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CODIG The PEN G D E CAPE VERD E

MINISTRY OF JUSTICE

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PRESENTATION

In editing the Ministry of Justice and seeking their wider dissemination, it publishes the Criminal Code which entered into force provides up to July this year. A code that ultimately there is very

justified, since because the Criminal Code currently in force, dated 1886, no longer reflects the ethos of Cape Verdean society, however independent and democratic, because it has the same code became hopelessly anachronistic and inefficient before socio-economic developments global and national, failing thus provide society of regulatory mechanisms to cope with change and complexity of crime, especially organized crime and transnational organized.

Indeed, the advent of independence, the democratic rule of law and major changes in the international scene, meant to impose the need to reform the criminal law. Adapting to these new realities, meant, above all, to make the conduct criminalized are actually those that are repudiated by the Cape Verdean society today, those whose combat the sphere jurídicopenal is actually justified by the need for security and social stability community, not forgetting, however, that the repressive action of the State should, without conditions or exceptions, the rights, freedoms and guarantees individual, as determined and guaranteed by the Constitution.

These are, in short, the structural underpinnings of the solutions poured into the new Criminal Code and that determined, namely, the exclusion of certain behaviors that no longer deserve social censure and, conversely, the inclusion of new types of crime, keep looking, at a time, the evolution of the Cape Verdean society and recent developments of the criminal legal dogmatic as bastamente is explained in the preamble of the new Code.

I finally point out that the Penal Code was the result of hard labor and exclusive of lawyers and other experts Cape Verdeans, something that in itself is a source of joy and confirms that we are able to provide solutions and value in internal matters reform legislation structuring the legal system. In addition to the author of Preliminary, Jorge Carlos Fonseca, whose contribution will already highlighted in the Preamble of the Code, and the members of the Monitoring Committee, is justice also highlight the thorough and highly professional Bernardino Delgado, José Boaventura dos Santos, Eduardo Rodrigues, Júlio Martins and José Delgado assured that, in the past two years, the development of the law of legislative authorization and approval of the Legislative Decree, as well as the review and the final text.

I thank, in general, the effort of all those valiant, anonymous or not, that, somehow, have contributed to the successful implementation of this collective work.

That the new Penal Code can adequately serve the community from which emanated helping to ensure social cohesion and continuity.

Beach, March 1, 2004

The Minister of Justice,

Cristina Fontes Lima

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Legislative Decree n. 4/2003 of 18 November

#### PREAMBLE

It is today the undisputed assertion that the Criminal Code, more than any other set of standards, embodies the basic rules of coexistence of a community grounded in that ethical minimum accepted by a society, not only by the type and nature of sanctions but also containing the selection of legal goods that do, finally, the political ideas - criminal that crosses and gives consistency to all its normative fabric.

The Penal Code in Cape Verde is basically the Portuguese Penal Code, 1886, and, largely, the 1852, with the amendments included some partial reforms carried out in Portugal, and then extended to the Overseas Territories, and very localized and minor changes imposed by the legislature Cape Verde, after the country's independence.

And what's more, is always considered to be the Criminal Code a real "thermometer" of political developments, to highlight the close link between changes in the political regime and the Penal Code.

Now, in our case, remains in essence a Code of the nineteenth century, which is not, nor could be a code that reflects, in some way, the eigenvalues of a modern rule of law, knowing, as you know, that the criminal law is the portion of the legal framework that has more atinência with rights, freedoms and individual rights, and a democratic rule of law can not handle the instruments punitive to the same criteria that makes one authoritarian system.

If we think that in the last twenty-seven years succeeded the independence of the country and there was a regime change, which since 1992 have a new Constitution, which establishes a democratic rule of law, which defines a set of rules and principles to be observed by the legislature ordinary, particularly in criminal matters, will clear the need for an urgent and comprehensive reform of the old code that still exists between us.

This reform is justified because, because:

a ) The rules relating to what is called the general theory of crime show is completely outdated, given the evolution of the criminal legal dogmatic;

b ) The social, economic, cultural and political Cape Verde now have nothing to do with the nineteenth century;

c ) The very thought-criminal legal, political and criminal intentions fundamental contend directly with the parties' special penal codes, changed radically and deep;

d ) The Special Part, not even close, not even remotely rises to the category of goods-criminal legal values that the politically organized community today requires as essential to his statement and livelihoods.

Thus,

Agreeing to adopt a new Criminal Code and, consequently, to repeal the Decree of September 16, 1886 and its amendments as well as all legal provisions contained in laws which provide loose and punish the offense charged by the new law.

Under the legislative authority granted by Law n. º 24/VI/2003, 21 July;

Using the powers conferred by paragraph b) of paragraph. 2 of article 203 of the Constitution, the Government decrees the following:

Article 1. °

(Approval)

It approved the Penal Code, which is part of this Legislative Decree.

Article 2. °

(Amendments)

Are changed to the minimum and maximum limits laid down in Article 51 of the Criminal Code, all prison sentences whose duration is less than or greater than the limits prescribed therein.

Are changed to the minimum and maximum limits under Article 67, para. 1, of the Criminal Code, all of fines comminated in criminal laws, duration or quantity lower or higher than the limits set therein.

Article 3. °

(References)

Considered to be made to the corresponding provisions of the new Criminal Code, all references to standards contained in the Code prior criminal laws loose.

Article 4. °

(Repeals)

With the exception of the rules on misdemeanors, are repealed Penal Code, approved by Decree of September 16, 1886 and all laws that predict and punish the offense charged by the new Criminal Code, namely:



a ) The Decree-Law n. ° 39,688, of June 5, 1954, which approved the so-called reform of 54 and applied to overseas, with amendments, by Articles 16 and 17 of Decree-Law n. ° 39.997 of 29 December 1954;

b ) Decree-Law n. ° 39,998, of December 29, 1954, directly applicable to Overseas, amending Articles 141 and 150 of the Code, with regard to crimes against state security;

c ) Decree Law 40166 of May 18, 1955, and as well, Ordinance no. ° 15,989 of 08 October 1956, that apply to overseas orders;

d ) The Decree-Law n. ° 41074, of April 17, 1957, and as well, Ordinance 16315 of 07 June 1957, that apply to overseas orders;

and ) Decree-Law n. 184/72 of 31 May, as well as the Ordinance

n. 342/74 of 29 May that had applied to Ultramar f) Decree-Law n. ° 37/75 of 18 October; g) Decree-Law n. ° 32/77 of May 14, h) Decree-Law n. ° 78/78 of 16 September and as well, the

Decree-Law n. 130/87 of 12 December; i) Decree-Law n. ° 78/79 of August 25, and as well, Decree

Law n. 129/87 of 12 December ; j) Decree-Law n. ° 142/87 of 19 December ; k) Law n. ° 20/IV/91 of December 30 , l ) The Legislative Decree n. 4/97, 28 April ; m) Law 81/V/98 of 07de December .

Article 5. °

(Standards for misdemeanors)

Remain in force the provisions of substantive and procedural law relating to misdemeanors applying, however, to the limits of fine and imprisonment for his alternative, the provisions of the new Criminal Code.

Article 6. 9

(Feathers commutative imprisonment and fine)

Rules providing for the duration of cumulative sentences of imprisonment and fine, whenever imprisonment is replaced by fine shall

one penalty equivalent to the sum of the fine imposed and that directly result from the replacement of the prison.

It is the regime provided for in Article 70 of the Criminal Code to fine one resulting from the disposal of the preceding paragraph, when it is time penalties.

Article 7. 9

(Suspension of sentence)

Rules providing for the duration cumulative prison sentences and fines, the suspension of the term of imprisonment imposed by the Court does not include a fine.

Article 8. 9

(Special Criminal Regime for young)

Special law shall determine the sanctions regime to be applied to young people aged between 16 and 21 who are agents that qualified as a crime.

Article 9. 9

(Courtesy of the Criminal Code)

The government department responsible for Justice shall broader dissemination of the Criminal Code now approved.

Article 10.º

(Entry into force)

The Criminal Code and Articles 2.º to 8. Of this Legislative Decree enters into force on July 1, 2004.

Reviewed and approved by the Council of Ministers.

José Maria Pereira Neves-Cristina Fontes Lima

Promulgated on November 17, 2003 To be published. THE PRESIDENT OF THE REPUBLIC, Pedro Verona Rodrigues

Pires Signed on November 17, 2003

The Prime Minister,

José Maria Pereira Neves

PENAL CODE OF CAPE VERDE

PREAMBLE

Introduction

Since independence it recognized the need to provide the country with a legal system itself, modern and reflect the socio-cultural Cape Verdean.

So is that a couple of major legislative revisions in the area of civil and administrative law, in relation to criminal law, since 1977 have been created within the Ministry of Justice commissions expert review of the Penal Code for integrated national jurists and came to produce a draft of its General Part.

Although it was not noted any structural reform, criminal law was being covered, since the specific modifications and even witnessed a proliferation of diplomas to create new crimes in an attempt to review the most inadequate of the Penal Code inherited, looking , albeit occasionally, tune it with the evolution of the legal-dogmatic criminal evident modification of the core values that occurred in two centuries and the humanist tradition of Cape Verdean society that since the founding act of the State, in 1975, outlawed the death penalty.

With the approval of the 1992 Constitution, instituting democratic rule of law and defining a set of rules and principles to be observed by ordinary legislator on criminal law has become the unavoidable need for real comprehensive reform of the current Code.

Thus, in early 1994, the reform project starts with the definition of "Terms of reference for the drafting of a new Criminal Code of Cape Verde", followed by the completion of its tender. The preliminary draft Jorge Carlos Fonseca, delivered in 1996, was the subject since then, including a broad public discussion meetings restricted to judges, lawyers and various segments of civil society and was also presented by the author to a Parliamentary Reform Monitoring . That draft was, moreover, closely followed by a Technical Monitoring Committee (TAC) comprised of judges and lawyers, appointed by the Ministry of Justice.

The CTA concluded its work in 1999 and in 2000 came to be passed by the National Assembly for a legislative adoption of the new code but that authorization expired without having been used for the purpose of the legislature in January 2001.

In 2001, the government department responsible for the sector of Justice, resumed at the point where they had been, the work of reform, reviewing data from almost ten years of debate, proceeding to arbitration of disagreements that remained as the final solutions to be castings in the Penal Code and preparing a new draft law on legislative authorization. In May 2003, the latter was adopted unanimously by Parliament paving the way for adoption by the Council of Ministers of the new Penal Code.

## General Part

The Code establishes now approved the following guidelines:

1. From the point of view of the criminal-political ideology, it is marked by the values enshrined in the Constitution of the Republic: the belief in the freedom of man and the consequent focus on individual responsibility, the dignity of the human person and the removal of any idea of its instrumentation for realization of purposes other than the free development of the personality of the individual ethics; renunciation forms of treatment that will, or potentiate attitudes of conformity and technical segregation incompatible with respect for human dignity, the bet on the recovery of man, the cult of humanism and the defense of an optimistic anthropology.

What resulted specifically in the following solutions:

2. Applying criminal sanctions must always aim at the protection of legal goods essential to the survival of the community and reintegration in the community life of the agent, as is clearly stated in Art. 47 of the Criminal Code. The solution is clear expression of the idea - a very expensive and rule of law-that the intervention of the criminal law should be subsidiary, as ultima ratio of social policy.

Which means, in a state of substantive law, democratic and social-oriented, such as Cape Verde, criminal law should only intervene with its own instruments of action, where they occur injuries unbearable conditions essential free community achievement and personality development of every man.

What should also involve the acceptance of the idea that only for purposes of prevention, general and special, can justify the imposition of criminal sanctions. The idea that prevention usually takes place as the first purpose of punishment, not the general prevention of intimidation or negative, but the positive general prevention, integration and enhancement of awareness of the legal community and their sense of confidence in the law.

Idea, moreover, with independent constitutional basis (Article 17 paragraph 5 , in fine ).

On the other hand, the same standard (47 °) arises as an expression of another principle, this result of the social rule of law (see, among others, Articles 1, n. paragraphs 2, 3 and 4.7 °, 54 °, 55 °, and 58 ° to 79 ° of the Constitution), and that is to impose on the state holder *puniendi ius*, the obligation of support and solidarity with the convicted, providing you with the best possible conditions for prevent recurrence and to pursue life in the future without committing crimes. Which is to say that the sentence should have a purpose of rehabilitation, being apart of this idea any paternalistic conceptions or instrumentalists wishing to enshrine a "therapeutic model" or impose any "ideology" treatment, unacceptable in a state of law.

As a result of that stated above, the Criminal Code subtracted the regime of criminal law discipline and conduct activities axiologically neutral, which should be considered as belonging to the scope of an administrative law substantially. Incidentally, the legislature Cape Verdean not only defined since the overall scheme of offenses (Legislative Decree No. 9/95 of 2710), created as a set of offenses in various fields, for example, the customs tax offenses, of plant protection, import, marketing and use of phytosanitary products, infringements of road traffic offenses and banking.

The Penal understood to include, by way of standard flagship solutions with other constitutional expressed seat and translation of what is called the principle of humanity, with implementation, exceedingly, in the field of the legal consequences of the crime.

Thus, in Chapter I of Title III, Article 45, entitled "Limits on sentences and security measures," prohibits the death penalty, penalty or security measure in perpetuity or unlimited duration or undefined, the prohibition of torture, cruel, inhuman or degrading treatment.

In its Article 46, the Criminal Code repeats another normative constitutional, it also an expression of this principle of humanity, according to which any penalty or security measure has the required effect, the loss of civil rights, professional or political. Regulations that required a deep change in the Criminal Code provides that earlier on "effects of the feathers."

The Criminal Code, Articles 72 et seq, regulates the matter of additional penalties and the effects of penalties in respect of this constitutional imperative. On the one hand, the Criminal Code defines a catalog of accessory penalties, and, second, submitted them to the specific regime of real feathers, including the limitation of its extent by the degree of guilt. Reason why additional penalties should always be temporary, between a minimum and a maximum.

The Criminal Code provides as accessory penalties temporary prohibition of the exercise of office (Article 73), prohibition of driving a motor vehicle (Article 75), the inability to elect (Article 76) and to be elected (Article 77) and the inability to exercise parental authority, guardianship or trusteeship (Article 78).

The first, in addition to being temporary, covers not only public officials - why does not refer to resign - but all carrying business or profession dependent on government securities or authorization

or approval of public authority (Article 73). In order to be clear that it is always worth it, explains that it is not applicable (paragraph 3 of Article 73) takes place when the application of the security measure of prohibition of activities (Article 96), the which presupposes, not guilt, but rather the dangerousness of the agent revealed in the commission of the act.

The same is done in relation to the penalty of driving ban, which is clearly distinct from the security measure of forfeiture of driving license (Article 95), is based on dangerousness manifested by the fact that agent. This justifies the additional penalty is applied between three months and two years and a safety measure, from one year to six years.

