyed without engine if it was a vehicle that can carry at least two passengers in addition to the driver.

Art. 130 - Simple malicious damage, not impairing big work building, buildings, bridges, monuments, buildings, operating and service, public or private, is punishable by two months to one year imprisonment and a fine of 20 000 to 1 000 000 francs, or one of these penalties:

The same penalty applies to destruction, deliberate damage to works of art, public or private collection, sorted objects belonging to others.

Art. 131 - Shall be punished by one to five years' imprisonment anyone who willfully and maliciously burned or destroyed in any way of securities, bills of exchange, bills or bank or other material that contains or operating obligation, provision or discharge .

Art. 132 - Any person who willfully destroys or attempted to destroy machinery, tools, instruments, materials or products used in manufacturing, farming, industrial, commercial, trade, administration, public or private will be punished:

1) two to ten years if the perpetrator acted to the detriment of his employer or to the prejudice of the State or a public company,

2) six months to five years imprisonment and a fine of 20 000 to 1 000 000 francs if the author was a third over the victim.

Art. 133 - Whoever maliciously killed one or more trees destroyed standing crops, cut grain or fodder to the prejudice of others will be punished by two months to two years' imprisonment if the damage is less than 30,000 francs.

Otherwise imprisonment may be increased to five years.

Art. 134 - Any destruction of stockyards poultry or other convenient facilities for farming or animal breeding has to be punished by two months to two years imprisonment and a fine of 20 000 to 1 000 000 francs or one of these two penalties.

Art. 135 - Whoever poisoned horses or other animals to mount or load, cows, oxen, sheep, goats or pigs, or other pets, fish in ponds, tanks or tanks, shall be punished by imprisonment of one to five years and a fine of 20 000 to 1 000 000 F.

It may also be banned from for a period of two years at least and five years.

Art. 136 - Those who unnecessarily have killed or maimed one of the animals mentioned in the preceding article, shall be punished as follows:

If the offense was committed in the other buildings, and appurtenances or the land that the owner of the animal killed or maimed owned, resort or tenant farmer, the penalty shall be imprisonment from one month to one year.

If it has been committed in any other place, imprisonment will be of six months.

Art. 137 - Whoever, in whole or in part, filled ditches, destroyed fences, some materials they are made, cut or torn from the bright and dry hedges, anyone who moved or deleted terminals, pieus, or trees planted or recognized to establish the boundaries between different properties or who will be opposed by force or threats to ask such terminals, shall be punished by imprisonment of one month to one year and a fine of 20,000 francs à 50000 .

SECTION 11 - OCCUPATION FRAUDULENT Art. 138 - Any person who in good faith have grown or held in a way any land which others could have, either by virtue of a title land or under an administrative or judicial, shall be punished with imprisonment of six months to three years and a fine from 50 000 to 300 000 francs.

The court may order the expulsion of the occupier and the destruction of plantations and constructions of the latter.

Shall be liable to the same penalties whoever occupied land that without the right part of the national land or registered in the name of the State or a public authority or has entered or attempted to enter into an agreement with the object such land.

Art. 139 - Whoever, in bad faith, occupied without right or title accommodation, local professional, public building or converted to public use, despite a formal notice of the occupant shall be punished with one month to one year of imprisonment and 20 000 to 50 000 francs fine.

CHAPTER V : OFFENCES AGAINST THE AUTHORITY OF THE STATE SECTION 1 - OUTRAGES TO

REPRESENTATIVES OF THE PUBLIC AUTHORITY Art. 140 - Shall be punished by one month to two years' imprisonment, by words, in writing, by gesture, pictures or objects or recorded message not made public will insulted or outraged in the exercise of its functions or the opportunity this year a magistrate, a public official or any other citizen charged with a public service ministry.

Art. 141 - The imprisonment may be increased to five years where the insult or outrage has been uttered publicly or will have been broadcast public because of its author.

SECTION 2 - THREATS AND VIOLENCE AGAINST REPRESENTATIVES OF THE PUBLIC AUTHORITY Art. 142 - shall be punished with three months to three years imprisonment any person who, in the exercise, threatened a magistrate, a public official or citizen charged with a public service ministry to undermine his person, reputation or those of his relatives.

If the threat is made with order or conditional to do or abstain from doing any act of its function, the penalty shall be doubled.

