



WORLD INTELLECTUAL PROPERTY ORGANIZATION

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Criminal Code of Togo, August 13, 1980, revised April 2000

## TITLE I : GENERAL PROVISIONS

CHAPTER I : GENERAL PRINCIPLES Article I - No one may be subjected to criminal penalties that were not prescribed 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 have not yet tried.

Art. 2 - The judge may impose criminal sanctions that the fact that so continued was planned and qualified by law.

The provisions repressive laws and regulations are interpreted strictly.

CHAPTER II : OFFENCES Art. 3 - The offenses are divided into three categories depending on the nature and severity of sanctions: the crimes that are punishable by criminal offenses that are punishable by correctional penalties, the fines that are punishable by police.

Art. 4 - The attempt of a felony or misdemeanor offense is punishable as consumed once it has been demonstrated by a commencement of execution, if it has been suspended or has failed in its effect as by circumstances beyond the control of its author.

CHAPTER III : THE JURISDICTION OF COURTS Art. 5 - The criminal penalties can be imposed by judges that the law gives jurisdiction to hear according to their duties and their geographical jurisdiction.

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

However they are not competent to deal with offenses committed on board foreign military vessels sailing in the waters or parked Togolese authorities.

The offense is deemed committed in Togo if at least some acts that constitute or evidence of complicity in the main action has been made in Togo.

Art. 7 - The Togolese courts have jurisdiction to try any qualified the Togolese law crime committed abroad by a Togolese.

They are also competent 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.

The same applies if the defendant has acquired Togolese nationality continued after the fact.

The proceedings may be instituted on the complaint of the victim or the reporting of the authority of the country where they were committed.

The Togolese courts also have jurisdiction to try foreigners outside the national territory are guilty as perpetrators or accomplices to the crimes against state security, counterfeiting the seal of the State, counterfeit money, when have been arrested in Togo or regularly extradited.

CHAPTER IV : THE ACCUMULATION OF OFFENCES Art. 8 - If multiple crimes or offenses are tried in the same instance of the corresponding penalties imposed by their accumulation can exceed the double of the maximum of the heaviest penalty. If it is a term exceeding twenty years imprisonment, other penalties will not be executed and will not enter into account in applying the circumstances aggravating recurrence.

CHAPTER V : THE RECURRENCE Art. 9 - Is a repeat offender sentenced a former definitive crime or offense commits a new crime of the same class as the first in a period of ten years or an intentional tort in the same category within three years from the time day when the first

families 3 -) promiscuous 4 -) property 5 -) to the authority of the State 6 -) of the peace 7 -) to the Treasury, the public or to the national economy 8-) the State Security

Art. 10 - For a second offense, the maximum fines and sentences of imprisonment is increased to double 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 the law or regulation.

CHAPTER VI : THE coercion and complicity Art. 12 - If multiple authors work together and in concert, they are each liable to the penalties for the offense together. No one can claim exceptions, excuses or immunities of the other.

Art. 13 - The accomplices of a crime or misdemeanor is punishable to the same penalty as the principal, except where otherwise provided by law.

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

caused the action by providing information or instructions, provided tools, weapons, vehicles or other means useful for preparation, use of action to promote the impunity of its perpetrators, aided or abetted the perpetrators of the offense in the facts which have prepared or consumed facilitated.

CHAPTER VII : OF MITIGATING Art. 15 - In the application of criminal law the judge considers the needs of public order, the particular circumstances of the cause of the personality of the accused and, where applicable, their family responsibilities.

It can by reasoned decision, fall below the minimum statutory sentence:

- 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 reclusion perpetual;
- 3 -) up to 2 years imprisonment if the crime is punishable by imprisonment time;
- 4 -) up to 6 months imprisonment if the offense is punishable by three years less in prison;
- 5 -) to the minimum sentences of police for other crimes.

Art. 16 - The benefit of extenuating circumstances can substitute the fine to imprisonment and to waive the fine if the law provides for the application concurrently with the sentence.

CHAPTER VIII : PENALTIES *SECTION 1 - CRIMINAL PENALTIES* Art. 17 - The criminal penalties are: death, life imprisonment, imprisonment for 5 to 20 years, the general confiscation, civil forfeiture.

#### Section I - Death

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

The execution was attended by the President of the court which pronounced the sentence, the public prosecutor had requested in the case, the defender of the condemned, the director of the establishment of detention, the police commissioner or commander the territorial unit of the gendarmerie place of performance required of a physician the death certificate, a minister at the request of the condemned.

Art. 19 - It can 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 Code of Criminal Procedure.

Art. 20 - The bodies of the condemned will be returned to their families, they sil the claim, a dependent by them to be buried without any ceremony.

Art. 21 - If a woman sentenced to death is pregnant and said her state of pregnancy is medically certified it shall suffer the penalty after his release.

#### Paragraph 2 - The imprisonment

working conditions of the plan réclusionnaires and discipline of the institution.

During their detention the réclusionnaires are incapacitated civil and property are managed by a guardian as those of minors.

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

The subject of the heirs, calculated after settlement of liabilities escapes confiscation.

The auction of confiscated property is used if it is necessary to share between the parties or required by the administration of domains.

Otherwise the land titles are transferred to the area of the state.

Paragraph 4 - Forfeiture Civic Art. 24 - The civil forfeiture outweighs the loss of any public trust, inability to serve in the public to exercise civil rights and political, wearing decorations, to obtain a permit to carry firearms, a license hunting, to be awarded a public contract, to be sworn, expert, arbitrator or to be sworn as a witness, to teach or hold an educational employment in a public or private. **SECTION 2 - correctional penalties** Art. 25 - The correctional penalties are: imprisonment, fine forfeiture movable prohibition of rights.

Paragraph 1 - imprisonment Art. 26 - The imprisonment is suffered in prisons beyond those réclusionnaires.

A decree issued on the report of the Minister of Justice, Minister of Justice determines the conditions of supervision and employment of convicts, the terms of correspondence and visits from their families, and control of the management of their property.

Paragraph 2 - The fine Art. 27 - The amount of the fine is fixed 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.

A failure to pay the fine within the time allowed, imprisonment may be substituted for the fine at the rate of one day in prison for 1000 francs fine on the order of committal of the Public Prosecutor. The convicted can obtain his release by paying the fine balance not covered by incarceration alternatives.