Identical treatment deserved the Criminal Code measures of disability for suffrage, active and passive. It was considered more demanding in the second case than in the former, given the obvious differentiation levels of responsibility. So, are much tighter assumptions of the measure of inability to elect and the shorter the period of application of the disability.

The provisions of Article 72 (temporary suspension of the exercise of functions) does not affect the contents of garantístico provision contained in Article 33 of the Constitution. It is a material effect on the actual meaning of the sentence in prison.

In the field of ideas limit imposed by that ideology políticocriminal referenced ago, the Penal Code (paragraphs 3 and 4 of art. ° 45 °) provides that "the amount of the penalty may not exceed, in any case, the measure of guilt "and that security measures must be based on the dangerousness of the agent externalized by the practice of a fact foreseen as crime and can not result harsher than the penalty applicable to abstractly fact committed, or exceed the limits necessary to prevent danger the agent.

What expresses, without any doubt, another idea that the fault principle should be seen as a requirement of the inviolability of human dignity (Article 1 of the Constitution). The Criminal Code is, therefore, a right tributary of criminal guilt. There will be no punishment without fault and the extent of the penalty may not exceed the measure of guilt. Guilt as a precondition for the application of the penalty as a way of limiting the power of the state and the consequent guarantee of personal freedom. It also means that the principle of guilt will not get your axiological foundation to a retributive any conception of the penalty, but before the principle of the inviolability of human dignity - the principle axiological most essential to the idea of democratic rule of law.

Expression of the principle of guilt, meaning cut back are many other solutions proposed in the Penal Code. Among them:

7.1. Requiring charged for negligence result in more serious crimes called preterintencionais (Article 12);

7.2. treatment given to the error about unlawfulness, which removes the responsibility for lack of guilt, when a lack of knowledge of the unlawful "not objectionable" (Article 16);

7.3. The consecration of no criminal liability for unimputability, set this on grounds of age and verification of a mental disorder, not intentional or unintentional, always on the assumption that only one can make a judgment of ethical censure when the agent can be determined by the standard based on the awareness of the illegality of the act (Articles 17 and 18);

7.4. Motivated primarily by some concerns raised during discussions around the Penal Code this is over, to some extent, by incorporating a device that aims to clarify the rules applicable to cases of drunkenness or intoxication by consumption of drugs and similar substances escaping the complicated arrangements currently in force;

7.5. Revealing the notion that, being always individual, each comparticante "is punished according to their guilt" (Article 29);

7.6. Forecasting, treated autonomously for relationship, in particular, the causes of exclusion of unlawfulness, causes an excuse in situations such that one can not, strictly speaking, is the inability to say blame, either to know the wrongfulness in fact, the agent would not be required and it would not be expected behavior in conformity with law. In the background, would tratarse situations in which, according to some authors, there is truly exclusion of guilt, but rather resignation of law in formulating a censorship still possible;

7.7. Penal Code, Article 44, laid down the rule of unenforceability, the idea that, although, in other articles, particularly with regard to the state of necessity apologizing, arise in implementing that rule, this will serve to other hypotheses whose practical prediction would be difficult operate. Anyway, the idea that would never be possible to classify exhaustively all possible hypotheses that could be accommodated thought of unenforceability.

The Criminal Code chose such a solution, although it was fully aware of the complexity and controversy that surrounds the issue today, particularly the criticism addressed to it that would cause

the danger of contributing to bone softening criminal law .



But it is no longer "defending", at least in part, the critical arsenal directed to that idea. On the one hand, made it clear that the application of article on unenforceability is made without prejudice to other concrete figures on the causes of excuse, particularly non-functioning full apology where, working the other assumptions of the state of necessity, are not at stake interests of life, physical integrity, freedom or honor, however, and we believe that this will be the "defense" Crucially, the cited provision considers the excuse only when, due to the pressure of external circumstances, nor agent could have, nor the law could expect different behavior;

7.8. Penal Code still listed as causes of excess excuse of self-defense, when it is not objectionable disruption, fear or

the spook who was due to excess resources (Article 41), the state of necessity apologizing (Article 42) and not objectionable undue obedience (Article 43);

7.9. Consecration of the idea that security measures involving deprivation of liberty only apply to incompetent and can not therefore in any case be applied in conjunction with a pen, which was expressly based on a device (Article 48);

7.10. 's treatment, within a framework of clearly criminal guilt, attributable to cases of hazardous (Articles 91 and 92), avoiding the use of relatively indeterminate sentence ;

The establishment, under the criteria for determining the extent (concrete) pen, rule that the measure penalty is limited to insurmountable measure of guilt, and that the first is likely to be lower than the second, since, for example, it is imposed by the demands of special prevention (Article 82 of the Criminal Code).

The Penal Code, of course, consecrated on safeguards and enforcement of criminal law, the remedies imposed by another principle of criminal policy, also with separate seating constitution (Article 31. °): the legality, with the content of meaning that historically was given.

Thus, prohibited the retroactive application of criminal law unfavorable to the agent, both in relation to crimes and penalties as the states of hazard and safety measures, and the use of analogy to describe a fact as a crime, defining a state of danger or determine the penalty or security measure to them (Article 1. °).

However, by constitutional requirement, in Article 2 of the Criminal Code expressly enshrined the principle of criminal law enforcement particularly favorable to the offender, not contemplating, yet the case dismissed.

Regarding the matter of criminal law enforcement called in space, specifically the locus delicti, we must note that, following the criterion of plurilateral solution or ubiquity, the Criminal Code provides for situations of crimes and unconsummated so-called crimes of consummation early (hazard crimes, crimes of intent and crimes enterprise).

As it relates to what we consider the assumptions of punishment, the Criminal Code enshrined in Article 8. °, a standard that defines the assumptions of punishment omission in order to blur the extent possible, the known difficulties and controversy regarding the equivalence between acts committed by action and omission. It is, therefore, correspond to a requirement of *nullum crimen sine lege*. Should be noted that the Criminal Code, at the end of paragraph. paragraph 1 of Article 8 sets out an exception to the principle of equal treatment ("... except if another is the intent of the law"), just to refer to cases where the types of crime does not merely describe the production of a result, but, yes, it describes a bound form of execution of the act. In these situations, as indeed it has been argued, the restriction can have the sense to resubmit applying the law for an independent valuation, ethical-social, by which he determined whether, under the specific circumstances of the case, the worthlessness omission matches or is similar to the worthlessness of the action, in view of the illegality itself.

Also provides in Article 10. °, the possibility of criminal liability of those acting on behalf of others, particularly those who act on behalf of a legal person, so that we can extend the

punishment contained in legal types who assume certain individual or acting on self-interest, those people in such typical elements if not check, but which nevertheless acted as organs or representatives of a legal entity for which those personal elements were satisfied.

But more than that, the Criminal Code, in Article 9. ° provides for the liability of legal persons and equivalent entities for criminal offenses committed by their organs or representatives "in their name and in the pursuit of their collective interests, unless the agent acted against the orders or instructions of the defendant." The option of the Penal Code - which, incidentally, between us, has recent precedent, namely the Law on customs tax offenses - was well-considered, taking into account the needs, particularly of a political point of view-criminal, a such an extension, which is no stranger to pressure resulting from the criminology of white-collar crime that soon realized the ineffectiveness of any policy of repression and crime prevention that does not impinge directly and impersonal bureaucratic organizations which have become the major players in the world business, but also the entire arsenal produced critical towards non criminal liability of legal persons, in particular, in place of dogmatic legal criminal. The Criminal Code, Articles 79. Et seq defined penalties, principal and accessory, for legal persons, which by itself naturally limit the scope of offenses which could be undertaken by the collective entity.

The Penal Code defined in Article 15. °, the regime of the error on the elements of descriptive and normative assumptions about the type and causes of exclusion of unlawfulness, the error on the unlawfulness of the act (Article 16. °), avoiding confused if the formula used in Article 29. °, 1., the previous Criminal Code.

In part related to the forms of appearance of the criminal offense, the Criminal Code understood:

15.1. Keep a definition of preparatory acts and explain the idea that his punishment not as a rule does not preclude the punishment of acts which are punishable as a crime, although it seems dispensable for the consecration of such a rule.

15.2. Dedicate a treatment unit of effort, thereby eliminating therefore the figure of frustration as dogmatic autonomous category.

15.3. Establish rules about the call attempt inidónea or impossible (Article 23. °), in the framework of a unitary construction and objective picture of the attempt, which clearly leaves out the punishment cases call attempt unreal or superstitious . A design marked by thought the adequacy and crossed by a concept of danger, measured by an ex ante judgment that falls within the idea of an aptitude of certain acts to generate a sense, recognizable by most people, disruption of social community, ultimately, the carrier of legal goods that thus arise threatened.

15.4. Establish a system more clear and strict about the withdrawal and

called active repentance, including rules on the withdrawal in case of reimbursement, and in cases of so-called crimes of early consummation (No. 1 in fine of Article 24. °). The Penal Code also sends such rules apply to exceptional cases of punishment of preparatory acts as such.

15.5. Empower, Article 26. °, the figure of the instigation, despite being punished as authorship, in order to clarify concepts in a field where a lot of confusion still reigns notions. Above all, it seemed convenient to separate the instigation of authorship mediate - this referred to in Article 26. °, in that it refers to "... run by others, that it serves as an instrument) - since, this is mediate the author ... the real author, while instigating supposed authorship (given to the person committing the act) and they mediate. Furthermore, the article in question, which is punishable by establishing "author as" the instigator, caveat: "... provided there early running ...). What do you mean, in particular, should not be punishment for attempted instigation, since it would lead too far from the stadium protection of legal interests in terms unbearable for what should be the role of criminal law in a rule of law in the material sense . This confirms the idea that the instigation supposed authorship, at least at the stage of trial.

Also cut immediately above reasons, the Criminal Code obviated that it could punish the instigation instigation, stating that the determination of others should be, and willful directly.

15.6. Eliminate masking as a form of participation, seguindose what make modern legislation: predict such a figure in the special as crime / s autonomous / s.

15.7. Article 28 of the Criminal Code would establish rules as clear as possible about the complicated problem of the communicability of circumstances among co-participants in fact, when they are called into question the specific crimes themselves or unfit. The Criminal Code did, however, clarify the vexata quaestio that is whether communication becomes an accomplice to the author. A negative answer is given in n. 2 of the said Article 28, despite the establishment of a "safety valve" for the situations most shocking communication accomplice author, and consisting in saying that "when this rule results for some of the co applying a frame criminal cases, this can, considering the circumstances of the case, be replaced by one that would take place if this rule does not intervene. "

Moreover, the Criminal Code, at the end of paragraph. Paragraph 1 of Article 28, proviso: "... except if the intent of the law." The idea is to try and prevent the communication is made in cases of so-called crimes of own hand , although it may seem that it would be useless, since everything could be solved with the interpretation of the types mentioned in the special code.

15.8. Penal Code, in relation to the competition, chose to explain the difference between true and tender called contest rules.

9. The punishment of crime continued, the Penal Code (Article 34. °) opted for a principle of exasperation, that is, the punishment is established from the frame criminal cases, and determining the extent of concrete

pen made in accordance with the general rules. What does not, well, that valore within that frame the circumstance of having been plurality of facts.

The Criminal Code clearly distinguishes between the situations of exclusion wrongfulness of exclusion of guilt and apology, thus avoiding a precept of the kind of article 44. ° from the previous Code, which encompasses situations completely different, as justification (3, 4 and 5) an excuse (2:07, in fine ) and lack of action (1), even in different chapters set the grounds for exclusion of unlawfulness and causes an excuse.

Regarding the causes of exclusion of unlawfulness, the description is illustrative of course, the assumption now undeniable that law is a unit.

It is to be noted that the Criminal Code, the definition of the assumptions of self-defense requires that the wrongful aggression and relates to current interests not only legally protected (agent or third party) but also legally relevant, seeking thereby to explain the idea that there is no justification before, namely, aggression very small or insignificant value, regardless of the theoretical justification of the solution.

In terms of legal consequences of criminal offense, in addition to what has already been mentioned, and is contained in the Criminal Code and general provisions (limits on sentences and security measures, the effects of criminal sanctions; purposes of sentences and security measures; prohibition of overlapping pen and measure involving deprivation of liberty) should emphasize the following:

19.1. Penal Code eliminated the classification of prison sentences in most correctional and, proceeding to its unification in accordance with the requirements of rehabilitation pen and with the aim to combat any effect "disgraceful", in addition to such distinction does not, long ago, the objectives that were historically associated with it.

19. 2. Raised the minimum term of imprisonment, which is now three days to three months (Article 51), in terms of what today is considered to be the best solution from the point of view of criminal policy marked out by the idea of recovery delinquent.

3. Established a ceiling for the maximum prison sentences -25 year, always in obedience to the demands of special prevention already mentioned here. This ceiling was not, however, drastically reduced, as a function of the needs of general prevention and social reality of the country . weighed Also the fact that we know today is worth more to reduce the duration statutory penalties and establish a system of application and execution which, to a reasonable extent and without jeopardizing the use of mechanisms and institutions required for the particular purpose of rehabilitation of the offender, to make match your actual period, which threaten the very high penalties, in practice, are not fulfilled in large extent.

The Penal Code, taking into account the possibilities of the country, particularly with regard to establishing structures for implementation and monitoring of criminal sanctions, was not as far as possibly desirable, with regard to the consecration of non-institutional sanction measures. Although foreign experiences arise as a very positive view of obtaining special prevention purposes, not advanced in the consecration of some of them, either by means of such inability to put in place (eg the day release schemes and proof ), is simply because it seemed inadequate for the country (cases penalties of warning and service to the community).

However, the Criminal Code has advanced solutions also in this regard, pointing that exact modern sense of implementation and enforcement of criminal sanctions aimed at community reintegration agent.

Assigns the quality of the principal penalty fine, with different amplitude of the current, while essential part of criminal policy and sanctioning systems hodiernos. Especially in the field of small and medium crime, the penalty shall be a fine alternative to genuine penalty

prison, provided it, in this case, safeguarded prevention requirements.

Furthermore, it was decided by the system of day fines, which allows for a more appropriate way to adapt it to the extent of culpability of the offender and their economic conditions, blurring, so the usual criticism regarding possible discrimination of people with fewer possessions, especially when it puts the problem of non-payment and its conversion into prison.

Escaped the imposition of fines as complementary to imprisonment (x months or years in prison and a fine up y days), because of the policy objectives associated with the consecration of the criminal fine as autonomous penalty.

In Article 52. 9, the Penal Code maintains the rule of substitution of imprisonment imposed an extent not exceeding one year by a fine, except that due to the constraint of the case, the court finds that the enforcement of prison is dictated by requirements general prevention or there is room for the application of the suspension of the sentence.