Art. 143 - Whoever voluntarily exercised violence or assault is a magistrate, a public official or citizen charged with a ministry of public service, in the performance of his duties or on the occasion of this exercise will be punished:

one month to one year in prison if he is not the result for the victim of his violence an inability to service:

from three months to three years' imprisonment if the violence committed led to the victim's inability to provide service for a period of less than two weeks;

two to five years' imprisonment if the violence committed causes the victim to an inability to provide service for a period of two weeks to three months;

five to twenty years in prison if exercised violence resulted in mutilation or serious disability or interruption of service exceeding three months;

to life imprisonment if the violence without intent to cause death, however, have driven;

death if the violence is committed with intent to kill.

SECTION 2 - THE REBELLION Art. 144 - Will be fined 2 000 to 3 000 F whoever refuses to obey a lawful order given on the highway or in a place public by a representative of the public authority acting in the exercise of its functions.

Art. 145 - Any violent resistance to the legitimate work of law enforcement officers is a public rebellion.

Art. 146 - The rebellion is punishable by ten to thirty batches of penal labor or a fine of 10 000 to 30 000 F when committed individually and did not cause the victim to law enforcement officer an inability ensure its service.

Art. 147 - The rebellion is punishable by me to one year of imprisonment if it was committed jointly by several individuals without a coach for the agent of the public force a victim unable to provide its service, or if it has been committed with exposed or concealed carrying of weapons.

Art. 148 - Article 143 The penalties apply to rebellion authors as they have caused to the agent of the police inability to provide service dismemberment, disability or death.

SECTION 4 - THE FORFEITURES Art. 149 - Any crime or offense committed in the exercise of his functions or during exercise by a judge or official holder of a parcel of the public authority is a felony.

In addition to the penalties for the crime or offense committed the offender shall be deprived of the judiciary or the public service.

Art. 150 - Any attack on freedom, violence against persons, while indecent assault, any offense against the property of individuals committed in the performance of his duties or abuse of power by a magistrate or officer holds a parcel the public authority is punishable double the penalties against individuals.

If the crime is punishable by life imprisonment, death may be imposed when it constitutes a felony.

SECTION 5 - ABUSE OF AUTHORITY Art. 151 - The judges or officials owners of a parcel of the public authority that will be coordinated to oppose the execution of laws or irregularly stop their service will be punished for that reason alone a month to one year imprisonment.

If the concert was held between the civilian and military authorities, the perpetrators will be punished and provocative two to five years' imprisonment without prejudice to the penalties for conspiracy against the security state.

Art. 152 - shall be punishable by forfeiture of their duties:

the magistrates of the judiciary that will interfered in the exercise of legislative or regulatory authority by arresting or suspending the execution of laws and regulations or issuing regulations;

Ministers, officials and staff possesses an ounce of authority administrative that will be interfered in the judicial functions in imposing criminal or civil judgments or giving orders or defenses to the courts.

Art. 153 - Shall be punished any holder of two agent to five years in prison for a plot of the public authority that has ordered or required the use of public force out of cases provided by law or to defeat the execution of the law in a decision or a judicial warrant.

Art. 154 - Every unit commander of the forces who has refused or neglected to do his unit after being regularly required by the judicial or administrative authority will be punished by six months to two years in prison and stripped of his duties .

Art. 155 - Any person who unduly claimed to exercise public authority or making use false order of this authority or false insignia or uniforms or insignia or uniforms will be usurped by that fact alone punishable by six months to three years imprisonment .

Art. 156 - The penalties provided for in this section do not apply to officers or public employees who have acted on orders from their superiors hierarchical given within the limits of their competence.

SECTION 6 - OBSTACLES TO JUSCITICE Art. 157 - Shall be punished by one month to one year in prison while goalkeeper seals affixed by court order or administrative broken or left which will break the said seal.

When the seal has been broken by a purpose other than the goalkeeper the guilty will be punished by three years' imprisonment.

Art. 158 - Anyone ara destroyed, defaced or removed records, deeds or other content maintained public documents and in public services or public officers shall be punished by one to three years imprisonment.

Art. 159 - Anyone out if he is bound by professional secrecy, refuse to give evidence in court shall be punished by 10 000 to 30 000 F fine.

When the refusal to testify following a corruption of the witness or if it has the effect of concealing a justification or excuse in a trial criminal, the perpetrator shall be punished by one to three years imprisonment.