Paragraph 3 - Confiscation security Art. 28 - The judge may substitute for the fine or to imprisonment for a term of less than three months the confiscation of one or more furniture or furniture belonging to the convicted person to the Treasury. However, if the proceeds of sale exceed the amount of the fine, plus civil judgments and legal expenses, the excess will be given to the condemned.

Paragraph 4 - The judicial pardon Art. 29 - When the defendant has, before trial, provided the repair of damage caused by the offense, the judge, considering the wages of amendment submitted, might even, while declaring his guilt, waive any penalty.

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

Art. 31 - In granting the stay, the judge may refer the offender to specific obligations in accordance with Procedure Code Penal.

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

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

Art. 35 - The work is to conduct criminal days of community service under the general supervision of the prison. The condemned are exempt from punishment on Sundays and public holidays.

In case of unjustified absence in the workplace, the prison authority may secure the person of the convicted and the host institution in a prison outside working hours.

The arrangements for monitoring and filled sentenced to penal labor are determined by order of Minister of Justice, Minister of Justice.

Art. 36 - Failure to pay the fine within the police put in my notice, the prison labor can be substituted for the fine at the rate of one working day for 500 criminal fine of FRF.

CHAPTER IX : OF SECURITY MEASURES *SECTION 1 - THE PROHIBITION OF STAY* Art. 37 - The sentence of life imprisonment or imprisonment for two years at least, may also be subject to a prohibition to stay after their release in some places determined by the sentence. This list may be supplemented by joint order the Minister of Justice, Minister of Justice and Minister of Interior, which is notified to the offender at least eight days before his release.

The duration of the prohibition may not exceed 10 years.

Art. 38 - A convicted person who knowingly stay in a place prohibited without the prosecution obtaining a special pass, is liable to two months to one year imprisonment.

*SECTION 2 - FORFEITURE* Art. 39 - When the offense was committed with firearms, ammunition, explosives or any instrument or dangerous objects or controlled use, the judge will order the confiscation of the instrument, substance or thing seized so that It is appropriate, either destroyed or returned to the military authorities or to the Administration the authority to use them.

*SECTION 3 - THE 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 regulation.

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 one year.

CHAPTER X : ADVERTISING OF CONVICTIONS Art. 41 - Except in cases specifically provided by law, the judge may order the expense of the condemned in the press release excerpts or copies of convictions where the prosecution has the specially required because of the exemplary cause.

## CHAPTER XI : OF OFFENCES BY CORPORATIONS

Art. 42 - A corporation may be convicted of offenses committed by its organs to his own profit within the limits of their authority.

Art. 43 - Penalties for legal persons are:

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

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

Any other sentence that the fine shall be published in the expense of the convicted legal in the Official 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 - The Murder* Art. 44 - Whoever

Art. 45 - The murder is punishable by death if committed with intent to ambush, if committed against an ascendant, if committed for ritual purposes or cannibalism, s it was committed to prepare, facilitate or a crime against property or against morals.

**SECTION 2 - VIOLENCE VOLUNTEER** Art. 46 - Any person who willfully commits violence against others shall be punished by two months to two years imprisonment if the violence caused to a victim's incapacity to work between ten days and three months.

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

If the violence resulted in mutilation or severe disability or an incapacity for work exceeding three months if the violence has occurred with weapons or sharp objects or used as blunt weapons, if the violence was carried out jointly by more on a single victim, if the violence was perpetrated against a child under 15 or against a disabled or old.

Art. 48 - If the willful violence were carried out without intent to kill , 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 blows were delivered with weapons or were brought together by a number of one victim.

Art. 49 - Violence light did not cause a failure of personal work over nine days were punished by a fine of 2,000 to 30,000 francs.

In addition the offender can be sentenced to from 10 to 60 working days if criminal these minor assaults were carried out with weapons or jointly by several on a single victim.

**SECTION 3 - THE MENANCES** Art. 50 - Whoever utters writing, drawing or emblem, by word or message posted threats against the life or physical integrity of a person shall be punished:

- Two to five years if the threat is made with order or conditional leave to do or doing anything illegal or harmful to others.

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

**SECTION 4 - THE involuntary homicide and injuries** Arts. 51 - Anyone who through negligence, failure to address or care, breach of safety regulations have inadvertently caused a homicide be punished by two months three years' imprisonment or a fine of 50 000 to 1 000 000 francs.

Art. 52 - Anyone who through negligence, failure to address or caution, infringement of safety regulations, will unintentionally causing injury to a third party or will cause, shall be punished with imprisonment from one to six months or a fine of 30 000 to 200 000 francs.

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

**SECTION 5 - Excuses** excuses and Art. 54 - There is no infringement where the homicide or violence were current demanded by the necessities of self-defense of oneself 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 themselves against the perpetrators of flights carried out with weapons and violence.

Art. 56 - Homicide and violence volunteers are excusable:

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

If committed in repelling day climbing and breaking of a place inhabited or its dependencies.

If committed by a spouse of her husband and accomplice of it at the time he was caught in the act of adultery.

Art. 57 - When is an excuse will be established:

prison,

- If any other crime the penalty may not exceed two years in prison
- If a crime the penalty may not exceed six months imprisonment.

**SECTION 6 - DES Offensive Article 58** - Whoever publicly, by any means of communication that is attributable to another one is likely to prejudice his honor and reputation shall be punished by a fine of 10 000 to 100 000 francs.

Art. 59 - Anyone address to others a wickedly gross insult publicly or in writing is punishable by a fine of 2 000 to 30 000 francs.

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

**SECTION 7 - VIOLATIONS OF FREEDOM Art. 60** - Whoever, without lawful authority around and out of the case of necessity, against his will retain a person in any place will be punished:

- Two to six months imprisonment if the confinement lasted less than twenty four hours,
- Three months to two years imprisonment if the confinement lasted from one to ten days
- One to five years imprisonment if the confinement lasted more than ten days.

Art. 61 - When the authors of sequestration will be delivered to abuse on the victim, the penalties provided in sections 46 to 49 will be charged to double.

Art. 62 - If the kidnapping was made to facilitate, prepare or consume an offense against property or blackmail from public authorities, the perpetrators will be punished by life imprisonment.

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

Art. 64 - The perpetrators or sequestration benefit from reduced sentences under Article 57 if they have made the unconditional release the victim unharmed.

**SECTION 8 - of cannibalism AND PRACTICES unhealthy Art. 65** - Will be punished with one to five years of imprisonment conch knowingly sells, purchases, transports, prepares or consumes human flesh.