To mark the difference between the fine and penalty main prison and a fine replacement, the Criminal Code establishes different rules regarding the quantum of imprisonment to be followed in case of non-payment of the fine. In the first case (conversion of the fine in prison), jail time will correspond the fine reduced to two-thirds (Article 70), while in the second, the convict, in the event of non-payment, fulfills the prison sentence imposed on sentence (paragraph 3 of Article 52. 9).

Consecrated (articles 64. 9 to 66. 9), for the cases of crimes that specifically applied imprisonment for up to five months, that should not be replaced by a fine, the possibility of imprisonment for periods of weekend weekend, where it is understood to be a way of fulfilling appropriate and sufficient to accomplish the purposes of punishment.

The fundamentals of criminal policy underlying such a shame that impose limits are established. So, have a minimum duration of two periods and a maximum of twenty-four periods, each period being established between thirty-six hours and forty-eight hours.

27. The Penal Code retained the figures of the suspension of imprisonment (Articles 53 et seq) and parole (Articles 58 et seq), with minor changes with regard to the definition of the relevant assumptions. To emphasize two aspects:

-The first is that, in the wake of what has the recent Spanish legislation, the Criminal Code, in its Article 59. 9 provides special system of parole for seniors (over seventy) and the seriously ill;

-The second: the Criminal Code, the definition of the assumptions of parole conditions over its granting, by comparison with the previous regime, in particular by making a staggering minimum time of imprisonment that must be met, depending on the seriousness of pity that the agent was convicted.

The Criminal Code also establishes, in purpose made, as far as was possible and realistic, without harming the essential concerns prevention, ensuring the rehabilitation of the agent and criminógenos avoid the effects of imprisonment, the rule that "where respect of the offense apply, alternatively, deprivation and non-custodial sentence, the court shall give preference to the second ... "(Article 82).

Article 84 lays down the conditions and arrangements attenuation penalty free. Arrangements to apply, beyond the cases expressly provided for in the Code, sometimes as college (error objectionable about the unlawfulness of the act, Article 16. °, n. 2; excess of legitimate defense - Article 37, state of necessity - No. 2 of Article 42), other times as a rule of mandatory (attempt and complicity - paragraph 2 of Article 22. ° and 27. °, respectively), in such situations where there are circumstances which, without excluding the unlawfulness or guilt agent to decrease sharply.

And the article lists, as an example, a set of circumstances, an institute whose application involves a strong and decisive intervention evaluative judge in fixing the quantum of sentence. With the limit set in n. 3, the attenuation of never being able to import the application of penalty less than half the minimum of the penalty or below the legal minimum, unless expressly provided otherwise by law.

In Article 85. °, provides the possibility of enacting the exemption of penalty in case of simultaneous verification of one of the circumstances set out in the previous article and another that, under the Code, also give or may give rise to attenuation free pen. Still, the exemption of penalty will be decided only if the constraint justify the case.

The Criminal Code remains unchanged, the current Article 96. ° about the contest modifying aggravating circumstances, because it seems to be important and clarifying the establishment of such a rule, although apparently the system enshrined - the absorption of a worse-not be direction in line with, for example, the accumulation of crimes. Added to it, however, a device that prejudice to the application of rules on the contest crimes and contest rules. The concern is to clarify the terms of the controversy generated by such a situation in the field of the current code.

Recidivism is modeled in terms different from the previous code, proceeding (Article 87), including a unitary treatment of recurrence homótopa calls and politropa , what is gained in simplicity.

With regard to security measures, they were submitted accurately and fully, the principle of legality and its corollaries, as mentioned above. The application of security measures is subject to the practice of a typical fact and illegal, as well as the Constitution requires. That is, the practice of an event considered by the criminal law as a typical fact illegal and is not only evidential element of danger as the foundation and limit the application of the measure. The Criminal Code deviates thus the provision of article 71. Earlier of the Code, which provided for the application of measures

Preclinical safety tort or delict, namely stray ruffians, prostitutes, "who habitually indulge the practice of vices against nature", etc.

The Penal Code criminalizes the security measures and defines the assumptions of overlapping action, whether custodial or non-custodial, beyond the cases of overlapping feathers (including ancillary) and non-custodial measures.

Of cut is the forecast, in Article 93, the measures consisting in the imposition of some untouchable movement restrictions or certain obligations when it did not show the necessary relocation agent or this is no longer justified, and forfeiture of firearms license (Article 94).

The Criminal Code provides (Article 90) that the court may always, by request or on its own initiative, to replace the measures imposed by others, since it corresponds more adequately to the realization of the security measures.

As a consequence of the constitutional prohibition on measures of a perpetual or unlimited or indefinite duration, the Criminal Code all models as temporary measures, establishing even cease their application cease when that danger that the ground (Article 91. °, n . 3 and 93. °, n. 2). However, in cases of non-custodial measures set a minimum time of fulfillment.

The Criminal Code also includes "other consequences of criminal offense" matters concerning the fate of the objects of crime and compensation for damages arising from the practice of criminal offense, between Articles 98. 100 °. °. Please note that the Criminal Code provides that, if it is not illegal trade or objects that endanger people's safety or public order, or that do not offer serious risk of being used in the commission of new crimes directly or through proceeds from its sale to cover the responsibilities of the agent to injured persons. This is enforced by the solution, now increasingly

indisputable need for consideration of the interests of victims in framing and solving the phenomenon of crime. Similarly, the Criminal Code, Article 101. °, believes that the credit of the victim to compensation for damages arising from crime enjoys preference over any other arising after the commission of the act, including the fine and court costs .

Another note: the Criminal Code, Article 100. °, n. 2, clarifies that compensation for damages resulting from the criminal offense is regulated by civil law, in particular as regards the definition of their assumptions and criteria in order to calculate the amount.

The Criminal Code is a single title - The IV - Matter of extinction of criminal liability and its effects.

Among the causes of extinction of criminal liability, the Penal Code considers the so-called measures of grace, referring in particular to the amnesty, the general pardon and reprieve, following thus the terminology of the Constitution (articles 134. °, n. ° 1 n) and 174 ° F), in particular). The Penal Code does not regulate such measures practically, merely a description of its effects, the idea that to go further would be futile, given that the Constitution establishes jurisdiction.

In Article 105. ° to 107. °, the Criminal Code regulates the issue of right of complaint, his termination, resignation and withdrawal of complaints, which causes them to stop talking about forgiveness (forgiveness individual or part).

Articles 108. ° and following the Criminal Code regulates the matter of prescription, whether from criminal proceedings, either on sentences and security measures.

The Criminal Code proceeded, first, to a greater diversification of the limitation period, is related to the prosecution, to be related to criminal sanctions, taking into account the relative seriousness of offenses and sanctions or nature of these, treating if security measures.



On the other hand, made a clear distinction between the suspension and interruption of limitation, in the one case as in another. Please note that the limitation of proceedings only interrupts with the notification of the indictment or order materially equivalent or practice, by the agent of another criminal offense (Article 111. °). Further clarifies the Penal Code, in the event that latter starts to run the statute of limitations for the most serious criminal offense (paragraph 2 of Article 111. °).

Seemed sufficient to establish these two causes of disruption, since, given the time limits established for the prescription of the procedure and the grounds for suspension, it reaches a balance between the requirements arising from the need for criminal prosecution of agents offenses and those underlie the figure prescription: not so much the idea that, with increasing temporal distance between the time of commission of the act and the criminal process, increase the evidentiary difficulties such as the lack of need for the penalty, reducing the requirement for increasing reaction against infringement.

Regarding the mode of that period, the Penal Code provides for the possibility of so-called crimes of consummation early (paragraph 4 of Article 109), and acts preparatory exceptionally punishable (paragraph 2 of Article 109. °).

Still on the subject, and in order not to empty the contents of the notion of sense insito prescription, the Criminal Code, Article 112. °, sets a limit insurmountable: the prescription will always place when, from its inception, and except the time of suspension has elapsed normal period plus half.

A final reference to rehabilitation (119 articles. ° to 121. °) to say that the Criminal Code provides both rehabilitation of law, as the court, the first ever fully and finally, unlike the latter who begins to be provisional, Although it may be fully or limited in their effects. At this point, the Penal Code did not flee in essence contained in the legislation, caring only to clarify and systematize some aspects of his regime, which, incidentally, should be developed into autonomous diploma.

## Special Part II

With regard to the Special Section, the following guidelines and options were taken into account:

47. The Criminal Code consecrated another systematization that may correspond to the ordering of the values inherent in the Basic Law.

This led, in particular, that, rather than start with the special crimes "against religion and the kingdom of abuse committed by religious functions" and crimes "against state security", began by describing typical crimes against people - and, among these, the crimes against life, against the physical and psychological integrity, against freedom, against the dignity of persons and against

private life - and continue to crimes against property, ending crimes against the democratic rule of law.

Anyway, the Criminal Code, intending to follow such an order, began with the protection of individual assets ending with the state.

Were eliminated criminal offenses where there is no legal right worthy of protection or criminal, existing legal right, it does not show the intervention of the criminal law. From this point of view, guys like dueling, strike, lock-out, adultery, homosexuality, vagrancy, begging, and that represents a mere crimes against religion or morals did not arise naturally in the Criminal Code, and for the same orders reasons, was significantly reduced the number of crimes against the state, the crimes of attempted or preparation, or too considering the need of offenses as "propaganda suicide", "offense against legal person" (artigo169. °) " outrage alien symbols "(Article 266. °), possession of unlicensed weapons regulated (art 295 ° °)," infidelity

diplomatic "(Article 311)," usurpation of authority Cape Verde "(Article 312. °)," Simulation of crime "(art 339 ° °)," obstruction of judicial activity "(art 340 ° °)," Obstruction assistance of detained or imprisoned "(art 349 ° °)," illegal exercise of profession without danger to the life or integrity of others "(art 358 °)," illegal use designation, sign or uniform "(art ° 359 °), "illegal employment of public power" (art 371 °), "non-cooperation due" (art 372 ° °), among others.

The Criminal Code undertook another systematic and guided by the interests of simplifying the treatment of crimes against life and integrity, avoiding, for example, types such as those provided in the previous Criminal Code articles 350 ° (attempted murder and frustrated murder ), 353 ° (poisoning) and 355 ° (patricide), completely reshaping the types of crimes of bodily harm (Articles 359 et seq); avoiding systematic as it was done before the so-called involuntary manslaughter and assault and deleting unnecessary provisions when no matter unclear solutions, such as those of Articles 376 ° (homicide and assault with justification thereof), 377 ° (legitimate defense against homicide or serious bodily harm) and 378 ° (excessive self-defense) .

50. In this respect, it should also be noted:

We chose to provide, in two articles aggravated murder cases, with the maximum penalty provided for in the Penal Code (15 to 25 years in prison according to the means used or the reasons for committing the act (art 123 ° °) and quality of the victim (Article 124).

Was considered the hypothesis consecration of a kind of murder, but weighed the possible benefits linked, for example, the technique of standard examples and, crudely, have to do with the possibility of greater justice of the case - and the disadvantages of using a sophisticated legislative technique and granting the judge a wide discretion to the circumstances and their valuation, the Criminal Code was decided to sacrifice a considerable extent, the potential benefits mentioned above.

Between maximum security underlying an application model automatically from a number of qualifying circumstances, precisely determined, and the possibility of greater justice and judgment in the assessment of the case, the Criminal Code chose to stay closer to the first requirement, and account, in particular, the reality of the country, maxime, the degree of experience of our judiciary, consolidation jurisprudence and doctrine of national immaturity.

In Article 124. °, aggravation by circumstances of kinship (ascending or descending), the particular vulnerability of the victim or the nature of the functions performed by it depends on whether, in particular, a marked degree of unlawfulness of the act and / or fault of the agent, which at this point is closer to the technique used codes Portuguese or Swiss, with the difference in the first case, the enumeration of the circumstances to be exhaustive in the Penal Code, and over the second case, no content with a mere general clause. Basically, the Criminal Code differentiating situations aggravation on account of the use of certain means or a particularly objectionable motivation agent and aggression in attention to the quality of the victim, was almost halfway between the two types of models here very broadly defined. This is because we understand that in the first group of cases would be much more difficult to conceive that the verification of conditions (eg, kill with torture, with act of cruelty to increase the suffering of the victim, by racial hatred, religious or political, by greed, the pleasure of killing, by rewards, etc.) does not bring with it a greater degree of illegality course (particularly the worthlessness of the action) and / or guilt.

51. The Penal Code, in the overall concern of maximum simplification of the Special Part, avoiding where possible, subsequent waivers or amendments of the general rules (eg on seat contest crimes of attempt, preparatory acts, operation of rules on circumstances) did not provide the figure of "manslaughter", for example, do other codes, opting to consecrate it in Article 84. nr 2 d), whereas circumstance capable of determining an attenuation free sorry.

52. The Penal Code, in the wake of that, so prevalent, has taught

Comparative law provides for the murder at the request of the victim (Article 125) and incitement or assistance to suicide (artigo127 °). These are two offenses which, together with the interventions and medical and surgical treatments arbitrary ensure the regulatory framework capable of offering an early response to the difficult problem area called euthanasia, the diversity of its manifestations - indirect and passive active. Were the reasons that led to the Criminal Code, in the case of murder the application has not chosen solution identical to that made regarding the "manslaughter".

The Penal Code finally enshrine the principle of parificação axiological and normative self injury and the injury straight consented.

Last two brief references should be made yet.

One relates to the fact that the Criminal Code, in paragraph 3 of Article 127 to provide for the aggravation of the penalties prescribed incitement and assistance to suicide in some cases.

The other has to do with the fact that the Criminal Code to establish that

that only becomes punishable when advier actual suicide or when there is only a trial, it results in serious injury to the physical or mental health of the instigated or aided.

53. The Criminal Code has not devoted any autonomous figure of infanticide infanticide or privileged. In fact, in our times the most frequent is the consecration of a particular case of manslaughter, with different formulations of code to code, but that essentially estribase the idea of a sharp decrease of fault on the part of the mother who kills the infant under influence of certain circumstances, including the disturbing influence of childbirth or the period that follows or / and consistent motivation to hide the shame of the mother.

What was said above about not empower a type of manslaughter goes fully to the present case, therefore, there is actually the situation of a mother to kill the child in "puerperal state" in circumstances where there is a significant decrease the agent's fault, there will be the application of the rule of attenuation penalty free under Article 84. °.

With regard to crimes against the physical or psychological integrity, in addition to the aforementioned simplification and re-arrangement of provisions worth noting that the Criminal Code introduced some new types, in consideration of phenomena which, although not new, are now subject disapproval of specific and relevant community and enhanced expression of values by the assertion of the rule of law and protection of human rights, or else legal criminal deserve treatment itself, bearing in mind the problems, particularly in seat-sharing, raised the its assessment in the assault. In the first case we speak of mistreatment of a minor or incapacitated (artigo133. °) and spouse maltreatment (Article 134. °) and in the second case, the "feud" (Article 135).