Art. 160 - The intentional alteration of a fact reported by a witness in court is perjury.

Art. 161 - Shall be punished by one to three years' imprisonment on false witness who has acted corruptly or in order to unduly order a party to the proceedings.

When false witness will aim to falsely convict a defendant or accused, a false witness will be punished with the penalty for the offense attributed to the accused or defendant.

Art. 162 - A party to which the oath has been or referred in civil matters and which has made a false oath is punishable by two months to two years imprisonment and may be prohibited from exercising all or part of the rights under Article 33 for five years.

Art. 163 - Whoever by threats, abuse of authority, conspiracy, promises, gifts, assault or seduction has bribed or attempted to bribe u witness in judicial or disciplinary proceedings shall be liable to penalties under section 161 against a even if the false witness bribery missed its effect.

Art. 164 - The penalties of perjury apply to the interpreter in the execution of its mission, voluntarily alter the statement he translated.

Art. 165 - The penalties of perjury also apply to the expert who voluntarily alter the results of his observations in order to distort the course of justice.

Art. 166 - The penalties of perjury apply denunciation slanderous addressed to the police authority or justice maliciously to cause unwarranted criminal proceedings.

SECTION 7 - FALSE PUBLIC Art. 167 - Shall be punished by one to five years imprisonment whoever forged or falsified the seal of the State or public administration, brands, punches and other tools used by governments to distinguish the public acts, records, materials or objects.

The same penalty will apply to those who knowingly makes use of seals, trademarks, punch or other counterfeit or forged instruments.

Art. 168 - Will be punished by three months to two years imprisonment for anyone who has forged or falsified certificate, document or material setting is for governments.

The same penalty will apply to those who knowingly makes use of certificates, documents or forged or falsified documents.

Art. 169 - When comes the falsification of an official or employee having access to its functions seals, stamps, marks, instruments, formulas certificates documents mentioned in previous articles, the penalty will be doubled.

Art. 170 - Shall be punished by me at one year's imprisonment from 30 000 to 200 000 F fine or one of these penalties:

- 1) anyone who manufactured, sold, distributed even free all objects, printed forms in appearance their size could lend a confusion with objects, printed documents or forms used by administrations public;
- 2) anyone who has returned to use a stamp or a stamp already used or will overloaded, perforated or altered said mail or stamps tax to increase or renew the official value.

CHAPTER VI OF CRIMES AGAINST PUBLIC PEACE SECTION 1 - ABUSES OF WRITTEN AUTHENTIC OR TRADE

Art. 171 - Shall be punished by one to five years imprisonment for anyone who counterfeit, altered, tampered with or destroyed a deed containing gratitude, obligation or shock.

The penalty shall be five to six years' imprisonment if the false was written by the officer who qualified to receive public or to establish the act.

Art. 172 - Will be punished by three months to two years imprisonment whoever counterfeit, altered, tampered with or destroyed private act or a bank document or trade containing recognition, counting, obligation or shock.

The penalty shall be one to five years if the offender acted in the exercise of his profession. It may also be deprived of the right to practice for five years.

Art. 173 - Use knowingly acts and other documents are forged or falsified same penalties as counterfeiting or forgery.

SECTION 2 - THE FALSE CERTIFICATES Art. 174 - Shall be punished by one month to one year imprisonment and a fine of 20,000 francs à 100 000 or one of these penalties:

- 1) anyone who manufacture under the name of a doctor or other professional art health certificate falsely alleging health, vaccine or other acts of care.
- 2) any physician or health professional art issue a certificate falsely claiming or concealing illness, infirmity, a state of pregnancy, a cure or cause of death.
- 3) anyone who manufacture under the name of an employer or head of school or vocational training, a certificate of work, a diploma, a certificate of good service or have made use of such certificates, certificates or diplomas counterfeit or forged.
- 4) a person who falsely certify before a public official, in an act administrative or genuine, the facts of which the act is intended to prove the truth.
- 5) knowingly make misrepresentations in the constitution of an administrative file relating to the award of benefits or the recognition of a situation eligible for certain benefits or distinction.

SECTION 3 - FRAUD IN EXAMS AND PUBLIC CONTEST Art. 175 - Whoever committed fraud in an examination or contest public for the purpose to enter a public administration or the acquisition of a formal degree particularly in supplying to another person or knowingly communicating with any of the interested parties the text or about the test or by making use of false documents such as diplomas, certificates, birth certificates or others, or by substituting a third person to the real candidate, shall be punished with imprisonment of one month to three years and a fine of 20 000 to 500 000 Swiss francs or one of these penalties.