Art. 66 - Will be punished with one to five years' imprisonment due to another illness or disability by giving him against his will or by conspiracy, abuse of power or deception, of substances harmful to health.

The voluntary administration of substances likely to cause death is punishable by penalties 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 - Will be punished with imprisonment of five to anyone who engages in practices that could disturb public order or to harm people or property

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

However, do not fall within the scope of the above provisions practicing healers using traditional methods.

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

**SECTION 10 - THE FAILURE TO BRING RELIEF Art. 70** - Will be punished with one to six months imprisonment or a fine of 20 000 to 200 000 francs to anyone who fails to bring a person

cause.

## CHAPTER II : OFFENCES AGAINST THE ORDER OF THE FAMILY *SECTION 1 - THE SURRENDER OF FAMILY*

Art. 71 - Will be punished by two months to two years' imprisonment who, without good cause, is more than two months without paying the amount of child support to which it is required to enforce a court order or deed .

Art. 72 - Judge of the residence of receiving spouse has sole jurisdiction to hear proceedings in family abandonment. The creditor may , however, his complaint before the court the debtor's domicile.

*SECTION 2 -HOME OF THE SURRENDER OF* Art. 73 - Will be punished with one month imprisonment or a fine of 10 000 to 100 000 francs a parent who without good cause, abandoned the home or family fails to contribute to household expenses and the family in its faculties, despite a formal notice with return receipt to his last known residence.

*SECTION 3 - pernicious examples* Art.74 - shall be punished by one month to one year imprisonment or a fine of 10 000 to 100 000 francs a parent who by his misbehavior, his laziness, his rudeness or his drunkenness will be seriously endangered the health, morals or education of his children or those living in the home.

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

*SECTION 4 - OFFENCES OF STATE CIVIL* Art. 75 - Will be punished by a fine of 20 000 to 30 000 francs to anyone who is legally required to have neglected to declare the State-Civil a birth or a death.

Art. 76 - Will be punished with one to five years imprisonment whoever removed, hidden, substituted a child in order to deprive him of his personal status and family.

The same penalties apply to anyone who knowingly makes to the officer of civil status misrepresentation likely to affect the state staff and family of the person concerned.

Art. 77 - will be punished by five to ten years in prison the officer or employee of the State-Civil who knowingly has registered or is inaccurate statements intentionally altered, falsified or destroyed records, any act or document of State-Civil.

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

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

It will be even if the minor was the victim of abuse or violence that it caused an incapacity for work exceeding ten days.

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

Art. 81 - The authors and accomplices of removal or displacement of minor benefit from reduced sentences under Article 57 if they have, without condition, given the minor safely to his family or a public officer.

Art. 82 - When it has been decided on the custody of a minor by a decision of Justice enforceable, the father, mother or any person who, in disregard of that decision, refusing to show the child, removal or diversion, will remove or turn the hands of those who received in custody, shall be punished with a month to two years imprisonment.

If the minor is represented before the decision is made, the judge will give only a fine of 20 000 to 100 000 francs, without prejudice to the benefit of the provisions of Article 29.

Art. 83 - Will be punished with one to three years imprisonment whoever abandoned a child unable to protect himself.

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 child's death resulted from the abandonment is the offender shall be punished by five years in prison.

### CHAPTER III :

Sexual Offences OF *SECTION 1 - THE Indecent* Art. 84 - Provides an indecent touching all operated against his will on the body of another in order to excite the senses.

Art. 85 - The indecent assault without violence on a child under 14 shall be punished with one to five years imprisonment.

If the child has been abused or threatened the offender shall be punished by five to ten years in prison.

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

If the attack was accompanied by more violence by, or is the result of disease or violence incapacity for work exceeding six weeks, the penalty will be 5 to 10 years in prison.

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

The penalty may be increased to 20 years if the authors have placed the victim several sex or if the violence have caused either a 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 obscenity* Art. 88 - Will be punished by imprisonment of one to three years and a fine of 100 000 to 500 000 francs anyone who commits an indecent act or act against nature with an individual of her sex.

Art. 89 - Will be punished by six months to two years imprisonment and a fine from 20 000 to 200 000 francs or one of these penalties:

- 1) persons engaged in the public exhibition of its parts, sexual or otherwise offensive gesture of modesty;
- 2) anyone who publicly displays, manufactures or sells to the public exhibition of objects, images, films, sound recordings or audio visual, contrary to decency;
- 3) anyone who distributes or causes to be distributed on public roads or by mail, or door to door, any books, brochures, catalogs, brochures, images, films, sound recordings or audio visual contrary to decency, without the prior recipients;
- 4) whoever by words, written or other means of communication, diffuse or made publicly release incentives for practices contrary to good morals.

Art. 90 - objects, images, movies, books, brochures, catalogs, brochures, audio or audio visual mentioned in the preceding article will be in all cases seized and forfeited for destruction.

In addition the guilty will be deprived for a period of five years in addition to the right to publish, sell or reproduce prints, recordings, films or images.

*SECTION 3 - OPERATING THE DEBAUCHERY* Art. 91 - Will be punished with 2 000 to 30 000 francs fine any person of one or the other sex who engages publicly soliciting for prostitution.

For a subsequent offense within one year, the offender shall be punishable by ten to thirty days of penal labor.

Art. 92 - Will be punished with one to five years imprisonment and a fine of 100 000-1 000 000 francs anyone, to gratify the passions of others, incites or book one or more persons for prostitution for promises, donations, threats, fraud or violence

one who:

1) knowingly lives with a person who habitually engages in prostitution; 2) being normal relations with one or more persons engaged in prostitution usually can not justify the resources to match his lifestyle, 3) is facilities available to persons engaged in prostitution; 4) manager or employee of hotel establishment, usually tolerates in its establishment the presence of persons engaged in prostitution.

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

1) the party shall have led or delivered to the prostitution of minors, 2) the party shall have exercised violence to introduce or maintain people in prostitution, if the violence caused illness or incapacity for work exceeding two weeks.

Art. 95 - A pimp will forfeit some or all 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 facility where the offense was committed, pursuant to section 40.

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

Art. 96 - People who have engaged in prostitution may be subjected to medical examinations and treatment measures if they are suffering from venereal diseases.

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

CHAPTER IV : OFFENCES AGAINST PROPERTY *SECTION 1 - VOL* Art. 97 - Whoever fraudulently something that does not belong is not guilty of theft.