Another mention: on the basis of the foregoing briefly about posture to simplify, where possible, the composition of the special part, avoiding constant derogations from the general rules set out in the Criminal Code, to consecrate the aggravation in crimes against the integrity, not provides that it would be dictated by the victim's death. It is understood that such a legislative technique should

only operate where there can not operate the rule of the contest or can work, the objectives are not achieved or failure prevention satisfactorily.

The Penal Code, in the chapter on crimes against freedom, sought to deepen the treatment of legal and criminal offenses against personal freedom, understood in a rule of law as well essential. Thus, reshaped and improved types such as false imprisonment, coercion and kidnapping, given that, today, are sophisticated modes of attack, often violent and organized freedom.

Thus, a unified type - kidnapping - which traditionally has been treated as kidnapping or false imprisonment and kidnapping; predicted a type of crime where it punishes medical intervention without consent.

The Criminal Code included in the area of crimes against the people, today called sex crimes, no longer understood as crimes against honesty, but rather as against sexual freedom and self-determination. What led to demand a careful weighing of values that deserve protection legal criminal, according to its own criteria of a rule of law, open to a plurality of conceptions of life and should not aspire to any modeling behaviors in field of morality, sexual maxime.

The Criminal Code spun in its own chapter, these crimes, taking a deep their review, while searching for a simplified treatment. He, of course, read back the solutions in the most recent and innovative codes and ongoing reforms, eventually opt for solutions that, it gets very close to one or another model to some extent appear as themselves.

Clipping is the following:

56.1. Penal Code begins with a set of definitions, namely the sexual act, sexual assault and sexual penetration (Article 141), from which building types. The base type is the "sexual assault" (Article 142), understood broadly as completed sexual act against the will of another person, regardless of their gender. Punished more severely is the crime of "penetrative sexual assault" (Article 143). The proposed concept of penetration includes not only intercourse, as well as other acts seen as essentially equivalent in terms of the degree of allocation of the sphere of freedom and availability of the victim's body (anal intercourse, oral sex, vaginal or anal penetration with fingers or foreign objects called kiss and lingual).

56.2. Penal Code, Article 151. °, provides a strong aggravation for situations in which the practice of sexual crime, resulting, inter alia, pregnancy, serious harm to the physical or psychological integrity, transmission and incurable illness, suicide or a death with what intended, particularly when it comes to pregnancy, addressing particular form found satisfactory, the specific relevant violent vaginal penetration.

56.3. As already mentioned, in addition to cases of violent sexual acts, the Criminal Code provides coverage to the protection of sexual self-determination, by providing types of sex crimes against minors or persons diminished in their ability to self-determination. Thus, it is expected the crime of "sexual abuse of children" (Article 144. °) and also of "sexual abuse of minors between 14 and 16 years" (Article 145). In this case, however, it was considered as an agent greatest person since it is not intended to protect, for example, virginity (as is done in the previous code with the rape, before the repeal of Article 392 ° by Legislative Decree 78/79 of 25 August), or any form of indecent assault. With this, departs punishment in cases such as consensual sex between a 16 year old and another 15 or even in other cases, where the sexual act has been committed "... whichever is its superiority, originated by any relationship or situation, or the fact that the victim will be entrusted for education or assistance ... "(Article 145).

The Criminal Code sets out the type of "sexual harassment" (artigo152. °), while behavior violates freedom of sexual disposition, through orders, threats or coercion in order to obtain favors or benefits of a sexual nature.

The Penal Code, a chapter on "putting people in danger," includes, among other, the failure of aid (Articles 158) that, in one way or another, you want to be an expression of the violation of a duty of due solidarity in cases of grave necessity caused, inter alia, public calamity or situation of common danger, or even life-threatening to others, provided, of course, conduct that is required to create omitting no serious risk to your person or to a third party in the wake of what happens today in the most advanced legislation.

The Criminal Code reponderou the cool drawing of honor crimes, since the criterion of distinction between libel and slander, passing by the idea apparently required by our social reality, the relative enhancement of his punishment, considering there are no reasons which leads to the distinction between libel and slander, opting to unify the figures under the heading of injury.

58.1. Moreover, the Penal Code provided for a guy who punishes the offense to the memory of the deceased person (Article 168), consistent with values deeply rooted in the country.

58.2. In its Article 170 Penal Code explains cases of lack of typicality, the way of enumerating hypotheses most visible social adequacy, a concern that arises as understandable in our stage of development of doctrine and jurisprudence. Incidentally, at this point, the Criminal Code is not far from what is consecrated other codes, to establish, albeit with hesitation, the relevance of public withdrawal , on the basis of what seems to be also consistent with our expression idiosyncrasy.

The Criminal Code recasts and want to update the relevance of exceptio veritatis (Article 173), causing it to cover the crimes of libel and insult to the person, and predicting that she can still avail when the aggrieved requests, in any way, proof of imputation directed against it. As solution still seems to be perfectly in tune with the Cape Verdean way of feeling and reacting solution, moreover, that there appears to be unprecedented.

The penalty of imprisonment for crimes against honor was relatively increased, according to what appears to be a requirement widely felt in Cape Verde.

The Criminal Code provides protection independent of the right to privacy and, through this, the rights to the image and the word, through the creation of criminal offenses themselves, such as "attack on private life" (Article 183), "recordings, photographs and movies illegal" (Article 184 °), "wanton through computer" (artigo 188 °). It is here one more manifestation of the phenomenon of emergence of new legal rights, corresponding to the discovery of new dimensions of the person, autonomizáveis their dignity and lack of criminal protection without that corresponds to a kind of subversion, if not reversing function of the legal dictated by a criminal policy of a functional criminal law.

In the area of crimes against property, the following guidelines should be noted and followed consecrated options:

60.1. Como left behind is understood, the Penal Code did not pursue the idea of any ideological heritage protection, ie, it considered in itself, but rather as a set of goods and values assigned to specific legal spheres. What, in any way, may mean at least a total sense or globalizing the criminal legal protection of heritage should run out in strictly individual assets. On the one hand, there are cases of protection of individual assets with decisive consequences in other transpersonal interests, and on the other side and now shows up exhausted itself individualistic model of liberal ideas that marked the making of codes of nineteenth century, seeing themselves heritage value as it lies, for example, in terms of ordering legal interests behind the life, physical integrity or freedom, and whose protection may extend the spheres of corporate domain, community or public.

Reason why the Criminal Code provides for criminal offenses as "damage to the environment" (Article 206), "fraud relating to insurance" (Article 211), "swindling other goods" (Article 215), "infidelity" (Article 220), "tampering with accounts or inventory" (Article 221), "publication of falsehoods about the situation of society" (Article 222), "pact against corporate interests" (Article 223), "tampering with auction or tender public" (Article 226), "fraudulent bankruptcy" (Article 228). Or, because it provides for the qualification of theft or robbery (Articles 196 and n ° 3 ° 200 °), namely when the movable alien is "destined to public service and to produce serious disturbance in its operation", "is staple product, when the subtraction has caused a serious situation of lack of public supply", or even when the Criminal Code qualifies the damage practiced" ... on file, registry, museum, library or ... property of significant historical, artistic, cultural or scientific, or, in any way, intended for public use and usefulness" (Article 205, paragraph 1, c)), or qualifies larceny, theft and damage to thing has important significance for the economic or technological development. And no longer qualifies for the simple fact that, for example, the thing within the public sector (and, a fortiori, to the cooperative), qualification no longer appears in the preceding code, although that typify the crime of "misappropriation" while crime whose agent must be a person who has management or possibility of disposal of property, public or cooperative.

60.2. Penal Code remains in the area of crimes against property, the property as the legal principal, and the option to include special legislation a number of new rights that gave rise to the technological revolution and the changes wrought in economic life . In any case, and from what has been said with regard to the types created, the Criminal Code, not going so far in this field prediction types of crime against

heritage or crimes against the economy, goes a step further, including some so-called corporate crimes.

60.3. But on the other hand, the Penal Code did not intend to go beyond that, in this respect, as also for example in the ecological crimes, computer, and other genetic, it showed how essential core of that crime. Better: it was thought that only crimes were to be expected in these areas, which corresponded to a core value in the field of environmental protection, the economy of the State and others, it can be said, has lost its sporadic and acquired determination enough to appear on a body of laws tending to stability, regardless of changing economic and political structures. Furthermore, the fact that only recently have been approved the general scheme of offenses, and thus, with the exception of the field of customs tax offenses, hardly have done any transfer to this new type of ordering of offenses that continue today so debatable, cataloged as criminal.

60.4. Penal Code proceeded in typical description of crimes such as theft, robbery and other crimes against property, the careful consideration of the advantages and disadvantages of the model linking the qualification or privileging and quantified the levels of the pre-set monetary value of the object in question and other models, such as linking the qualification or

privileging the verification of standard terms of value (low value, considerably high value, insignificant value, etc..).

60.5. The Criminal Code has chosen not to consecrate any model that considers the value of the thing as a constitutive element of the type of crime sheet, being sure that the qualification of the theft, theft and other crimes against property, enters with the weight of circumstances the "having been impaired person in difficult economic situation" or "agent have caused considerable damage to the victim," what, in particular, sought to address some of the difficulties to other known criteria.

On one hand, those related to subjective determination of liability of the agent (problems of fraud and error) when it is gauged in function of a preset value, as in the previous code, as well as very practical problems related to the need of almost constant updating of values, attention to changes in the valuation or devaluation of the currency, on the other hand, is greatly weakens the criticism



directed against the use of clauses containing indeterminate concepts, namely as far as respect for the principle of legality .

60.6. still on the options of the Penal Code can be said that, while retaining the notion of substantial damage (not value), always aware of the difficult economic situation of the victim, it is intended to overcome the subjectivity inherent in assessing what is high value, high or low.

60.7. This is why, in Article 197, the Criminal Code provides for the crime of theft of negligible value (the same happening to theft, damage or fraud) considering as such (cumulatively) the theft of anything of value small and do not cause serious injury to the victim.

60.8. Penal Code made a distinction between the crimes of burglary and theft somewhat different from using the previous code. There is not only theft when there is violence or threats against individuals but also about things when there is violence, a concept that is the subject of the definition in Article 200 °. Notably, no such violence when in execution of the act, scaling occurs, burglary and use of false keys to enter the place where the thing is located, regardless of whether or not the house inhabited.

Option which somehow explains the measure of worth - apparently low - scheduled for the theft, and well as the frame difference between criminal

robbery with violence on people and things with just about violence.

The Criminal Code not only simplified the treatment of the crime of damage but limited the damage to the punishment form of misconduct.

The Penal Code in line with what we have already seen, did a complete redesign of the so-called crimes against the state, eliminating the types which are not concerned so intolerable, the realization of democratic rule of law, and, in defense of a This perspective has sought to tighten up typical description. On the other hand, simplified the offenses, as happened in particular with the crimes of treason (Article 306), rebellion, espionage and violating state secrets (Article 309 °). In other words, prosecutions arise only where there values are violated by such violent behavior or similar forms of action.

Created types of crime (sometimes called crimes against peace and humanity), in accordance with the need to protect the interests and values that the international community attaches great importance, giving, moreover, at the consecration of the Penal Code to which some times, the State of Cape Verde has committed to in the agreements signed by their representatives. The Criminal

Code has joined in the title, entitled "Crimes against the international community", which appear alongside the attack (to life, integrity and freedom) against certain foreign entities usually subject to special protection under international law, facts such as genocide, the recruitment of mercenaries, the organization for racial discrimination and slavery.

In the same line of thought, the Criminal Code, especially in this category of crimes, limited to strictly enforced by the legal protection of property and the need for the use of penal intervention techniques attempted assimilation of the consummation (or through the mere assimilation *quoad poenam*, either through construction of crimes enterprise), and punishment of preparatory acts. The punishment exceptional preparatory acts as such and not, for example, as autonomous offenses or crimes autonomous, was reduced in terms of acts not *tipicizados*, crimes of genocide, treason, sabotage of national defense, provocation to war, rape State secret (only when they are concerned the independence or territorial integrity of the country, and, no,

for example, the mere protection of state interests in foreign policy), rebellion, and founding a terrorist organization. *Tipicizados* punish acts as are some forms of preparation crimes of forgery, values and bonds, making it clear that, despite such a typical embodiment, still we are facing real acts preparatory

which has the effect, *inter alia*, to exclude the punishment of his attempt, moreover, conceptually indefensible.

On the other hand, left to contemplate any situation Match preparatory act the attempt, as was previously the case, for example, with the provisions of Article 170 (Suspension or termination of employment without legitimate cause).

64. The Penal Code also undertook a significant overhaul of the types of crime against public order and tranquility, tuning them with the values and the limits imposed by the rule of law, including the consecration of the rights to freedom of expression, expression and assembly.

64.1. In this context, there has been harboring some forms of so-called crimes of organization, *maxime* a criminal organization, making himself clear distinction, including for the purposes of applicable penalty, among founder, chief or leader, adherent and collaborator, seeking if, in particular, to resolve, to the extent that is possible, based on this, the complicated problems of competition usually raised by this type of crime.

Thus, in Article 291, paragraph 4, the Criminal Code, while it provides a penalty for those who own "support or collaborate with criminal group or organization, without being a member of them," caveat explicitly that such penalty shall not apply " more severe penalty ... is the result of applying

the provisions of this code to the practice of offenses that would result in the performance of the organization ... ".

64.2. The Penal Code also chose not to include in the scope of crimes against public order and tranquility crimes of terrorism and terrorist association. These are included among the crimes against the State of Law Democratic maxime, against the national sovereignty and independence, being your typical modeling done on this basis, ie the qualification as a terrorist organization implies, in addition to other elements, the "purpose to destroy, alter or subvert the democratic rule of law enshrined in the Constitution or its institutions, or to offend or endanger the independence or territorial integrity of the country, or even

to create a climate of social unrest or disturbance "(paragraph 4 of Article 315 °). And if we take into account the requirement to use certain means of action, it is believed that to give correspondence, in essence, the more frequent and severe forms of terrorist attack.

Also in these cases, the Criminal Code clearly separated, even in terms of the applicable penalty, the condition of the founder, chief or director of adherent and collaborator. Here was spun in a separate article (316 °), the "collaboration with a terrorist organization", subject identical to that provided in the case of criminal organization: the punishment is for the act of collaborating with the group without his part, applying penalty corresponding to the concrete practice of offenses which resulted in the collaboration, if more severe than the first.

Such a clear explanation, when compared to the absence of such a provision to the chances of foundation, leadership or membership, as a member of the group, and, greatly, with not creating a kind of terrorism, makes clear that the conclusion is headquarters in pageant crimes (and not mere contest rules) that the conduct that is treated, for example, resulted in founding, directing or belong to the group of concretes and practice terrorist acts (murder, sabotage, kidnapping, etc.)..

Also in this area were included crimes "impediment or disturbance funeral" (Article 285), "desecration of place or object of worship" (art 286 ° °) and "impairment or disturbance act of worship" (Article 287 °), with the typical description always include the requirement of disturbance of public peace.