SECTION 4 - VIOLATIONS OF PRIVACY Art. 176 - Physicians and other health professionals in the art, the social workers, lawyers, ministers and other persons by depository status or profession of the secrets entrusted to them who, except where the law allows or forced to stand whistleblowers have revealed these secrets will be punished by three months to one year imprisonment or a fine of 30 000 to 1 000 000 francs.

Art. 177 - shall be sentenced to six months' imprisonment or a fine of 20 000 to 200 000 Swiss francs:

- 1) anyone who violated the secrecy of correspondence by reading, by any means whatsoever, of the contents without the recipient's consent or the sender;
- 2) whoever published or distributed papers or private records without the consent of their authors or their heirs;
- 3) whoever published or broadcast a drawing, photography, film or other contribution reproducing the image of a private person without the consent of that person or his successors in title;
- 4) any person who, by any means whatsoever, organized interception and private listening, oral, optical, magnetic or other exchanged or received in a private place, without the scene of the master agreement
- 5) any person who enters a private place inhabited or used for habitation against the will of the occupant

When perpetrators have acted with the exceptions provided by law or ordered by the public authority, misappropriation or abuse of the powers attached to their public duties they will be punished with two months to three years imprisonment.

SECTION 5 - ELECTORAL FRAUD Art. 178 - Shall be punished by one month to one year's imprisonment anyone in order to impede the progress of a public vote or alter the result will have:

irregularly makes adding or subtracting of voter registration on the electoral roll

took an inscription on an electoral list without asking radiation the old list where it was registered,

will be made a voters list in defiance of a disability or legal or judicial forfeiture,

caused disorder in the polling stations or at voting time either during the counting of ballots,

distributing leaflets, putting up posters or performed other acts of electoral propaganda offsite and protected time for this propaganda.

Art. 179 - Shall be punished by one to five years imprisonment for anyone who prevent or distort the expression of votes:

will by threats, assault, gifts, promises or deterred artifice or attempting to dissuade a voter to participate in elections or to freely choose their ballot

will be made by means of bribery or placed or made irregularly placed in the ballot boxes of ballots, abducted or kidnapped urns or content,

be counterfeited or destroyed records as the results of the poll or the supporting documents annexed to such minutes.

SECTION 6 - PEACE OF VIOLATIONS OF PUBLIC Art. 180 - Shall be punished by 2 000 to 30 000 F fine any person who, outside of public holidays and customs caused the noise at night.

Art. 181 - Shall be punished by 2 000 to 30 000 F to fine anyone who is found in state of public and obvious intoxication.

In case of recurrence within twelve months, the offender shall be punished with one to ten days penal labor.

The court may also order that will be submitted at its expense to cure detox.

Art. 182 - Shall be punished by 2 000 to 30 000 F fine anyone who participates on the public road in a procession, rally or other event disturbing the public traffic, without obtaining the administrative authorizations prerequisites.

The organizers of the unauthorized demonstrations on the public highway, even if they did not participate personally, shall be punished by one to six months' imprisonment and a fine of 20 000 to 100 000 F or of these two penalties.

Art. 183 - When the unauthorized demonstration on the public highway will caused damage or damage to public facilities, property of residents, for parked cars, the participants of the event will be punished with one to six months' imprisonment.

Art. 184 - Shall be punished by one to twenty days of prison labor persons engaged on the road to begging or book of children begging.

Art. 185 - Those who have no fixed abode, no means of subsistence and who usually exercise no trade or profession and devote themselves to vagrancy will be punished with one to twenty days of penal labor.

The court may also order their placement in a home, guidance or care for a period of three months, which may be extended in order to facilitate their socio-professional reintegration.

Art. 186 - Foreign found in vagrancy state will be at the end of their sentence expelled from the country.

They will be exempted from punishment if their repatriation is effected without delay by the diplomatic or consular authorities to which they belong.

SECTION 7 - GROUPS OF CRIMINALS Art. 187 - Shall be punished by one to five years imprisonment for anyone who joins or participates in a group, regardless of its duration and the number of its members, for the purpose of preparing or committing crimes against persons or against property.