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

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

Art. 100 - The flight is called when it was committed with one of the circumstances following:

1) at night, 2) jointly by several authors or accomplices, 3) by using false keys or by climbing, indoor or broken exterior 4) in a place inhabited or used for habitation 5) with carrying a weapon, 6) with violence or threats to individuals, 7) with use of a motor vehicle, 8 °) by using a badge or a uniform that can be confused with those of enforcement officers or public by claiming a false order of that authority. 9) by an employee, worker, servant in the master's house at the service of which he was, 10 °) by a carrier, hotelier or a custodian or employees in respect of things filed in their professional responsibility.

Art. 101 - Theft committed with one of the circumstances referred to in Article above is punishable by one to five years imprisonment.

Theft committed with at least two circumstances referred to in Article 100 is punishable by five to ten years imprisonment.

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

If the authors have had the flight of violence causing mutilation or severe disability of the victim, they will be punished by life imprisonment.

Art. 102 - can not give rise to civil damages and theft to the injury of a spouse, an ascendant or descendant.

*SECTION 2 - THE BREACH OF TRUST* Art. 103 - commits a breach of trust by calling anyone who received an object or a value for a particular use will be placed in fraudulent and may not represent him

disposed of the property in defiance of social status and rights of the partners.

Art. 105 - commits a breach of trust the holder of a blank check that there is fraud or discharge an obligation 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 could also be deprived of the right to carry on business professional for five years.

**SECTION 3 - The SCAM** Art. 107 - anyone who is guilty of fraud with flexibility for fraudulent abuse of credulity is put an undue amount, 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 of the penalty may be doubled.

**SECTION 4 - OFFENCES IN THE USE OF VOUCHERS** Art. 110 - Will be punished with the penalties of the scam whoever issued a check knowing that it could not be paid regularly, lack of provision, either because of a provision making the opposition not available or has knowingly removed the provision from 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 insufficient funds those who, knowingly receive or have agreed to endorse a check issued in the conditions defined in the preceding article.

In addition they will not be eligible to file a complaint by forming part of civil incident of payment.

Art. 112 - shall be liable to the penalties provided in section 110 any person who has falsified, altered or counterfeit check, or knowingly uses a check forged, altered or counterfeited.

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

This decision is served by the public prosecutor at the Central Bank and the Bank where the convicted person has his account. Any form of a check issued to the disregard of this prohibition will result in the liability of the banker in case of a payment incident.

The Tribunal may order the provisional enforcement of the ban.

**SECTION 5 - THE FRAUD** Art. 114 - Will be punished with two months to two years imprisonment and a fine of 20 000 to 200 000 francs or one of these penalties, any dealer or manufacturer to be sold, delivered or offered in bad faith goods, articles, instruments or substances who are not fair market, or not having the weight or measure stated.

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

The author is the manufacturer or dealer providing sales of the product. If advertising was developed by a publicist it will be exempt from prosecution if he proves that he was misled by the claims of the manufacturer or importer regarding the quality or composition of the product.

Art. 116 - Consumer associations are empowered to prosecute perpetrators of fraud and to act as plaintiffs in particular to obtain rectification of false advertising by the same media.

**SECTION 6 - THE diddle** Art. 117 - Will be punished with imprisonment from three months to a year and a fine of 20 000 to 100 000 francs knowing anyone unable to pay is absolute fact will serve a meal or a drink in a food establishment or a pub, or will cause to be given a room in a hotel, or will have taken a taxi or car hire.

**SECTION 7 - bankruptcies**

Art. 118 - traders, managers or directors of companies found guilty of bankruptcy according to

in case of bankruptcy simple, one month to two years imprisonment;

in case of fraudulent bankruptcy, one to five years imprisonment.

Art. 119 - Accomplices of bankruptcy will be equally punishable even if they are not traders.

Art. 120 - The penalties may be doubled if the culprits are professionally engaged in foreign exchange, brokerage securities or banking.

**SECTION 8 - THE FRAUDULENT CONCEALMENT AND CEL** Art. 121 - Shall be subject to the penalties provided for in Article 98 who have knowingly concealed money, objects or values obtained using one of the offenses described in this chapter.

Art. 122 - If the receiver is aware at the time of concealment of circumstances aggravating giving the offense a criminal qualification, he shall be liable to the punishment for this crime, unless he denounced the crime and returned the harbored things.

Art. 123 - shall be punished by one to six months imprisonment or a fine of 20 000 to 200 000 francs who, being in possession of improperly entered an amount, purpose or value, through error or acts of God, will not have made the restoration of law or who have not made a declaration to the competent authority within a short time after the discovery of the error or the apprehension of the found object.

**SECTION 9 - blackmail** Art. 124 - shall be punished by one to five years' imprisonment under the threat of a secret, to engage in a smear, destroy any document, to undermine the freedom and integrity of one or more people will be extorted or attempted to extort money or delivery of securities or signature or delivery of a written act or any part containing obligation, provision or discharge.

Art. 125 - The imprisonment may be increased to double if the threat has been a commencement of execution

**SECTION 10 - destruction, degradation** Art. 126 - Any person who willfully destroys or attempted to destroy the prejudice of others buildings, ships, aircraft, shops, buildings used for operating the home or occupied by staff will be punished:

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

Art. 127 - Any person who willfully destroys or attempted to destroy the prejudice of another unmanned buildings, roads, dams, bridges, structures, buildings of public utility 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 another barracks, huts, cabins or other structures shall be punished light:

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 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 made when the vehicle does not include any person,

3) six months to three years imprisonment if the vehicle was destroyed without if it were a motor vehicle capable of carrying at least two passengers besides the driver.

Art. 130 - The simple malicious damage, do not affect the major work of buildings, buildings, structures monuments buildings operation and service public or private is punished by two

penalties:

The same penalty applies to the destruction, malicious damage to works of art, public or private collection, classified objects belonging to others.

Art. 131 - Will be punished with one to five years in prison anyone who willfully and maliciously burned or destroyed in any way the securities, bills of exchange, bills of exchange or bank or other material that contains or operating requirement, provision or discharge .

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

1) two to ten years imprisonment if the offender 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 one third compared to the victim.

Art. 133 - Any person who maliciously killed one or more trees, destroyed standing crops, cut grain or fodder to the detriment of others is punishable by two months to two years imprisonment if the damage is less than 30 000 francs.

Otherwise the imprisonment may be increased to five years.