In relation to criminal legal protection of the environment, the Criminal Code, without setting aside or minimize the public outcry that today among us

Also, sounds in defense of environmental values, was very prudent. In the absence of such provision in our Constitution clearly and directly addressed the criminal legal protection of the environment.

As stated above, there was a concern to limit the protection to a criminal core has stabilized, meaningful community of values. But also the Criminal Code had due regard to the hesitations, the care and the difficulties, both from the point of view of effectiveness of possible offenses, such as model building typical of those crimes

- damage of concrete danger, danger abstract, or as it is called, crimes of disobedience to the state entity responsible for overseeing the pollutants and competent to grant them permits.

Thus, safeguarding already legislated on the matter (Legislative Decree n. ° 14/97, 1 July), the Criminal Code does not set up a separate category of crimes against the environment, limiting themselves - in cases of clear and direct protection environmental values, - to create a kind of crime of "damage to the environment" (Article 206) and a crime of danger ("pollution" - Article 297), this in the context of crimes against collective security, systematic space where has included many of the so-called crimes of common danger.

The same fundamental reasons - limited to the core, stabilized values - to be added to the need for special legal treatment, namely as to articulate specific procedural and substantive rules, also chose not to include in the Criminal Code offenses such as the drug trafficking, "money laundering" attacks against the identity and integrity or relating to genetic information.

In the area of crimes relating to the exercise of public functions - the Penal Code designates the respective chapter as "Some crimes relating to the exercise of public functions", since, strictly speaking, crimes relating to that period are spread across different titles and chapters - there is emphasize, on the one hand, a relative worsening of sentencing for crimes of bribery (particularly when it is practiced as compensation or reward for an act or omission lawful), and, second, the prediction of a

type of crime of "influence peddling" (art 365 ° °), in response to phenomena of great timeliness and that traditional types of corruption does not provide coverage, at least in some cases.

Also noteworthy is the fact that the Criminal Code provide for aggravation of sentencing for crimes of corruption, when the agent is magistrate, improving what is currently available on the subject, since, on the one hand, refers only to the case of corruption passive, and, secondly, covers only the judges and jurors.

The same concern with adequacy of sentencing to the seriousness of the offense, led the Criminal Code, the chapter on crimes against the administration and implementation of justice, to aggravate

the penalties prescribed agents prevarication, in the case of magistrates, the same time proceeding refocus its criminal type, so, in particular, make it compatible with the constitutional guarantees pertaining to the exercise of the judicial function and independent judiciary (prosecutors).

The Criminal Code, particularly in the area of crimes against property, crimes widens the range of semi-public. If we considered ideologization heritage is partly justified by a decrease of public initiative for intervention procedural criminal, not the least is the option of the Penal Code has behind it the pursuit of criminal policy objectives well defined, which are the provide, within certain limits, of course, situations of conflict generated by certain criminal behaviors severity of small or medium can be managed and resolved extraprocessualmente even by consensus between the agent and the victim. What can translate - without such a pragmatism forums can assume decisive justification of the measure - the final in the courts for relief, busier, so with matters connected with a more serious crime.

PAPER I PART GERA L TITLE I

WARRANTIES AND LAW ENFORCEMENT PEN G

Article 1. °

(Principle of legality)

1 - No indeed, consists of action or omission, may be considered a crime without a previous law qualifies as such.

2 - It may only be applied as a safety hazard states whose assumptions are established in previous law.

3 - Feathers and safety measures are determined by the law in force at the time of committing the act or check the assumptions on which they depend.

4 - It is not allowed the use of analogy for a fact qualify as a crime, defining a state of danger or determine the penalty or security measure that corresponds to them.

Article 2. °

(Application of more favorable)

1 - Where the penal provisions in force at the time of committing the act are different from those provided in subsequent laws, will apply to the regime that is more favorable to the particular agent.

2 - The acts committed in the presence of a temporary law will be judged by it unless legally be otherwise provided herein.

Article 3. °

(Territorial Application: general principle)

Unless otherwise international convention, the Cape Verdean criminal law applies to acts committed on the territory of Cape Verde or on board ships or aircraft registration or under the flag of Cape Verde, regardless of the nationality of the agent.

Article 4. °

(Acts committed outside the national territory)

1 - Unless otherwise international convention, the Cape Verdean criminal law shall apply to acts committed outside the territory of Cape Verde in the following cases:

a ) When they constitute crimes under Articles 243. to 262. ° and 306. ° to 327. °.

b ) When they constitute crimes referred to in Articles 138, paragraphs 2 and 3, and 267 ° to 278 °, since the agent is found in Cape Verde and can not be extradited;

c ) When they are committed against Cape Verdeans, since the agent usually lives in Cape Verde and is found here;

d ) When the offense is committed by Cape Verdeans, or by foreigners against Cape Verdeans, since the agent is found in Cape Verde, the facts are also punishable by the law of the place where they were committed and legally constitute extraditable crime and this can not be granted in concrete;

and ) in the case of crimes that the Cape Verdean state, by international convention, has been obliged to try.

2 - The provisions of the preceding paragraph shall apply only when the agent has not been tried or if there is subtracted the performance penalty in that country has been convicted in the commission of the act.

3 - Even if it is applicable, under this article, the Cape Verdean law, they shall be judged according to the law of the country where it has been practiced, particularly where this is more favorable to the agent. A converted penalty is that you meet the system in Cape Verde, or, if no direct correspondence, that the Cape Verdean law to predict that.

Article 5. º

(Place of commission of the act)

The fact is considered to be performed at the place where, in whole or in part, in any form of participation, the agent is acting, or in the case of omission, should have acted as well as that which has been produced

the typical result, that result or that are not typical, the legislature wants to avoid the check.

Article 6. º

(Moment of committing the act)

The fact is considered to be committed at the time that the agent is acting, or in the case of omission should be actuated independently of that which has occurred in the typical result.

Article 7. °

(Subsidiary application)

The provisions of this Code shall apply to the offenses provided for in special laws, unless otherwise specified.

TITLE II

FACT OF PUNITIVE

CHAPTER I

ASSUMPTIONS OF PUNISHMENT

Article 8. °

(Action and inaction)

1 - When a type of crime comprises a certain result, their achievement can be done either by action or by omission, except if the intent of the law.

2 - is only punishable practice of a fact by omission when omitting falls on that person under a legal duty obliges him to avoid the typical result.



## Article 9. °

(Liability of legal persons)

1 - Companies and legal persons of private law are responsible for criminal offenses committed by their organs or representatives on their behalf and pursue the interests of their community, unless the agent acted against the orders or instructions of the represented.

2 - In the case of unincorporated entity, liable for the fulfillment of the penalty the common heritage, and, in his absence or failure, the assets of each associate.

## Article 10. °

(Performance on behalf of others)

It is punishable who acts as a holder of a body corporate or association of mere fact, or as representative of others, even if it does not compete, but rather, the person on whose behalf it acts, conditions, qualities or relations required the type to assert authorship of the offense.

## Article 11. °

(Imputation subjective)

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

## Article 12. °

(Aggravation by result)

When the penalty applicable to an offense is aggravated due to the verification of a result, the aggravation is conditioned by the possibility of imputation as a result of that negligence.

Article 13. °

(Dolo)

1 - Age who intentionally, representing a fact that matches the description of a crime, acts with the intention of practicing.

2 - Age still represent who intentionally conducting a fact that matches the description of a type of crime as a necessary consequence of his conduct.

3 - When conducting a fact that matches the description of a type of crime is represented as a possible consequence of the conduct, there will be fraud if the perpetrator acts conforming to that realization.

Article 14. °

(Negligence)

Who acts with negligence for failing to proceed with care, in fact, is required of him:

a ) Represent as possible to carry out a fact that matches the description of a type of crime and act without complying with that realization;

b ) Do not even get to represent the possibility of realization of the fact.

Article 15. °

(Error on the facts)

1 - The error on descriptive or normative elements of a crime, or on the assumptions that a cause of justification that excludes deceit.

2 - The error on a factor that qualifies for an offense or an aggravating circumstance has the effect of non-relevance of the qualification or condition.

3 - It is except for the possibility of punishment of neglect, checked the requirements defined in the previous article.

Article 16. °

(Error about unlawfulness)

1 - Age guiltless who acts without awareness of the illegality of the act, if his mistake is not objectionable.

2 - If the error you are objectionable, the sanction may be freely attenuated.

Article 17. °

(Unimputability on grounds of age)

As criminal liability are capable of individuals who completed the sixteen years of age.

Article 18. °

(Unimputability by reason of mental disorder)

It is untouchable who, at the time of committing the act, is unable to appreciate the unlawfulness of the act or to be determined in accordance with that assessment, because of a mental disorder.

The regime in the preceding paragraph shall apply to cases of complete intoxication due to consumption of alcoholic beverages, narcotics, psychotropic substances or other toxic or which produce similar effects.

The liability is not deleted when the mental disorder or the situation described in the preceding paragraph have been caused by the agent with the intent to commit the act or when the realization of the fact has been provided or should have been foreseen by the agent.

## CHAPTER II

### FORMS OF APPEARANCE OF FACT PUNITIVE

#### Article 19. °

(Concept of preparatory acts)

Are external acts preparatory acts leading to facilitating or preparing the implementation of the criminal offense, which are not even the beginning of execution under Article 21. °.

#### Article 20. °

(Punishment of preparatory acts)

1 - Preparatory acts are not punishable, unless the law provides otherwise.

2 - Being exceptionally offenses, the penalty will limit the legal minimum and maximum as 3 years can not, however, be applied penalty exceeding one third of the maximum penalty imposed crime whose execution was intended to prepare.

#### Article 21. °

(Attempt)

1 - There is an attempt when the agent practice, with intent, acts of running an offense, without which it is consumed.

2 - They are implementing acts:

a ) The matching, or in some elements, the description of the type of crime;

b ) Those who are suitable for the production of the typical result;

c ) Those who, according to common experience and unless unforeseen circumstances, such as to make them wait that follow acts of the species listed in the previous paragraphs.

Article 22. °

(Punishment of attempts)

1 - Unless otherwise stated, the attempt is only punishable when the crime consummated their match worth more than three years in prison.

2 - Being a punishable attempt, the penalty shall be freely mitigated, but shall not be less than half the limit provided for the consummated crime or their legal minimum, except if the determination of the law.

Article 23. °

(Unsuitability of the environment and lack of subject)

The attempt is not punishable when it is manifest unsuitability of the means employed by the agent or the lack of essential subject to the consummation of the offense.

Article 24. °

(Withdrawal and active repentance)

1 - will be exempt from the penalty the agent who voluntarily give up proceeding in the execution of the offense, or prevent its consummation, or when, notwithstanding the consummation impedes the effectiveness of the result that the law wants to prevent occurs.

2 - The same rules above shall be applied when the consummation or verification of income are prevented by circumstances independent of the agent's conduct, if he makes serious efforts to avoid either.

3 - In case of reimbursement, shall also be exempt from the penalty who voluntarily prevent the consummation or verification of income, or if serious efforts to prevent one or the other, and that other participants have pursued in the execution of the act or have finished.

4 - The provisions of the preceding paragraphs is applicable to correspondente preparatory acts, when they are punishable under tail-n. 1 of article 20. °.

Article 25. °

(Authorship)

He is the author who runs that, by itself or through third parties, that it serves as an instrument, or take direct part in its implementation or who cooperates in the execution of the act with an act without which it would not have made.

Article 26. °

(Incitement)

Shall be punished as an author who determines directly and intentionally others to commit the act, provided there early running.

Article 27. °

(Complicity)

1 - It is an accomplice who, intentionally and outside the cases provided for in the preceding articles, assists, material or moral, with previous or simultaneous acts, the commission by another person of an act wrongful.

2 - It is applicable to the author worth accomplice, freely attenuated in accordance with the limits and for the attempt.

Article 28. °

(Illegality in participation)

1 - The relationships, circumstances and special qualities of the agent, whose verification depends the degree of illegality or unlawfulness of the act, comunicamse the other co-participants for the purpose of determining the penalty applicable to them, provided that they are aware of such relationships, circumstances or qualities, except if the intent of the law or otherwise arises from the nature of the offense.

2 - The communication referred to in the preceding paragraph does not arise accomplice to the author or anyone to be punished like this.

3 - The rule of n. Paragraph 1 shall not apply if the law determines that a fact in principle qualify as abuse of any other nature, should be considered a crime under the verification of certain qualities, circumstances or special relations agent.

Article 29. °

(Blame the co)

Each comparticante is punished according to his guilt or punishment regardless of the degree of guilt of the other participants.

Article 30. °

(Contest crimes)

1 - There are tender when the agent has committed a crime, commits another before being convicted by the previous, by final judgment.

2 - The number of crimes is determined by the number of types of crime committed in fact, that the number of times that the same type of crime is conducted by conduit agent.

Article 31. °

(Punishment of the contest)

1 - In case of accumulation of crimes, the perpetrator shall be sentenced to a single sentence, with the highest minimum penalty actually applied to each of the crimes, and as the sum of the maximum penalties concretely applied to each of the crimes committed, can not, however, never exceed the limit of twenty-five years in prison or a fine of 800 days.



2 - If, after a final conviction but before their sentence being served, or prescribed extinct, it is shown that the agent did, before that conviction, one or more other crimes, will be applied the rules of the previous.

3 - Accessory penalties and security measures will always be applied, even if provided by one of the applicable laws.

Article 32. °

(Contest rules)

1 - The fact that might be considered a crime, in whole or in part, for more than a legal, not treating the case provided for in the preceding articles, shall be punished in accordance with the following rules:

a) The special provision shall apply to the detriment of the general precept;

b) The provision will only apply Subsidiary shall not be entitled to apply

the main precept;

c) The precept broader and more complex absorb what predicts and punishes

consumed by that offense;

2 - Not fitting application of the criteria referred to above, will apply the precept to lay a more severe penalty.

Article 33. °

(Crime and offense)

If the same fact is simultaneously a crime and misdemeanor, the agent will be punished as a crime, subject to the penalties provided for the offense.

Article 34. °

(Crime continued)

1 - It is one continuous crime plurima performing the same type of crime or of various types of crime that primarily protect the same legal right, performed essentially homogeneously and in the framework of the application of the same external situation which would take considerably guilt the agent.

2 - With the exception of the previous offenses the legal rights eminently personal, except those constituting offenses against honor and sexual freedom, in which case, having regard to the nature thereof and the provision violated, decide whether or not the continuity criminal.

3 - The continuing offense is punishable with the penalty for the most serious conduct that integrates further.

CHAPTER III

CAUSES OF precluding wrongfulness

Article 35. °

(Enumeration sample)

Is not unlawful when committed, including:

a) In self-defense;

b) In the exercise of a right;

c) In the performance of a duty imposed by law or lawful order of

authority;

Article 36. °

(Self-defense)

Constitutes self-defense when committed as a necessary means to ward off aggression and current illicit and legally protected interests relevant agent or third party.