The organizers or leaders of criminal groups will this fact alone punished by five to ten years' imprisonment.

Art. 188 - The penalties of section 187 who knowingly usually provide venue or pension to members of the group, or store weapons or instruments used or to be used for criminal activities.

Art. 189 - Will be exempted from punishment those who, before participating in any of the crimes prepared by the group have reported to the authorities the existence of the group.

SECTION 8 - THE EVASIONS Art. 190 - shall be punished by one to six months' imprisonment any agent of force public officer having the custody of a prisoner.

Art. 191 - Any guard or officer appointed to guard a prisoner who knowingly procures escape or attempted ara him to get him to be punished with one to five years in prison and will forfeit his public employment.

Art. 192 - Any person who intentionally facilitated the escape of a prisoner in him providing information, tools, clothing, vehicle or other means of escape or hiding, will be punished by six months to three years imprisonment.

The penalty shall be doubled if because of its condition or function the culprit had the ability to communicate freely with the inmate.

Art. 193 - shall be sentenced to six months' imprisonment and a fine of 20 000 to 100 000 F or one of these penalties only whoever is delivered or sent a letter, a package, an amount, or any object to an inmate outside the remedies provided by law or in violation of an order of solitary confinement.

If the offender has abused the facilities that gave him his profession for this discount, it may also be deprived of the right to practice for three years.

Art. 194 - Shall be punished with imprisonment from two months to two years while inmate who, by any means whatsoever, to be escaped or a prison or a hospital or health facility where he was being treated or while employed outside a prison or in a transfer or he has not returned to the prison after a furlough.

SECTION 9 - NON WITHDRAWAL OF CRIMINALS Art. 195 - Shall be punished by one month to one year imprisonment or a fine of 20 000 to 500 000 F one that has knowledge of a crime already tried or consumed, while still possible to prevent or limit the effects, or we could think that the guilty or one of them would commit new crimes that could prevent termination, will not immediately alerted the authorities.

Are excepted from the above provisions the parents or relatives up the 4th degree inclusive of the authors and accomplices of the crime or attempted.

SECTION 10 - OFFENCES AGAINST THE RESPECT TO DEAD DÜ Art. 196 - shall be sentenced to six months' imprisonment or a fine of 10 000 to 100 000 F who:

1) will discreetly bury a human body, without having done regularly see death;
be concealed, mutilated or destroyed, the body of a deceased person;
have violated or desecrated a grave or tomb;
will be delivered to the trafficking of human bones;

5) will be degraded or polluted a public monument dedicated to the memory of the party or the public good.

CHAPTER VII : OFFENCES AGAINST THE TREASURE , THE FIELD , AND NATIONAL ECONOMY SECTION 1 - THE FAKE CURRENCY Art. 197 - Shall be punished by five to ten years of imprisonment:

1) anyone who counterfeited or altered banknotes legal tender in Togo or admitted to changes in the financial institutions approved in Togo;
2) any person who knowingly participated in the program, the introduction or distribution of counterfeit or altered and tickets

Art. 198 - Shall be punished by one to five years imprisonment:

1) whoever forged, altered or colored metal coins with legal tender in Togo or admitted to the exchange in financial institutions accredited in Togo;
2) any person who knowingly participated in the program, the introduction or distribution of counterfeit currency as well, altered or stained.

Art. 199 - be immune from punishment those who, having participated in the counterfeiting or altering of currency cash, will, before any prosecution, denounced the authorities constituted the authors.

Art. 200 - The counterfeit or altered monetary species will be confiscated and destroyed at the behest of the counterfeit victim issuing bank.

Art. 201 - Shall be punished by one to five years imprisonment whoever forged or falsified debt securities, treasury bills and other obligations of the State or other public authorities.

The same penalties will apply to those who have made use of titles and forged or falsified.

SECTION 2 - SUBTRACTIONS AND MISUSE OF PAST AND PUBLIC PROPERTY. Art. 202 - Any agent or servant of the state, a local government school, a public institution, a company in which the State or other public authority has taken a more generally, any agent or employee of a legal person of public law, which will subtract fraudulently removed, misappropriated or dissipated last public or effects taking place, or parts, titles, deeds household effects that were in his hands because of or in connection with the performance of his duties will be punished May to October years in prison.

However, the penalty is one to five years if the money or withdrawn or diverted values do not exceed 500,000 francs.