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

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

It may also be denied entry for a period of two years and less than 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 buildings, yards and outbuildings or on the land which the owner of the animal killed or maimed owned, town, or tenant farmer, the punishment shall be imprisonment from one month to one year.

If committed in any other place, imprisonment is from one to six months.

Art. 137 - Whoever, in whole or in part, filled ditches, destroyed fences, some materials they are made, cut or torn from fences or dried, anyone who moved or deleted terminal, pious, or trees planted or recognized for establishing the boundaries between different properties or who will be opposed by force or threats to the installation of such limits, shall be punished with imprisonment from one month to one year and a fine of 20 000 to 50 000 francs .

**SECTION 11 - THE OCCUPATION OF FRAUDULENT** Art. 138 - Anyone who has grown in bad faith or engaged in a way that any land that others might have, whether pursuant to a security property, whether pursuant to an administrative or judicial decision, shall be punished by imprisonment of six months to three years and a fine of 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.

The same penalties will be anyone who occupied land that without the right part of the national land or registered in the name of the State or subdivision or has entered or attempted to enter into an agreement with the purpose of such land.

Art. 139 - Whoever, in bad faith, without law or held as housing, business premises, building or dedicated for public use, despite a formal notice of its owner shall be punished with one month to one year of imprisonment and 20 000 to 50 000 francs fine.

CHAPTER V : OFFENCES AGAINST THE STATE AUTHORITY **SECTION 1 - OUTRAGE TO**

month to two years' imprisonment by words, in writing, by gesture, images or objects or non-recorded message will be abused or made public outrage in the exercise of his functions or during that year a magistrate, a public officer or any other responsible citizen of a department of public service.

Art. 141 - The imprisonment may be increased to five when the injury or insult has been uttered publicly or has been a broadcast service because of its author.

**SECTION 2 - THREATS AND VIOLENCE TO THE REPRESENTATIVES OF THE PUBLIC**

**AUTHORITY** Art. 142 - Will be punished by three months to three years imprisonment any person who, in the exercise, threatened a magistrate, a public officer or citizen in charge of a department of public service to harm the person, reputation or those close to him.

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

Art. 143 - Whoever voluntarily exercised violence or assault is a magistrate, a public official or a citizen charged with a public service department, in exercising its functions, or in the course of this exercise will be punished:

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

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

two to five years imprisonment if the violence resulted in the victim's inability to provide service for a period of two weeks to three months;

five to twenty years imprisonment if the violence has resulted in the mutilation or severe disability or a break in service exceeding three months;

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

of death if the violence has occurred with an intent to kill.

**SECTION 2 - THE REBELLION** Art. 144 - shall be punished by a fine of 2 000 to 3 000 F anyone who refused to obey a lawful order given on the highway or in a public representative of a public authority acting in the exercise of its functions.

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

Art. 146 - Rebellion is punishable by ten to thirty batches of prison labor or a fine of 10 000 to 30 000 F when it was committed individually and did not lead to the enforcement officer victim of a disability ensure its service.

Art. 147 - Rebellion is punishable by me in a year's imprisonment if she was committed jointly by several individuals without a coach for the agent of the police force a victim unable to provide its service, or if it has been committed to carrying a weapon or latent.

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

**SECTION 4 - THE Cheat** Art. 149 - Any crime or offense committed in the exercise of his functions or during exercise by a magistrate or an officer holding a piece of the public authority is a felony.

Besides the penalties for the crime or offense the offender shall be deprived of the judiciary or the public.

Art. 150 - Any infringement of freedom, violence against persons, while indecent assault, any offense against the property of individuals committed in the line of duty or abuse of power by a magistrate or officer holding a piece of public authority is punishable by double the penalties against private individuals.

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

**SECTION 5 - ABUSE OF POWER** Art. 151 - The following shall be punished by imprisonment for

service will be punished for that reason alone a month to one year imprisonment.

If the concert took place between the civilian and military authorities, the perpetrators or instigators will be punished with two to five years imprisonment without prejudice to the penalties for conspiracy against the security of the state.

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

the magistrates of the judiciary who are interfered with the exercise of legislative or regulatory authority by stopping or suspending the enforcement of laws and regulations or by promulgating regulations;

Ministers, officials and employees holding a piece of authority that will be administrative interfered in the judicial functions in imposing civil or criminal convictions or giving orders or defenses to the courts.

Art. 153 - shall be punished with two to five years imprisonment any officer holding a piece of the public authority that has ordered or requested the use of public force out as provided by law or to defeat the execution of the law in a decision or a judicial warrant.

Art. 154 - A unit commander of the police force who has refused or neglected to do his unit after being duly required by the judicial or administrative authority shall be punished by six months to two years imprisonment and stripped of his duties .

Art. 155 - Anyone who unduly claimed to exercise a public authority in making use of false or order of that authority or false insignia or uniforms, insignia or uniforms to be usurped by that fact alone will be punished by six months to three years imprisonment .

Art. 156 - The penalties provided for in this section are not applicable to civil servants or public officials who have acted on orders from their superiors in the hierarchy given limits of their competence.

**SECTION 6 - OBSTACLES TO JUSTICE** Art. 157 - Will be punished with one month to one year in prison guard while seals by court order or administration to be broken or allowed to break those seals.

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

Art. 158 - Whoever ara destroyed, defaced or removed records, deeds and other public documents and content stored in public or judicial 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 is punishable by 10 000 to 30 000 F fine.

When the refusal to testify followed a corruption of the witness or whether the effect of concealing a justification or excuse in any 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 convict a party improperly at trial.

When will the false testimony to convict an accused or falsely accused, a false witness shall be punishable for the offense imputed to the defendant or accused.

Art. 162 - A party at which the oath has been referred or referred by civil and which has made a false oath is punishable by two months to two years imprisonment and may be denied the exercise of some or all of the rights under Article 33 for five years.

Art. 163 - Any person who by threats, abuse of power, intrigue, promises, donations, assault or seduction has bribed or attempted to bribe u witness in a legal or disciplinary proceedings shall be liable to penalties under section 161 against a even if the false witness bribery missed his purpose.

voluntarily alters his statement reflected.

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

Art. 166 - The penalties of perjury apply to termination slanderous to the authority of police or court for malicious prosecution cause unjustified.

**SECTION 7 - FALSE PUBLIC** Art. 167 - shall be punished by one to five years imprisonment whoever forged or tampered with the seal of the State or public administration, marks, punches and other tools used by governments to distinguish between public acts, records, substances or articles.