Article 37. °

(Excessive self-defense)

Does not exclude the unlawfulness of the act, if there is excess of the means used by fending, but the penalty can be mitigated freely under the terms and within the limits specified in paragraph. 2 of Article 22. °.

Article 38. °

(State of necessity justifying)

There is punishable by precluding wrongfulness, when committed as suitable means to remove a present danger that threatens interests legally protected agent or third party, provided they meet the following requirements:

a ) There have been voluntarily created by the agent the situation of danger, except in the case of protection of interests of third parties;

b ) Haver sensitive superiority of interest to be safeguarded against the interest sacrificed;

c ) Be reasonable to impose the victim the sacrifice of their interest in attention to the nature or value of the interest at stake.

Article 39. °

(Obedience due)

1 - It is not unlawful when committed by virtue of obedience is legally due.

2 - The duty of obedience ceases when hierarchical lead to the commission of a crime.

Article 40. °

(Conflict of duties)

No conflict in fulfilling legal duties or lawful orders of the authority, is not unlawful the fact that whoever meets duty or order of equal or greater value to the duty or order euthanized.

CHAPTER IV

## CAUSES OF APOLOGY

### Article 41. °

(Excessive self-defense is not objectionable)

Age guiltless who exceed the means employed in self-defense, because of disruption, fear or fright not objectionable.

### Article 42. °

(State of excusing necessity)

1 - You will not be punished for acting without fault, that carries an unlawful act appropriate to depart from a present danger, nonremovable otherwise threatening the life, physical integrity, honor or freedom of the agent or third party provided that, according to the particular circumstances of the case, it is not rational require him different behavior.

2 - If danger threatens legal interests other than those referred to above, and check the other conditions mentioned therein, the penalty may be freely attenuated, or, exceptionally, the agent may be exempt from the penalty.

### Article 43. °

(Undue obedience not objectionable)

Will not be punished for acting without fault, who comply with the order of a superior, ignorant, not so objectionable that the order fulfillment leads to the commission of a crime.

### Article 44. °

(Unenforceability)

Notwithstanding the preceding articles of this chapter, acts without guilt who acts in such circumstances that it would be unreasonable to require him to wait and it behaves differently.

TITLE III

THE FACT OF LEGAL CONSEQÊNCIAS PUNITIVE

CHAPTER I

GENERAL PROVISIONS

Article 45.º

(Limits on sentences and security measures)

1 - In no case shall the death penalty or custodial sentence or detention order in perpetuity or unlimited or indefinite duration.

2 - No one shall be subjected to torture or cruel penalties, degrading or inhuman treatment.

3 - The amount of the penalty may not exceed, in any case, the measure of guilt.

4 - Security measures are based on the dangerousness of the agent externalized by the practice of a fact foreseen as crime and can not result harsher than the penalty applicable to abstractly fact committed, nor exceed the threshold necessary for the prevention of hazardous agent .

Article 46. °

(Effects of sentences and security measures)

No penalty or security measure has, as a necessary effect, the loss of civil rights, professional or political.

Article 47. °

(Purposes of sentences and security measures)

The application of penalties and security measures aims at the protection of legal goods essential to the survival of the community and the social reintegration of the agent in community life.

Article 48. °

(Prohibition of overlapping pen and security measure)

In no event shall application permitted simultaneous pen and measure involving deprivation of liberty for the same action described as a crime by law.

Article 49. °

(Home of compliance with the sanctions of imprisonment)

1 - The execution of a sentence or measure involving deprivation of liberty begins on the day that has been handed down the sentence, where the sentenced is deprived of freedom.

2 - The beginning of the fulfillment will be deferred in cases where the arrest endangers the life of the agent, during the last three months of pregnancy properly verified and up to three months after delivery, and even if the offender has to first meet other sanction deprivation of liberty.

Article 50. °

(Discount)

1 - The length of sentences and measures involving deprivation of liberty will take into account in full possession, custody or any procedural measure coercive deprivation of liberty suffered by the accused in Cape Verde or abroad, provided for or even the same facts.

2 - In the case of a fine, the measures referred to above will be deducted at the rate of one day of deprivation of liberty for at least a day's fine.

CHAPTER II

FEATHERS

Section I

PENALTY PRISON

Article 51. °

(Duration)

The jail has a minimum duration of three months and a maximum of twenty-five years.



## Article 52. °

(Replacement of imprisonment for fine)

1 - The prison sentence imposed in a move not more than one year will be replaced by a fine, except that due to the constraint of the case, the court deems necessary to suspend the sentence, or that compliance with the prison is dictated requirements for general prevention.

2 - The duration and amount of the fine replacement will be determined taking into account the provisions of Article 67. °.

3 - If the fine is not paid, the offender meets the prison sentence imposed in the judgment, unless there is a constraint referred to in Article 69. ° event that this application will.

## Section II

### SUSPENSION OF EXECUTING THE PENALTY OF PRISON

## Article 53.

(Assumptions suspension)

1 - The court shall suspend the execution of the sentence of imprisonment imposed an extent not exceeding three years, even though the resulting punishment tender, conclude that the mere threat of imprisonment is sufficient warning for the agent to refrain from committing other crimes.

2 - The decision on suspension shall also be substantiated with information on the agent's personality, the circumstances in which it held that punishable conduct before and after the crime and the living conditions of the agent.

3 - The suspension of the prison sentence will be decided only in the case of first conviction of the offender, or a second time, if the new criminal offense has been committed, passed a minimum period of six years from the date of the transit judged in the decision that decreed the first suspension.

4 - The period of suspension is fixed by the court between two and five years after the final and unappealable decision.

Article 54. °

(Suspension subject to duties)

1 - The court may condition the stay of execution of sentence of imprisonment to the fulfillment of certain duties that facilitate or enhance the achievement of the purposes of punishment.

2 - You can condition the suspension, including the following duties: a) repair or warranty repair, within specified time limits, the damage caused by the commission of the act b) Presentation of public apology to the victim or give you, by another

form, proper moral satisfaction, c) not attending certain places means or d) Do not leave the place of residence without the permission of

court e) Attend staff and periodically to the court or other entity designated by the court.

3 - The court may not impose compliance duties demeaning or that, somehow, they can achieve the dignity of the perpetrator of the crime.

4 - The duties imposed may be modified by the end of the period of suspension, the initiative of the court or the request of the Company, whenever relevant supervening circumstances occur or that had not been considered at the time of the decision.

5 - The court may also, with prior consent of the offender, determine the subject of this medical treatment or healing in an appropriate institution.

Article 55. 9

(Breach of conditions of suspension)

If during the period of suspension, the agent, negligently, fails to fulfill any of the duties imposed, or commit a crime or felony negligent that, concretely, does not match application imprisonment,

the court may, given the circumstances, modify the duties imposed, impose new duties require guarantees of the obligations that affect the suspension or decides not to count as compliance deadline or all of the time elapsed so far.

Article 56. 9

(Revocation of suspension)

1 - The suspension of the imprisonment shall be revoked whenever the agent repeatedly or grossly violates the duties that affect the suspension, or during the period of suspension, committing a felony for which may be sentenced to imprisonment.

2 - Revocation determines the compliance of imprisonment fixed in the sentence and does not grant the right to the sentenced to require repayment of benefits incurred during the suspension and because of it.

3 - In the case of new convictions, the judge will accumulate the first sentence to the next, without, however, are confused in the execution, or become damaged the rules provided for in this code for a recurrence or for contest crimes.

Article 57. 9

(Extinction of the sentence)

1 - The non-revocation of the suspension implies the extinction of the penalty and its effects.

2 - If, after the period of suspension is pending proceedings for crimes likely to order the suspension or incident for breach of duties that condition, the penalty and its effects will only be declared extinct when the process or the incident and there findarem reason for revocation of suspension or extension of the period of suspension.

### Section III

## CONDITIONAL LIBERTY

### Article 58. °

#### (Assumptions)

1 - The court put the condemned to imprisonment not exceeding six years under probation, having fulfilled half of the sentence and at least six months, and it appears to be grounds to expect that the agent, taking into particular reference to their behavior during the execution of the sentence and its conduct prior to the crime, once released, will not commit new crimes.

2 - In case of conviction to imprisonment for more than six years probation, checked the other requirements in the preceding paragraph, may be granted only if the agent has completed at least two thirds of the sentence to which he was sentenced.

3 - It will be placed on probation agent convicted in the penalty referred to in the preceding paragraph as soon as there met five-sixths of the sentence.

4 - The probation will always have a duration equal to the time in prison to miss meeting, but not exceeding five years.

5 - Application of parole always depends on the consent of the offender and, except as provided in paragraph. 3, will always be preceded by a hearing of the prison authorities.

Article 59. °

(Probation for elderly and seriously ill)

The court can always decide to put under probation convicts who, at the time they have served half of the sentence, have already reached the age of seventy, or who are affected by serious and incurable disease, duly attested by medical entity.

Article 60. °

(Probation in case of running multiple feathers)

1 - If there is place for the implementation of various terms of imprisonment, the court will decide on parole pursuant to paragraphs 1 and 2 of Article 58. °, when completed show, respectively, half or two-thirds of the sum of the penalties.

2 - Without prejudice to the preceding paragraph, if the sum of the penalties exceed six years in prison, the court put the convict on parole, pursuant. 3 of article 58. °, so that meet met five sixths the sum of the penalties.

Article 61. °

(Freedom subject to duties)

It is applicable to probation, mutatis mutandis, the provisions of Articles 54. Thereof, with the exception of a) and b) of paragraph. 2, and 55. °.

Article 62. °

(Revocation of probation and termination of the sentence)

It is applicable to probation, mutatis mutandis, the provisions of Articles 56. And 57. 9.

Article 63. 9

(Relevance measures for free)

The measures provided for in this Code for free fall to the timing of imprisonment required for the granting of parole.

Section IV

ARREST OF END-OF-WEEK

Article 64. 9

(Assumptions and limits of application)

1 - The court, in case of application of imprisonment not exceeding five months, that should not be replaced by a fine, may decide that the penalty is enforced in times of week-ends, whenever it deems such a form of compliance performs adequately and sufficient for the purpose of punishment.

2 - The arrest of end-of-week will have a minimum duration of two periods and a maximum of twenty-four periods.

3 - Each period will last at least thirty six hours and the maximum forty-eight hours, even when it is used to serve their sentence day holiday that immediately precede or follow it to an end-of-week.

## Article 65. 9

(Place of imprisonment)

The arrest of the week-end will be fulfilled in the prison nearest to the residence of the offender, which may also be used for the purpose of imprisonment or any establishment or other police center, provided there is agreement of the condemned.

## Article 66. 9

(Revocation of the system)

If convicted incurring two unexcused absences and accepted by the court, will be repealed prison regime end-of-week, getting to meet fellow convict prison continuous discounting periods completed at the rate of two days in jail for every week-end.

## Section V

### PENALTY FINE

## Article 67. 9

(Limits and criteria)

1 - The penalty of fine is determined in days, at least twenty days and a maximum of five hundred days, in accordance with the criteria set out in Article 83. 9

2 - Every day fine corresponds to a sum of a hundred and twenty thousand shields shields, which the court decides on the basis of economic and financial situation of the offender.

Article 68. 9

(Payment in installments)

1 - Where the circumstances warrant, including the economic and financial situation of the offender, the court may authorize the payment in installments up to twelve months from the date of final judgment condemn the decision.

2 - Lack of payment of a benefit implies maturity of all.

Article 69. 9

(Reduction and Exemption)

The court may exceptionally reduce after the award was made, the amount for each day of fine, or enact the exemption from penalty, when there is arguably a significant change in the economic and financial situation of the convict, so that would be impossible to comply with the penalty imposed.

Article 70. 9

(Conversion of fines)

1. Where the agent has been sentenced to a fine judgment thereon condemn alternative to imprisonment, the corresponding time reduced to two-thirds, to be fulfilled in the case of non-payment, voluntary or coercive, the penalty without prejudice to the preceding article.

2. Verificando the situation referred to in the preceding paragraph does not apply

the minimum imprisonment specified in Article 51. 9.



## Section VI

### WORK FOR THE COMMUNITY

#### Article 71. °

(Replacement of imprisonment and mult the penalty for providing services to the community )

1 - Whenever the agent has been sentenced to imprisonment up to one year or a fine not exceeding 200 days, the judgment thereon may replace these sentences for penalty provision of services to the community when

the court concluded that this way we can perform adequately the purposes of punishment.

2. A penalty provision of services to the community can be applied only with the acceptance of the condemned and can not consist of tasks that violate their dignity.

3 - The services referred to in this Article shall be rendered to the State, other legal persons governed by public or private entities under the terms and conditions of the law.

## Section VII

### COSTS AND EFFECTS OF FEATHERS FEATHERS

#### Article 72. °

(Temporary suspension from duties)

The holder of public office, public servant or agent of the Administration, ultimately sentenced to imprisonment, incurs suspension function for the duration of sentence, with the effects of what is established for the corresponding disciplinary in their legislation.

Article 73. °

(Temporary Prohibition of exercise of office)

1 - The holder of public office, public servant or agent of Directors, in the exercise of the function for which he was elected or appointed, is sentenced to imprisonment for more than three years, may also be prohibited from performing his duties for a period of two to five years, if any of the following situations:

a ) The offense was committed with grave and flagrant abuse of office or gross violation of the duties of the position he held;

b ) The circumstances of the case show that the agent is manifestly unable or unworthy to continue to perform the functions that are invested;

c ) The nature of the act committed irrevocably lead to loss of confidence required by function or activity performed.

2 - The time that the agent is deprived of liberty by virtue of compliance with coercive measure, penalty or security measure does not account for the period of the ban.

3 - The provisions of this Article, in particular paragraph. 1, does not prevent the convict may hold a position or function other than those for whose exercise is forbidden, since for the first decisive reasons are not worth the ban.

Article 74. °

(Extension)

The rules contained in Articles 72. And 73. Shall apply to those engaged in business or profession dependent on government securities or authorization or approval of public authority.

Article 75. °

(Prohibition of Driving)

1 - One who is convicted of a crime committed in the course of driving a motor vehicle may also be condemned ban on driving a motor vehicle for a period to be set between three months and two years, if the crime was carried out with serious violation of road traffic rules.

2 - The prohibition is subject to the licensee's license, the obligation to deliver at the court or in the service as determined by the court. In the case of license issued in a foreign country with an international value, the return is replaced by corresponding annotation.

3 - The ban takes effect from the final judgment of the decision and may involve driving any class of motor vehicles or a specific category.

4 - do not account for the time period of the ban on the convict is deprived of liberty by applying coercive measure or penalty or security measure.

5 - The accessory penalty provided for in this Article shall cease to have application, when the same conduct applicable measurement application security cancellation of driving license.