Art. 203 - If the offender served as public accountant punishment shall be doubled.

Art. 204 - The receivers of subtracted and diverted goods or values are liable to the same penalties as the main perpetrators and their accomplices.

Art. 205 - The authors of the offenses defined and punished by Articles 202, 203 and 204 can not in any case benefit from the provisions of Articles 15, 16, 30, 31, 32 of this Code.

The administrative act establishing the amount owed to the treasury by these people is not preliminary to the exercise of public action, or judgment of the head of the offenses.

Art. 206 - Shall be punished by one month to one year imprisonment and a fine of 20,000 AT 200 000 francs, or one of those penalties any agent or employee of the state or a corporation law public using fraudulently vehicles, service equipment or furniture assigned to public service, in addition to regulatory conditions.

Art. 207 - Shall be punished by a fine of 20 000 to 100 000 Swiss francs any agent or employee of the State or a legal person of public law which by its negligence, lack of care or caution has caused the shutdown use or premature wear of a vehicle, machine or other service equipment assigned to the job.

The culprit will be free from prosecution if he shall bear the cost to replace or repair damaged equipment.

SECTION 3 - THE CORRUPTION AND Concussions Art. 208 - Shall be punished by one to five years imprisonment:

1) any officer or employee of the State or a legal person of public law, mandated to collect taxes, duties or other charges which will be required, received did require or collect monies or securities it knew n ' not due;

2) any public officer, judge, officer or servant of a public service that will requested or approved donations, promises, benefits in kind in order to perform an act of its special compensation function or not subject to s refrain from performing a duty of his office.

3) anyone who by threats, assault, promises, gifts or presents, obtained or attempted to obtain a government official or government and public services special favors, favor, shares or illegal omissions.

Art. 209 - Shall be punished by three months to two years imprisonment while government official, any official or employee of a service the public directly or through another person has taken or retained interest in a company under his supervision, supervision or its control.

Possession of shares or shares representing not more than 5% of the share capital of the company is however compatible with the function guardianship, supervision or control to which the preceding paragraph.

Art. 210 - Will be alleged intermediary spouse, parent until 4th degree or a person living in common-law marriage with a member of the government, the officer or servant responsible for supervisory duties, supervision or control, which has taken an interest in the company after taking these functions before or within two years after termination.

SECTION 4 - VIOLATIONS OF THE NATIONAL ECONOMY Art. 211 - Shall be punished by one month to two years' imprisonment and a fine of

5000 2 000 000 francs, or one of these penalties by anyone assault, threats, consultation or other fraudulent means will be hindered or disturbed the bid submission or freedom of auctions in public procurement tenders or public sales.

The Tribunal may also cancel the contract obtained fraudulently and order the publication of the sentence at the expense of the convicted person.

Art. 212 - Shall be punished by one month to two years' imprisonment and a fine from 5 000 to 2 million francs or one of these penalties that person:

- 1) has led to artificial rise in prices by buying retail wares or merchandise for resale to the public;
- 2) will directly or through an intermediary, organized grabbing wares or merchandise, or placed on the market excess stock of goods or merchandise to operate or attempt to operate the increase or decrease artificially the price of those wares or merchandise ;
- 3) has been spilled or spreading slander or rumors without foundation in order to discredit the products to distort the natural play of the course of these products.

Art. 213 - Shall be punished by 20 000 to 100 000F fine the trader who has refused the sale of an article or practicing unjustified discrimination against buyers or by conditioning the sale by buying items or different products together artificially in a single batch.

Any time the retailer trader is entitled to refuse to sell to the buyer who requests beyond its needs in order to sell products to the public.

The batch is approved for sale in the event of liquidation or amicable at the time of the termination of a business, abandonment or conversion of a store.

Art. 214 - Shall be punished by one to three years in prison every worker, employee, committed or corporate officer who will, without authorization of the entrepreneur, disclosed to third parties for manufacturing secrets, information about the management or corporate accounting.

Art. 215 - Shall be punished by one month to one year imprisonment and a fine of 20 000 to 500 000 F anybody with assault, threats, false news or other fraudulent, has attacked or attempted to undermine the freedom of labor and industry.

The same penalties apply to any employer who organizes the poaching their profile employees of competing firms, through corrupt practices.

Art. 216 - Will be punishable by two to five years imprisonment will anyone manufactured, sold, distributed, purchased or knowingly used instruments measurement and weight giving false information, by any means whatsoever.