The same penalty shall apply to those who knowingly makes use of seals, marks, punch or other instruments counterfeited or forged.

Art. 168 - Will be punished by three months to two years' imprisonment will be counterfeits or falsifies a certificate, document or material the facility is reserved for governments.

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

Art. 169 - When the forgery is made by an officer or servant with access to its functions seals, stamps, marks, instruments, forms of documents certificates mentioned in the preceding articles, the penalty shall be doubled.

Art. 170 - I shall be liable to imprisonment for one year from 30 000 to F 200 000 fine or one of these penalties:

- 1) any person who manufactured, sold, distributed for free all the same objects, printed forms, which in appearance their size could lead to confusion with objects, printed documents or forms used by government public;
- 2) anyone who has returned to use a postage stamp or revenue stamp already used or to be overloaded, perforated or altered such stamps or tax to increase or renew the official value.

#### CHAPTER VI OFFENCES AGAINST PUBLIC PEACE **SECTION 1 - THE AUTHENTIC WRITINGS OR VIOLATIONS OF COMMERCE**

Art. 171 - shall be punished by one to five years imprisonment whoever forged, altered, falsified or destroyed deed containing a recognition, obligation or discharge.

The penalty shall be five to six years in prison if the false was written by the officer having qualified to receive public or establish the act.

Art. 172 - Will be punished by three months to two years' imprisonment will be forged, altered, falsified or destroyed a private act or a bank or document containing trade recognition, accounts, obligations or discharge.

The penalty will be one to five years if the perpetrator 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 falsification.

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

- 1) whoever manufactured under the name of a physician or other professional art health certificates falsely claiming a medical condition, a vaccine or any other act of care.
- 2) any physician or health professional in the art to issue a certificate or falsely claiming hiding illness, infirmity, a state of pregnancy, a cure or cause of death.
- 3) whoever manufactured under the name of an employer or head of school or vocational training, a certificate of work, a diploma, a certificate of good or service will make use of such certificates, or diplomas forged or falsified.

5) anyone who knowingly make misrepresentations in the formation of an administrative record for the allocation of benefits or recognition of a situation qualifying for certain benefits or distinction.

**SECTION 3 - FRAUD IN PUBLIC ASSISTANCE AND REVIEWS** Art. 175 - Any person who has committed fraud in examination or competition for the purpose of public input in a public administration or the acquisition of a formal degree notably by a third party or knowingly communicate with any of the interested parties the text or about the event or by making use of false documents such as diplomas, certificates, birth certificates, etc., or by substituting a third person to the real candidate, shall be punished by imprisonment for one month to three years and a fine from 20 000 to 500 000 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 authorizes or forces them to be whistleblowers, will reveal 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 punished by one to six months imprisonment or a fine of 20 000 to 200 000 francs:

- 1) anyone who violated the secrecy of correspondence by reading, by any means whatsoever, of the content without the consent of the recipient or sender;
- 2) anyone who published or distributed papers or private records without the consent of their authors or their assigns;
- 3) anyone who published or broadcast design, photography, film or other reproducing the input image of a private person without the consent of that person or his dependents;
- 4) any person who, by any means whatsoever, organized interception and listening to private communications, oral, optical, magnetic or otherwise exchanged or received in a private place, without the consent of the occupant
- 5) anyone who will be introduced in a private place inhabited or used for housing against the will of the occupant

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

**SECTION 5 - election fraud** Art. 178 - Will be punished with one month to one year's imprisonment who, for the purpose of impeding the progress of a ballot or alter the result will be: improperly done add or delete entries of electors on the electoral roll  
made an entry on an electoral list without requesting the removal of the old list where it was registered,  
will be made on an electoral register in defiance of a disability or legal or judicial forfeiture, caused disorder in the polls to vote either at the time either during the counting of ballots, distributing leaflets, putting up posters or performed other acts of electioneering out of place and time set aside for this propaganda.

Art. 179 - shall be punished by one to five years' imprisonment to prevent or distort the expression of the votes:

- will by threats, assault, gifts, promises or artifice or attempting discouraged to discourage voter participation in elections or to freely choose their ballot
- will be done through bribes or improperly placed or caused to be placed in the ballot boxes of ballots, or causing to the polls or their contents,
- will be forged, counterfeited or destroyed the minutes noting the results of the poll or the documentarv evidence in those minutes.

to 30 000 franc fine any person who, outside of public festivals and customs caused a disturbance at night.

Art. 181 - Will be punished with 2 000 to 30 000 F will fine anyone found drunk public and obvious.

For a subsequent offense within twelve months, the offender shall be punished with one to ten days of penal labor.

The court may also order it at his own expense will be submitted to a course of detoxification.

Art. 182 - Will be punished with 2 000 to 30 000 franc fine on anyone involved in a street parade, rally or other event interfering with the public traffic, without obtaining administrative approvals prior.

The organizers of the unauthorized demonstrations in the street, even if they have not personally participated, shall be punished with 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 in the street will cause damage or damage to public facilities, property of the residents, vehicles parked, the participants of the event shall be punished with one to six months imprisonment.

Art. 184 - Will be punished with one to twenty working days criminal persons engaged in the street begging, or book of children begging.

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

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

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

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

**SECTION 7 - criminal groups** Art. 187 - shall be punished by one to five years' imprisonment or adheres participates in a group, regardless of its duration and the number of its members, designed to prepare or commit crimes against persons or against property.

The organizers or leaders of criminal groups that are merely punished by five to ten years imprisonment.

Art. 188 - Will be punished with the penalties of section 187 who knowingly usually provide a meeting place or retired members of the group or storing weapons or instruments used or to be used for criminal activities.

Art. 189 - Will be exempt from punishment those who, prior to any participation in a crime prepared by the group will be reported to authorities the existence of the group.

**SECTION 8 - escapes** Art. 190 - shall be punished with six months' imprisonment any officer of the force public servant in the custody of an inmate.

Art. 191 - A custodian or agent entrusted with the care of an inmate who knowingly he has procured the escape or ara tried to give him shall be punished with one to five years in prison and will forfeit his public employment.

Art. 192 - Whoever voluntarily facilitated the escape of a prisoner in it providing information, tools, clothing, vehicle or other means of escape or hiding, be punished by six months to three years imprisonment.

The penalty shall be doubled if, due to his condition or function the guilty had the opportunity to communicate freely with the prisoner.