Article 76. °

(Inability to exercise the right of suffrage active)

1 - Who is sentenced to imprisonment for an offense under Articles 265. °, 267 ° and 272. °, 274. ° to 278. °, electoral offense or to imprisonment up to three years for any other offense under

Chapters I and II of Title VII of Book II of this Code, taking into account the seriousness of the act, the circumstances attending the commission of the crime, his previous conduct and the fact that the projection of their civic responsibility, you can still be sentenced to inability to elect the President, Members of the National Assembly and members of local authorities.

2 - Failure in the preceding paragraph is enacted for a period between two and eight years.

Article 77. °

(Inability to be elected)

1 - Whatever one may think about the Constitution established by the disqualification of the President and the inability to

be re-elected, and the loss of Deputies to the National Assembly, may also occur the following effects and disabilities:

a ) The effective sentenced to imprisonment shall not, for the duration of sentence, be a candidate for the positions of President, Deputy to the National Assembly or of a member of a local authority;

b ) The court may, taking into account the criteria set out in Article 76. °, decree for a period of three to twelve years, the inability to be elected President of one who is sentenced to imprisonment for the crimes mentioned in that article or by any criminal case, to imprisonment exceeding three years;

c ) The court may, taking into account the criteria set out in Article 76. °, decree for a period of two to ten years, the inability to be elected as a deputy to the National Assembly or member of a local authority one who is convicted the terms and conditions set out in Article 76. thereof, or by any criminal case, to imprisonment exceeding five years.

2 - It is correspondingly applicable paragraph. 4 of article 75. °.

Article 78. °

(Inability to exercise parental authority, guardianship or trusteeship)

1 - Who is convicted of a crime provided for in Articles 142. ° to 152. ° can be inhibited from the exercise of parental authority, guardianship or trusteeship for a period between one year and five years, taking into account the seriousness of the act and consequences, the previous conduct and personality of the agent.

2 - It is correspondingly applicable paragraph. 4 of article 75. °.

## Section VIII

### PENALTIES APPLICABLE TO CORPORATIONS

Article 79. °

(Fine)

1 - The penalty of fine is likely to apply to any crime committed under this Code by a legal person, partnership or similar entity.

2 - The minimum and maximum limits provided for in paragraphs 1 and 2 of Article 67. Shall be elevated, respectively, for double and triple, where the fine is to be applied to the entities referred to in the preceding paragraph.

Article 80. °

(Dissolution)

1 - will apply the penalty of dissolution, if the body corporate or similar entity that matches the crime practice in abstract imprisonment whose ceiling is over eight years since, taking into account the specific gravity of the act, the consequences and the previous conduct of the offender, the penalty of fine, well that associated with accessory penalties, it is inadequate or insufficient for the purposes of prevention.

2 - Dissolution matter cessation of all activities, cancellation of license, the enrollment of the assets owned by the settlement and ordered the charge of a competent person appointed by the court.

Article 81. °

(Supplementary penalties)

On conviction for a crime punishable with imprisonment which the ceiling is more than three years, the court may decree an accessory to fine one or more of the following sanctions, if such measures are necessary to prevent the commission of future crimes:

a ) Closure of the facility or facilities or cancellation of licenses and permits for a period between six months and two years;

b ) Ineligibility to subsidies or benefits granted by public bodies or services for the period referred to in the preceding paragraph;

c ) Deprivation of the right to bid in tenders and promoted by public bodies or services or the right to participate in fairs, markets and sporting competitions, the period referred to in paragraph a).

Section IX

DETERMINATION AND APPLICATION OF PENALTIES

Article 82

(Choose the sentence)

Whenever the criminal offense apply, alternatively, deprivation and non-custodial sentence, the court shall give preference to the latter, unless it does not meet the requirements of disapproval and prevention or prove inadequate or insufficient for the reintegration of the agent in social life.

Article 83. °

(Criteria for determining the degree of penalty)

1 - In determining the specific penalty between the maximum and minimum legal will take into account, first, the paragraph. 3 of article 45. °.

2 - Without prejudice to the preceding paragraph, shall be considered in determining the extent practical pen their expected effects regarding the social reintegration of the agent and valued all the circumstances militarem in favor of the agent or against him, in that not have been valued on the type of crime, including:

a) The objectives pursued by the agent and the reasons that led

the commission of the act;

b) The sentiments expressed through the completion thereof;

c) The degree of illegality of the act, including the conduct of this;

d) the nature and extent of the consequences of the fact

particularly in relation to the victim.

e) The intensity, depending on the case of intent or gross negligence;

f) The personal conditions and the economic situation of the agent;

g) Conduct before and after the commission of the act.

3 - In the sentence shall be expressly referred to the fundamentals of concrete measure of worth.

Article 84. °

(Attenuation penalty free)

1 - In addition to the cases expressly provided for by law, the court may mitigate the penalty to be applied freely to the agent, if any circumstances prior to, simultaneous with or subsequent to the crime, without excluding the unlawfulness or guilt, attenuate.

2 - For the purposes of the preceding paragraph, shall be considered, among others, the following circumstances:

a ) Have the agent acted under the influence is a serious threat, under strong upward person who relies on or who owes obedience or reasons or under such powerful stimuli that may have produced agent in a situation of diminished ability to motivate the norm;

b ) Have the agent practiced that in a situation of liability significantly decreased, particularly alcohol intoxication or otherwise not preordained;

c ) Have the agent under eighteen at the time of commission of the act;



d ) Have been determined by the agent's conduct honorable motive, for compassion, for severe stress, temptation or provocation of the victim, or by violent emotion that has followed the unjust provocation by the victim;

3 - Unless otherwise noted, the attenuation penalty free can never import the imposition of penalty less than a third of the minimum of the penalty or below the legal minimum.

Article 85. °

(Exemption from penalty)

In case of simultaneous verification of one of the circumstances set out in the previous article and another that, under this code, also give or may give rise to attenuation penalty free, pay attention to the handicap of the case, including the fact that the order of appearance punishable and its severity, the court may exempt the agent of the sentence.

Article 86. °

(Modifying aggravating circumstances)

1 - When a circumstance qualifies the greater or lesser severity of the crime, determining the effect of the law, an increase of the minimum and / or maximum amount of the penalty, it is in relation to the fixed penalty due to the qualification that establishes the aggravation or attenuation resulting from competition from other circumstances.

2 - Having contest modifying aggravating circumstances, whether ordinary or special, will only take place resulting aggravation of the condition modificativa that, in particular, could be stronger, enjoying herself the other circumstances of this species as if they were general.

3 - The provisions of the preceding paragraph shall not prejudice the application of rules contained in Articles 30. ° to 32. °.

4 - The provisions on special criminal disposition, when applicable, shall prevail over the rules of punishment recidivism.

Article 87. °

(Recidivism)

1 - Who, in consequence of the commission of a felony, has been sentenced to a term of imprisonment exceeding one year and then practice another felony that, specifically, fit the application of the penalty of imprisonment exceeding one year, will declared defaulter if the circumstances show that the prior conviction did not constitute sufficient crime prevention.

2 - The criminal offense above does not account for repeat offenses among their realization and the further fact, mediate a period exceeding five years, not being considered for this purpose, the time during which the agent was deprived of liberty due to compliance with coercive measure, penalty or security measure.

3 - They have to recurrence of convictions by foreign courts, since that also constitutes a crime according to Cape Verdean law.

4 - The prescription of penalty and steps for free in this code are relevant for the purposes of recurrence.

Article 88. °

(Punishment of recurrence)

In case of recidivism the minimum penalty is increased by one-third or half, as there have been one or more previous convictions.

CHAPTER III

## SAFETY MEASURES

### Article 89.

(Execution of pity and security measure)

1 - In case of application, the same agent, pen and measure involving deprivation of liberty for separate offenses, runs a security measure before the jail and this discounted.

2 - Having to stop the implementation of security measures in accordance with this chapter, the court put the agent on parole, provided they complied find the time corresponding to half of the sentence or two thirds of the sentence, depending on whether or not to show the completed requirements set out in paragraph 1., Article 58. 9.

3 - Without prejudice to the previous paragraph, are correspondingly applicable provisions of this code relating to parole.

4 - If parole is revoked in accordance with Article 62. Thereof, the court will decide whether the agent should meet the rest of the sentence or continuing compliance with the security measures at the same time.

### Article 90. 9

(Replacing measures)

1 - The court may always through adversarial proceedings, the applicant's request, his agent or entity responsible for implementing the safety measure, replaced, in a reasoned decision, a security measure for another it deems most appropriate to carry out the purposes of security measures.

2 - The court may also undertake the replacement on his own initiative, in case of violation of the measures imposed on the agent, provided they comply with the legal requirements of the stopgap measure.

Article 91. °

(Safety measure inpatient)

1 - When an act described in a type of crime is committed by an untouchable, the court may have to put him in establishing proper cure, treatment, or safety, where, because of a mental disorder and the severity of the act committed, there founded fear that it will commit other acts of the same kind or of similar severity.

2 - The hospital may not exceed the time corresponding to the maximum of the penalty.

3 - Internment shall cease proven that danger that led to the measure, and the court may, if

it deems appropriate and necessary, refer the agent to one or some of the measures provided for in Articles 93., 94., 95. and 96. °.

Article 92. °

(Review of the situation of the hospital)

1 - A review of the situation internee may be raised at any time at the initiative of the agent, his representative or family, or the entity responsible for establishing which processes hospitalization, should

the court to consider and decide at any time request.

2 - The assessment is mandatory, regardless of application, two years after the beginning of internment or about the decision that has kept.

Article 93. °

(Obligations and prohibitions)

1 - The court may apply the untouchable to practice a fact described as type of crime, in addition to the measures set out in Articles 94., 95. And 96. Thereof, one or more of the following measures when it is not necessary to show proceed with the relocation agent, or when hospitalization is no longer justified under n. 3 of article 91. and Article 92. °:

a) Submission to external treatment in the medical center or

hospital;

b) an obligation or prohibition from residing in certain place;

c) Prohibition from frequenting certain places.

2 - The measures provided for in this article shall have a maximum duration of three years, applying, mutatis mutandis the provisions of paragraph. 3 of article 91. ° and n. 1 of article 92. °.

Article 94. °

(Cancellation of license to carry a gun)

1 - In case of conviction for a crime involving a weapon,

the court may order the cancellation of the license to carry a gun, when, in consideration of the seriousness of the act, the previous conduct and character of the agent, there is well-founded fear that the agent can come to practice acts of the same kind.

2 - As mentioned in the previous paragraph will have a minimum duration of two years and a maximum of ten years.

3 - This measure can be combined with the internment.

4 - It is also applicable to the provisions of paragraph 4 of Article 75. °.

Article 95. °

(Revocation of driving license for motor vehicle)

1 - In case of conviction for a crime committed in the course of driving a motor vehicle or its related significantly, the court may order the cancellation of the license, when taking into account the seriousness of the act, conduct and personality agent, there are grounds for concern that may perform other acts of the same kind or sufficient evidence pointing to the inability of the agent for driving a motor vehicle.

2 - The cancellation of the license matter the prohibition of granting new license, that interdiction will to enact the measure in case the agent does not hold a license.

3 - This measure will have a duration of one to six years.

4 - This measure can be combined with the internment.

5 - It is correspondingly applicable provisions of paragraphs 2, 3 and 4 of Article 75. °.

Article 96. °

(Prohibition of activities)

1 - In case of conviction for a crime committed with grave abuse in the exercise of law, profession, trade, commerce, industry or service, or gross violation of the duties of, the agent may be prohibited from carrying on its business, when taking into account the seriousness of the act, its consequences, the previous conduct and character of the agent, there grounds for concern that come to practice acts of the same kind.

2 - This measure will last for one to five years.

3 - This measure may be added to the internment.

4 - It is also applicable to the provisions of paragraph 4 of Article 75. °.

Article 97. °

(Revision offender's situation)

1 - At the request of the person concerned or his authorized representative, or agent of the family, which is untouchable, the court will decide whether or not to maintain the conditions for applying the measures provided for in Article 94. ° to 96. °.

2 - The request for review may only be filed after the period corresponding to the lower limit of the measures.

3 - In case of rejection, no new application may be filed before the expiry of one year.

CHAPTER IV

## OTHER CONSEQUENCES OF FACT PUNITIVE

### Article 98. °

(Destination of the objects of crime)

1 - Objects that have served or were destined to serve the practice of a fact described in law as a crime, or have been produced by this or is its effect, will be allocated as follows:

a ) In the case of objects of legal trade and which, by their nature, do not endanger the safety of persons or public order, or do not offer serious risk of being used to commit new acts described as a crime, shall be returned their owners;

b ) Verifying the assumptions referred to in the previous paragraph, and it is not possible to cover agent, in whole or in part, their responsibilities, either to injured persons, whether over the state, objects or parts of them will be awarded to the victim or will be sold, with the proceeds to cover those liabilities, the balance being allocated to the State;

c ) Failing the assumptions referred to in paragraph a), the objects will have the destiny given to them by law or regulations, or, in his absence, shall be destroyed or rendered unusable.

2 - The provisions of subparagraphs b) and c) above will not apply in respect of objects belonging to date of realization of the fact that the third party has not competed so objectionable to commit or has obtained an advantage or benefit of committing the act.

3 - When the objects have a clearly disproportionate to the nature or gravity of the offense and its consequences will not apply the provisions of paragraph b) of paragraph 1 of this Article.

### Article 99. °

(Destination of rights and benefits)



Without prejudice to the rights and interests of the victim or a third party in good faith, the provisions of the preceding Article shall apply, mutatis mutandis, in respect of rewards given, or the benefits, rights and things obtained or transferred to the agent or others through the practice of the fact that they represent an equity value.

Article 100. 9

(Compensation for damages)

1 - Without prejudice to the substantive and procedural rules on liability and intervention of others, who practice a criminal offense shall be civilly liable for the damages it emerging.

2 - Compensation for damages arising from the commission of a criminal offense is regulated by civil law, in particular as regards the definition of their assumptions and calculation of its amount.

Article 101. 9

(Privilege Credit injured)

The credit arising from the right of the injured party to compensation for damages arising from the criminal offense enjoys precedence over any other claim arising after the commission of the act, including the fine and court costs.

TITLE IV

EXTINCTION OF CRIMINAL RESPONSIBILITY AND ITS EFFECTS

CHAPTER I

## GROUNDS FOR REVOCATION OF CRIMINAL RESPONSIBILITY

Article 102. °

(Enumeration)

In addition to the cases specified by law, criminal responsibility shall cease to exist: a) The death of the agent, b) Enforcement of judgment c) Amnesty, general pardon and reprieve d) the expiry, surrender or the withdrawal of the complaint e) The limitation of proceedings f) limitation of sentences and security measures.

Article 103. °

(Death of Agent)

The death of the agent prevents the start or does terminate prosecution, and conviction having been, does extinguish the penalty or security measure that has been applied.