False instruments will be confiscated their destruction be ordered if they can be adjusted properly.

Art. 217 - Shall be punished by one to twenty days penal labor or a fine from 2 000 to 30 000 francs anyone who participated in a concerted stoppage of work performed outside the regulations.

The organizers of the concerted work stoppage shall be punished by one to six months in prison.

SECTION 5 - VIOLATIONS OF PUBLIC EQUIPMENT Art. 218 - Will be punishable by two months to three years of imprisonment:

- 1) anyone by assault, occupation, demonstrations or gatherings will be opposing the execution of public works or demolition of buildings or works ordered by the administrative or judicial authority;

- 2) anyone who harmed the national economy by participating directly or indirectly to the interruption of the production or distribution of electric energy, fuels, ores and materials first;
- 3) anyone who harmed the national economy by participating in voluntary obstruction of railways, roads, docks port.

Art. 219 - Officials organizers attacks on the economy referred to in the preceding article shall be punished by two to ten years imprisonment, without prejudice to the penalties applicable in case of destruction or degradation of public property or individuals. *SECTION 6 - FRAUD IN THE USE OF CREDIT* Art. 220 - Shall be punished by one month to one year imprisonment and a fine of 20,000 AT 200 000 francs or one of these penalties only if that person:

- 1) to obtain credit, bond or guarantee of a credit organization public or private, will willingly gave inaccurate information about its resources, its heritage, its past commitments or other circumstances considered to examine the follow-up to the demand for credit;
- 2) obtaining an investment loan from a public or credit agency private, will have done a job other than that specified in the contract;
- 3) have offered as collateral a building, a business or a well capable of any security or collateral to obtain a loan, will, before completion of the mortgage or collateral requirements, offered or given the same property pledged to another creditor or have concealed the prosecution and seizure procedures brought by another creditor on these assets.

SECTION 7 - GAME OF HOUSES AND LOTTERY Art. 221 - shall be sentenced to six months' imprisonment and a fine of 100 000 to 1 000 000 francs or one of these penalties whoever without authority or causing keep a house of gambling, organized a lottery, or organized paris on the outcome of sporting events or other random events.

Utensils, appliances, printed or other moving objects used by the perpetrators will be confiscated in all cases.

Raffles and games organized a charitable purpose during regularly reported events are permitted as of right.

CHAPTER VIII : OFFENCES AGAINST THE STATE SAFETY *SECTION 1 - ATTACKS THE EXTERNAL SECURITY OF THE STATE* Art. 222 - Will death be punished for any Togolese betrayal:

- 1) deliver to a foreign power or its agents territories, places, books, shopping, vessels, aircraft and military equipment belonging to Togo;
- 2) talks with a foreign power of intelligence to prepare for hostilities against Togo or facilitate the success of operations directed against the military Togo;
- 3) to be borne arms against Togo;
- 4) which will cause Togo Togolese military and allies to disobedience and treason in favor of a foreign power;
- 5) intentionally destroy a ship, aircraft, weapons or war materials or any other facility used for the defense national;
- 6) deliver to a foreign power or its agents a secret defense or national will ensure the possession of such secrecy to deliver it to a foreign power.

Art. 223 - Will be put to death for any foreign espionage

- 1), which has maintained a correspondence with a Togolese to promote one of treasonous acts mentioned in the previous article;
- 2) which will take hold of a secret national defense in order to deliver it to a foreign power.

Art. 224 - Shall be punished by five to twenty years' imprisonment who, in times of peace:

- 1) has voluntarily withdrawn or damaged equipment or supplies for national defense;
- 2) has willfully obstructing the circulation of this equipment;
- 3) will have by leaflets, posters, rumors maintained by some means whatsoever involved in a campaign affecting the morale or discipline of the army.

Art. 225 - If the facts mentioned in the previous article have been committed in time of war, the guilty will be punished by life imprisonment.

Art. 226 - Shall be punished by five to ten years' imprisonment anyone peacetime

- 1) will enroll in Togo soldiers on behalf of a foreign power;
- 2) reckless actions expose the Togolese people to suffer hostilities or retaliation of a foreign power;
- 3) meet with agents of a foreign power of intelligence to undermine the military or diplomatic situation in Togo.