Art. 193 - Will be punished with six months' imprisonment and a fine of 20 000-100 000 F or one of these penalties given or anyone who is sent a letter, a package, a sum, or any object to or

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

Art. 194 - shall be punished by imprisonment of two months to two years, any prisoner who, by any means whatsoever, will have escaped, or a prison or a hospital or health when he was in treatment or while employed outside a prison, or during a transfer or it has not returned to the prison after a temporary absence.

**SECTION 9 - TERMINATION OF NON CRIMINAL** Art. 195 - Will be punished with one month to one year imprisonment or a fine of 20 000 to 500 000 F one who, having knowledge of a crime already tried or consumed, while he was still possible to prevent or limit the effects, or they might think that the perpetrators or one of them commit new crimes that could prevent termination, will not immediately alerted the authorities.

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

**SECTION 10 - OFFENCES AGAINST respect for the dead** Art. 196 - shall be punished by one to six months imprisonment or a fine of 10 000-100 000 F who:

1) has been quietly bury a human body, without having regularly see death;

will be concealed, destroyed or mutilated body of a deceased person;

has violated or desecrated a grave or tomb;

will be delivered to the traffic of human bones;

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

**CHAPTER VII : OFFENCES AGAINST THE TREASURY , THE FIELD , AND THE NATIONAL ECONOMY** **SECTION 1 - Counterfeit** Art. 197 - Will be punished by five to ten years imprisonment:

1) anyone who has forged or altered bank notes legal tender in Togo or admitted to changes in the approved financial institutions in Togo;

2) whoever knowingly participated in the program, the introduction or distribution of banknotes and counterfeit or altered

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

1) whoever forged, altered or colored metal coins having legal tender in Togo or allowed to change in financial institutions registered in Togo;

2) whoever knowingly participated in the program, the introduction or distribution of counterfeit currency as well, altered or colored.

Art. 199 - be immune from punishment those who have participated in the counterfeiting or alteration of cash money in will, before any suit, denounced to the authorities established authors.

Art. 200 - Cash Money counterfeited or altered will be confiscated and destroyed at the behest of the bank issuing a victim of counterfeiting.

Art. 201 - shall be punished by one to five years imprisonment whoever forged or falsified debt securities, treasury bills or other obligations undertaken by 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 - subtraction AND LAST AND ABUSE OF PUBLIC PROPERTY.** Art. 202 - Any officer or employee of the State, a local government school, a public institution, a society in which the State or other public took a more generally any agent or employee of a legal person under public law, which will be subtracted fraudulently removed, diverted or dissipated the last public or effects taking place, or parts, titles, deeds household effects that were in his hands by reason of or in connection with the line of duty will be punished from May to October years in prison.

Art. 203 - If the offender was serving as a public accountant the punishment shall be doubled.

Art. 204 - The receivers of the property or assets withdrawn and diverted are subject to the same penalties as the principal perpetrators and their accomplices.

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

The administrative act establishing the amount due the public treasury by these people is not ruling on the exercise of public action or the trial of the offenses committed.

Art. 206 - Will be punished with one month to one year imprisonment and a fine of 20 000 to 200 000 francs or one of these penalties any agent or employee of the State or a legal entity public who use fraudulent vehicle service equipment or furniture allocated to public service, outside the prescribed conditions.

Art. 207 - shall be punished by a fine of 20 000 to 100 000 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 retirement of use or wear of a vehicle, machine or other service equipment assigned to the job.

The offender shall be exempt from prosecution if he shall bear the cost to replace or repair damaged equipment.

**SECTION 3 - THE CORRUPTION** extortion and Art. 208 - shall be punished by one to five years imprisonment:

- 1) any agent or employee of the State or a legal person under public law, mandated to collect taxes, duties or other charges to be charged, received, made charge or collect money or valuables he could n ' not be due;
- 2) any public officer, magistrate, officer or servant of a public service to be solicited or accepted gifts, promises, benefits in kind in order to perform any act of his office not subject to special remuneration or to s refrain from performing a duty of his office.
- 3) any person who by threats, assaults, promises, gifts or presents, obtained or attempted to obtain a government official or public administrations and services of favoritism, favor, actions or omissions illegal.

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

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

Art. 210 - Will be presumed nominee's spouse, parent to the 4<sup>th</sup> degree or notorious person cohabiting with the member of government, the official or official responsible for supervisory functions, supervision or control, which has taken an interest in the company subsequent to the taking of the same or earlier than two years after cessation.

**SECTION 4 - OFFENCES AGAINST THE NATIONAL ECONOMY** Art. 211 - Will be punished with one month to two years imprisonment and a fine of

5 000 to 2 000 000 francs, or one of these penalties for anyone who assaults, threats, fraud or other consultation has impeded or disturbed the submission of bids or freedom auction in auctions of procurement or public sales.

The Tribunal may also cancel the award obtained by fraud and order the publication of the conviction at the expense of the convicted.

Art. 212 - Will be punished with one month to two years imprisonment and a fine of 5 000 to 2 000 000 francs or one of these penalties anyone who:

- 1) has led to the artificial increase in prices by buying retail goods or merchandise for resale to

2) will directly or through intermediaries, organized the hoarding of food or goods, or placed on the market an excessive stock of goods or merchandise to operate or attempt to operate the artificial increase or decrease the price of these commodities or goods ;

3) has been spilled or spread slander or rumors with no basis to discredit the products to distort the natural course of these products.

Art. 213 - Will be punished with 20 000 and 100 000F fine the merchant who has denied the sale of an article or practicing unfair discrimination against buyers or by conditioning the sale by the purchase of items or different products together artificially in a single batch.

Any time the merchant retailer is entitled to refuse to sell to the buyer that requires beyond its needs in order to resell the products to the public.

The sale is authorized batch in case of liquidation or judicial amicable connection with the termination of a trade, abandonment or conversion of a store.

Art. 214 - shall be punished by one to three years imprisonment any worker, employee, clerk or agent of company that will, without authorization of the manager, disclosed to third parties of trade secrets, information on the management or accounting of the company.

Art. 215 - Will be punished with one month to one year imprisonment and a fine of 20 000 to 500 000 F anyone with assault, threats, false news or other fraud, has violated or attempted to undermine the freedom of labor and industry.

The same penalties apply to any employer who organizes the poaching its employee profile of competitors, by fraud.

Art. 216 - shall be punished with two to five years' imprisonment will be manufactured, sold, distributed, purchased or knowingly used instruments for measuring weight and giving false information, by any means whatsoever.

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

Art. 217 - Will be punished with one to twenty working days or a fine criminal in 2000 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 with one to six months in prison.

**SECTION 5 - OFFENCES AGAINST THE PUBLIC EQUIPMENT** Art. 218 - Will be punished by two months to three years imprisonment:

- 1) anyone with assault, occupation, events 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 production or distribution of electric energy, fuels, minerals and raw materials;
- 3) anyone who harmed the national economy by participating in voluntary obstruction of railways, roads, docks port.

Art. 219 - The organizers responsible for damage to 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 damage of public property or individuals. **SECTION 6 - FRAUD IN THE USE OF CREDIT** Art. 220 - Will be punished with one month to one year imprisonment and a fine of 20 000 to 200 000 francs or one of these penalties anyone who:

- 1) to obtain credit, bond or guarantee of a credit agency, public or private, have deliberately inaccurate information on its resources, its heritage, its previous commitments or other circumstances to consider the follow-up to demand for credit;
- 2) have obtained an investment credit from a credit agency, public or private, will have a job other than that specified in the contract;

credit will, before the completion of the mortgage or pledge, offered or given the same property as collateral to another creditor or has concealed the prosecution and seizure procedures being carried out by another creditor of the property.

**SECTION 7 - Gaming and Lottery Art. 221** - Will be punished with six months' imprisonment and a fine of 100 000-1 000 000 francs or one of these penalties whoever without authority given or made into a house of gambling, organized a lottery, or organized paris on the outcome of sporting events or other random events.

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

Raffles and games for charitable purposes in connection with events regularly declared are allowed by right.

**CHAPTER VIII : OFFENCES AGAINST STATE SECURITY SECTION 1 - TO THE SAFETY OF ATTACKS** outside the State Art. 222 - be put to death for treason while Togo:

- 1) that will deliver to a foreign power or its agents territories, places, books, magazines, ships, aircraft or military equipment belonging to Togo;
- 2) which have with a foreign intelligence in order to prepare for hostilities against Togo or facilitate the success of operations led military against Togo;
- 3) who has borne arms against Togo;
- 4) which will cause the military and allied Togo Togo's disobedience and betrayal to the benefit of a foreign power;
- 5) which deliberately destroy a ship, aircraft, weapons or war materials or other equipment used to defend national
- 6) that will deliver to a foreign power or its agents a secret defense or national will ensure the possession of such a secret in order to deliver it to a foreign power.

Art. 223 - be put to death for espionage while abroad:

- 1) which has maintained a correspondence with a Togolese to foster a treasonous acts referred to in the preceding article;
- 2) to take possession of a secret national defense in order to deliver it to a foreign power.

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

- 1) will be voluntarily removed or damaged equipment or supplies for national defense;
- 2) has willfully obstructed the circulation of such equipment;
- 3) will by leaflets, posters, rumors fueled by any means whatsoever, participated in a campaign to affect 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 - Will be punished by five to ten years imprisonment whoever peacetime:

- 1) enlist soldiers in Togo on behalf of a foreign power;
- 2) acts in reckless expose the Togolese people to suffer war or reprisals of a foreign power;
- 3) have with the agents of a foreign intelligence to undermine the military or diplomatic situation in Togo.

Art. 227 - shall be punished by one to five years' imprisonment in times of peace:

- 1) negligence, carelessness or failure to comply with regulations will ease involuntarily act of treason or espionage;
- 2) will be introduced in defiance of a ban reported in a book, post, arsenal, camp, ship, base or other facility used for military or national defense;

The sentence 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 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 be received or transmitted correspondence, documents or objects relating to the attacks.

**SECTION 2 - attacks against the internal security of IS** Art. 229 - be put to death anyone in order to destroy or overthrow the institutions of the country, has aroused the citizens to arm themselves against the authority of the State or have armed mercenaries.

Art. 230 - The plot to prepare an attack against the security internal state is punishable as soon as the resolution to act has been arrested several people.

Art. 231 - be put to death anyone in order to excite the civil war, to bring devastation, massacre or looting, have armed people or actions carried out by open force band.

Art. 232 - The provisions of section 230 apply to authors of conspiracy aimed the attack under 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 obstruct law enforcement;
- 2) have invaded buildings and public buildings by sowing disorder or pillage;
- 3) have led to the movement by promises, threats orders or signs of rallying;
- 4) will be plundered to the detriment of others.

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

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

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

**SECTION 3 - COMMON PROVISIONS** Art. 235 - Will not contain any author just for the purpose of plotting one of the attacks described in previous sections that, before any commencement of execution, has given knowledge to public authorities.

Art. 236 - The penalty will be reduced to imprisonment if convicted of the conspiracy, after a beginning of execution, has procured the arrest of his co-authors or accomplices.

Art. 237 - shall be punished by one to five years' imprisonment who, being aware of acts that constitute offenses against state security, do not immediately make disclosure to the public authority.

Art. 238 - The remuneration received by those guilty of offenses against state security will be seized and confiscated.

If the payment has been entered, the amount will accrue to the Treasury said the trial and collected as costs.

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

In the event that the regulation does not specify the quantum of the sentence, it will be a fine of 1 000 to 10 000 francs.

Art. 240 - The public may provide regulations in addition to the sentences Police additional penalties of special confiscation, closure of establishment and disclosure of convictions.

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

- 1) those who have embarrassed the street improperly depositing any material or things;
- 2) those who failed to report the temporary deposits or excavations they have carried on the highway, when such deposits or excavations at risk of injury to users;

property of others;

4) those who have damaged lawns, plantations, ornamental street lights, traffic signs and other objects of public places in public or publicly available;

5) those who let pets wander on the road public.

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

1) those who, except as provided in sections 128, 130 and 132 will deliberately damaged personal property of others;

2) those who, through clumsiness, imprudence, lack of care or failure to comply with safety regulations have unintentionally caused damage to property of others;

3) those who, without authorization, will have been missed or cattle on the land of another crop planted or loaded;

4) those who, without necessity, have committed an act of cruelty to an animal;

5) those who could, have refused or neglected to do the work, take the service or the help they have been required by the authority in case of accidents, public disaster or robbery in the act.

Art. 243 - shall be punishable by a fine of 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 authorization, have established or maintained in public places accessible to the public lotteries and other games of chance;

3) those who plunder the products of the fields.