Art. 227 - Shall be punished by one to five years' imprisonment, in time of peace:

- 1) neglect, carelessness or failure to observe regulations will ease unintentionally treason or espionage;

- 2) will be introduced in defiance of a ban reported in a book, mail, arsenal, camp, ship, base or other military installation or for national defense;
- 3) has flown without authorization Togolese territory or have taken photographs, survey plans or designs in a closed area set by the military;

The penalty will be five to ten years in prison when the facts have been committed in time of war.

Art. 228 - Will be considered accomplices and liable to the same penalties as the perpetrators of attacks against the external security of the State those who, knowingly, they have provided subsidies, livelihood, housing, retreat or meeting or will receive or transmit correspondence, documents and objects related to the attacks.

SECTION 2 - THE ATTACKS AGAINST THE INTERNAL SECURITY OF THE STATE Art. 229 - Will be put to death anyone in order to destroy or overthrow the country's institutions, citizens will be excited to take arms against the state authority or be armed mercenaries.

Art. 230 - The plot formed to prepare an attack against the security of the state interior is punishable as soon as a decision to act was arrested several persons.

Art. 231 - Will be put to death anyone, in order to incite civil war to bring devastation, killing and looting, armed will of the people or activities conducted band open force.

Art. 232 - The provisions of section 230 apply to authors conspiracy aimed the attack mentioned in the preceding article.

Art. 233 - shall be punishable by five to ten years in prison those in revolt:

- 1) have participated in the building of barricades or other work to hinder the work of the police;
- 2) have invaded buildings and public buildings by sowing disorder or looting;
- 3) have caused the movement by promises, threats or orders rallying signs;
- 4) will be plundered to the detriment of others.

Art. 234 - The revolt leaders and organizers will be punished :

death if the movement has led to a law enforcement officer or a person outside the movement.

to life imprisonment if the movement has led to an agent of the police or of an outsider movement, injuries causing an excess of incapacity six weeks.

SECTION 3 - COMMON Art. 235 - Will be free from trouble while conspiracy aimed author of one of the attacks described in previous sections, before any beginning of execution, has given knowledge to public authorities.

Art. 236 - The penalty shall be reduced to imprisonment when the guilty plot, after commencement of execution, will have procured the arrest of his co-perpetrators or accomplices.

Art. 237 - Shall be punished by one to five years imprisonment for anyone who, having knowledge of acts constituting crimes against the security of the state, do not do as soon as the revelation to the public authority.

Art. 238 - The remuneration received by the perpetrators of crimes against the state security will be seized and confiscated.

If the payment has not been entered, the amount will accrue to the Treasury stated by the judgment and recovered as court fees.

CHAPTER IX : OF OFFENCES Art. 239 - Public regulations may prescribe penalties for police punish breaches of the regulations they impose.

In the event that the regulations do not specify the length of the sentence, one of these will be a fine from 1 000 to 10 000 francs.

Art. 240 - Public law may provide extra police sentences additional special confiscation penalties, closure of establishment and publication of convictions.

Art. 241 - shall be punishable by a fine from 1 000 to 10 000 francs

- 1) those who embarrassed the public highway by improperly depositing any material or things;
- 2) those who have neglected to report the temporary deposits or excavations they have performed on the highway, where these deposits or excavations with accident risk to users;
- 3) those without authorization will put up posters or worn inscriptions on real or personal property of others;
- 4) those who have damaged lawns, plants, ornaments, street lights, traffic signs and other objects of public utility in places public or accessible to the public;
- 5) those who have left wandering pets on the road public.

Art. 242 - shall be punishable by a fine from 3 000 to 20 000 francs

- 1) those who, except as provided in Articles 128, 130 and 132 have voluntarily damaged personal property of others;
- 2) those who by mistake, carelessness, precautionary defect or failure to observe safety regulations have unintentionally caused damage to property of others;
- 3) those who, without authority, have done or have permitted livestock on the land of others or loaded seeded crops;
- 4) those who, without necessity, have committed an act of cruelty to animals;
- 5) those who, on up, refuse or neglect to do the work, take the service or the help they have been required by the authority for accidents, public calamity or robbery in the act.

Art. 243 - shall be punishable by a fine from 5 000 to 30 000 francs

- 1) those who have refused to receive official sanction for their species and not false or altered coins legal tender;
- 2) those who, without authority, have established or held in public or places accessible to the public lotteries and other games of chance;
- 3) those who filched the products of the fields.