Article 104. °

(Measures for free)

1 - The amnesty extinguishes the criminal procedure and, in case there was condemnation, halts the execution of both the penalty and its effects as a security measure.

2 - The general pardon extinguished in whole or in part is worth.

3 - The reprieve is concrete and individual, making extinguish all or part of the penalty, or replace it with a more favorable under the law.

4 - The above provisions shall not affect the civil effects of the conviction.

Article 105. °

(Forfeiture of the right to complain)

1 - The right of complaint shall expire within six months from the date on which the holder has been aware of the criminal offense, or from the death of the victim, or the date on which he has become incapable.

2 - If there are several persons entitled to the complaint, the period shall run separately for each of them.

3 - Failure to timely exercise the right of complaint against one of the co-participants in the criminal offense takes the other, where they also can not be criminally prosecuted without complaint.

Article 106. °

(Resignation and withdrawal of the complaint)

1 - The right of complaint can not be exercised if the holder he has expressly or tacitly waived.

2 - The holder of a complaint may waive it, since it does not oppose the defendant until the conclusion of the trial at first instance.

3 - The withdrawal made pursuant to the preceding paragraph, the complaint prevents be renewed.

4 - The withdrawal of the complaint concerning one of the other co-participants leverages unless such opposition, where they also can not be criminally prosecuted without complaint.

Article 107. °

(Indictment particular)

It is also applicable to cases in which the pursuit of criminal charges depend on particular Articles 105. 106 and. 9.

Article 108. 9

(Statutes of limitation)

1 - Quench proceedings, the effect of prescription as soon as on the practice of criminal offense have passed the following terms: a) 15 years in the case of an offense punishable with imprisonment

whose ceiling is more than 10 years;

b) 10 years in the case of an offense punishable with imprisonment

whose ceiling is less than six years, but not

exceeding 10 years;

c) 5 years in the case of an offense punishable with imprisonment

whose ceiling is more than 1 year but less than six years;

d) two years in all other cases.

2 - For the purposes of determining the statutory maximum penalty, referred to in the preceding paragraph, do not count the aggravating or mitigating circumstances that, within the same type, modify its limits.

3 - When the law for any crime, alternatively, imprisonment or fine, only the first is considered for the purposes of this article.

4 - Applies the maximum limitation period to the facts set out in Articles 363. ° to 370. °

Article 109. °

(Count the time)

1 - The limitation period for criminal proceedings begins to run from midnight of the day that was accomplished, or which ceased consummation, in the case of permanent crime.

2 - the crimes continued and habitual, the period runs from the day of the practice of the last act, the same goes for the exceptionally preparatory act punishable as such.

3 - In Attempted crimes, the period runs from the day of the practice of the last act.

4 - Where relevant for the valuation of the unlawfulness of the act verification result is not included in the type of crime, the limitation period runs from the day they verify that result.

Article 110. °

(Suspension of limitations)

1 - The limitation period shall cease to run criminal, in addition to the cases specified by law, during the time that can not legally begin or continue due to lack of statutory authorization or court decision to be taken by non-criminal matters prior or harmful, while the agent meet abroad

punishment or measure involving deprivation of liberty, or during the pendency of the case after marking the day of judgment in the process of missing.

2 - The prescription back to run from the day on which the cause of suspension ceases.

Article 111. 9

(Interruption of Prescription)

1 - Stop the prescription of criminal procedure, starting to run new limitations period, with the notification of the indictment or order materially equivalent or when the offender commits another criminal offense.

2 - Should the expected situation at the end of the preceding paragraph, start running the statute of limitations for the most serious criminal offense.

Article 112. 9

(Limit)

The limitation of proceedings will always occurs when, from

its inception and exempting the time of suspension has elapsed normal period plus half.

Article 113. 9

(Statutes of limitation of feathers)

1 - barred feathers in the following terms : a) 20, if exceeding 10 years , b) 15, if greater than or equal to 6 years old , c) 10, is not less than 3 years ; d ) 5 years when they are equal to or greater than 1 year , and) 3 years in other cases .

2 - The prescription of the principal penalty involves the additional penalty which has not been performed as well as the effects of shame that have not yet occurred.

3 - Applies the maximum limitation period to the facts set out in Articles 363. ° to 370. °

Article 114. °

(Statutes of limitation of security measures)

1 - A security measure inpatient expires in 15 years.

2 - Measures of forfeiture of license and gun interdiction activities barred after 10 years.

3 - A measure of forfeiture of driving license expires in five years.

4 - The other measures are barred after three years.

Article 115. °

(Calculation of time limits)

1 - The period of prescription of penalties and security measures shall be counted from the final judgment of the decision to implement them.

2 - In case of compliance with security measures that would have to follow the enforcement of a sentence, the period of limitation measure contase from the expiry of the sentence.

Article 116. °

(Suspension of limitations)

1 - The prescription of penalties and security measures cease to run in addition to the cases specified by law, during the time in which: a) By operation of law, the execution can not begin or continue b) he or she evaded the agent from prison or internment c) The agent is serving another sentence or measure involving deprivation of liberty; d) continue to delay the payment of the fine.

2 - It is applicable to the suspension of the limitation of sentences and security measures the paragraph. 2 of Article 111. °.

Article 117. °

(Interruption of Prescription)

1 - Stop the prescription of penalties and security measures to its implementation, starting to run new deadline.

2 - It is also applicable to the prescription of penalties and security measures Article 113. °.

Article 118. °

(Cases of reimbursement)

Limitation periods run, are suspended and break off separately for each of the co-participants of the criminal offense.



## CHAPTER II

### REHABILITATION

#### Article 119. 9

(Rehabilitation of law)

1 - Does the rehabilitated convict who, extinguished the penalty or security measure, not commit another criminal offense occur within the following time limits, as of the day following the termination of the sanction:

- a) 12 years in the case of imprisonment exceeding 12 years;
- b) 10 years in the case of imprisonment not exceeding six years;
- c) 7 years, in the case of imprisonment not exceeding two years or security measure of internment;
- d) 5 years in the case of imprisonment of less than two years or measures forfeiture of gun license and driving license;
- e) two years in all other cases.

2 - Rehabilitation of law is always full and final, subject to the provisions of special legislation on their effects.

#### Article 120. 9

(Rehabilitation court)

1 - Upon termination of the sentence or detention order, the convict can apply for rehabilitation before the competent court in charge of the execution of the sentence or security measure, since there has been another the following requirements:

a ) Conduct demonstrating resocialization agent;

b ) Have the agent fulfilled the obligation to compensate the injured party or show, however, that obligation extinguished or impossible

compliance;

c ) has elapsed from the day of termination of the penalty or measure, without having committed another criminal offense, a period of time corresponding to the circumstances, a third predicted in various paragraphs of Article 1 of the preceding article.

2 - In the case of repeat offenders, the time period referred to in subparagraph c) of paragraph. 1 will be half of schedule in various paragraphs of no. 1 of the previous article.

3 - Denied rehabilitation for lack of fulfillment of the requirement mentioned in paragraph a) of paragraph. 1, can only be applied again, after the deadlines mentioned in the preceding paragraphs.

4 - The rehabilitation order may be full or limited to one or some of the effects of the conviction becomes final, and if the agent does not commit another criminal offense within a period of time corresponding to half of that required to apply for temporary rehabilitation, counted the date of grant of this.

Article 121. °

(Regime and effects)

1 - The rehabilitation does not profit a condemned as outright losses that resulted from his conviction, without prejudice to the rights that this thereby made by the victim or a third person, or remedy in itself, invalidate the acts of the convicted for their failure .

2 - A special law shall regulate other aspects of the scheme and purpose of rehabilitation.

BOOK II

SPECIAL PART

TITLE I

CRIMES AGAINST PERSONS

CHAPTER I

CRIMES AGAINST LIFE

SECTION I

HOMICIDE

Article 122

( Homicide simple)

Whoever kills another person shall be punished with imprisonment of 10-16 years.

Section 123. °

(Aggravation by reason of the means or reasons)

If murder is committed on) With the use of poison, torture, asphyxiation, fire, explosives or other means insidious or resulting in the crime of common danger, or even to another act of cruelty to increase

the suffering of the victim, b) the treason, or by concealment or other means or feature that makes it difficult or impossible for defense by the victim c) For greed, for the pleasure of killing, for arousal or gratification of the sexual instinct by payment or reward or a promise, or for any other reason frivolous or clumsy d) In order to prepare, execute or conceal another crime, facilitate escape or ensure the impunity of the agent of a crime;

and ) by racial hatred, religious or political, the penalty shall be imprisonment from 15 to 25 years.

Article 124. °

(Aggravation with the quality of the victim)

The penalty shall be imprisonment from 15 to 25 years, when the circumstances of the case reveal a marked degree of unlawfulness of the act or the culpability of the offender and

victim is:

- a) Descending or ascending the agent;
- b) Under fourteen or person particularly vulnerable by reason of age, illness or physical or mental disability;

c) Member of the Board of sovereignty and constitutional political bodies, member of a local authority, judge, lawyer, probation officer, employee or any person in charge of a public service, provided that the exercise or because of the exercise of their functions;

d) Witness, reporting, expert, assistant and crime or offense is committed with the purpose of preventing the testimony, the complaint of facts or making a complaint or because of its intervention in the process;

Article 125. ° (Murder at the request of the victim)

Whoever kills another person determined by explicit request, and serious moment that she has done shall be punished with imprisonment from 6 months to 4 years.

Article 126. °

(Negligent homicide)

1 - Whoever negligently kill another person shall be punished with imprisonment up to three years or a fine of 100-300 days.

2 - If death is caused by gross negligence, the penalty shall be imprisonment from 1 to 5 years.

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SECTION II

SUICIDE

Article 127. °

(Prompting or assistance to suicide)

1 - Whoever intentionally determine another person to commit suicide shall be punished with imprisonment up to three years, if suicide is attempted or fulfill itself.

2 - The penalty shall be imprisonment of up to two years, in case of mere aid to the victim, provided that there is actually attempted or consummated suicide.

3 - The penalties referred to in the preceding paragraphs will be taxed half the minimum and maximum limits, if the victim, by reason of age, mental disorder or any other reason, you have the ability to significantly decreased valuation or determination.

### CHAPTER III

#### CRIMES AGAINST PHYSICAL INTEGRITY AND PSYCHIC

Article 128.

(Offense simple integrity)

Who offend the body or health of another person shall be punished with imprisonment up to three years or a fine of 80-200 days.

Article 129. °

(Offense qualified integrity)

1 - Who offending body or health of another person so as to cause a severe disfigurement and permanent, a permanent impairment of physical or mental health of one of the senses, of a member or permanent allocation of intellectual capacities of breeding or use of language, or even the inability to work for more than two months, particularly painful illness or death, shall be punished with imprisonment for 3-8 years.

2 - The penalty shall be imprisonment from 4 to 10 years if the offense cause incurable disease, physical or mental, destruction definitive work, the loss of one of the senses of an organ or limb, or the ability to procreation or the use of language.

Article 130. °

(Aggravation)

The penalty referred to in the two preceding articles shall be increased by one third in its minimum and maximum, if any of the circumstances described in Article 123. ° and 124. °, since in the second case, also check if the constraint mentioned in last section.

Article 131. °

(Offense integrity negligence)

1 - Whoever negligently harm to the body or health of another person shall be punished with imprisonment up to one year or a fine of up to 100 days.

2 - If the act results in serious harm to health, the perpetrator shall be punished with imprisonment up to two years or a fine of 60-150 days.

3 - The court may dispense with the agent of the sentence when the offense does not result in illness or incapacity for work for more than three days.

Article 132. °

(Abuse of weapons)

1 - Who shoot a firearm against another person shall be punished with imprisonment from 6 months to 3 years, although it has not caused any damage, if not more serious penalty applicable under any other law.

2 - The penalty shall be imprisonment of up to one year, if the attack is carried out with other weapon.

Article 133. °

(Ill-treatment of minor or incapacitated)

Whoever has the care or custody, or under the responsibility of their education, or even as a subordinate at work, minor or incompetent person or particularly vulnerable because of age, illness, physical or mental disability, and will usually cause harm to body or health, or inflict physical abuse or mental, or cruel, shall be punished with imprisonment for 1-5 years if more severe punishment does not fit under any other legal provision.

Article 134. °

(Ill-treatment of spouse)

Who inflict their spouse or the person with whom you are united indeed physical abuse or mental or cruel will be punished with imprisonment of 1-4 years if a more serious penalty applies by virtue of another legal provision.

Article 135. °

(Brawl)

1 - Who intervene or take part in a brawl of two or more people, hence resulting in death or serious harm to health, shall be punished with imprisonment up to two years or a fine of 80-200 days.



2 - Participation in a brawl is not punishable if it is determined not by reason objectionable, particularly when targeting react to an attack, defend others or separate the contenders.

## CHAPTER IV

### CRIMES AGAINST LIBERTY OF PERSONS

#### SECTION I

##### THREAT, coercion and ABDUCTION

###### Section 136. °

###### (Threat)

1 - Whoever threatens another person, verbally, written, imaging or any other form or manner, with the commission of a crime against the person or property of a substantial value, appropriately causing you fear or unease or to impair their freedom of determination shall be punished with 6-18 months in prison or a fine of 80-200 days.

2 - The threat of death shall be punished with imprisonment from 6 months to 3 years.

###### Article 137. °

###### (Duress)

1 - Whoever, by violence, threat or harm important revelation of a fact damaging to honor and esteem, compels another person to an act or omission, or support an activity, shall be punished with imprisonment from 6 months to 3 years, if not more serious penalty applicable under any other law.

2 - The penalty shall be imprisonment from 2 to 5 years, when coercion is performed by the threat of a crime or employee with serious abuse of their duties and authority or if the victim attempts suicide or suicide.

Section 138. °

(Hijacking)

1 - Who, illegitimately, hold, holds, keeps a person arrested or detained or otherwise depriving of liberty shall be punished with imprisonment from 6 months to 3 years.

2 - If the act described in paragraph 1 is committed by means of violence or threat, with the intention of:

a ) Encourage the escape or ensure the impunity of the author or accomplice of a crime, to enforce an order or a condition;

b) obtain ransom or reward c) constrain a State, an international organization, a natural or legal person or public authority for an action or omission, or support an activity, the punishment shall be imprisonment of 3-8 years.

3 - The penalties referred to in the preceding paragraphs shall be increased by one third in its minimum and maximum, when the deprivation of liberty:

a ) Causing serious harm to the integrity, permanent illness or suicide of the victim as a result of the fact that the conditions of detention or deprivation of care by the agent;

b) Lasting for more than 5 days, c) it is preceded or accompanied by torture or other treatment, cruel, inhuman or degrading d) it is committed against the persons referred to in subparagraphs b) and c) of Article 124. ° e) For practiced simulating the agent of public authority, or gross abuse of powers inherent in the exercise of public functions; f) it is committed by an organized gang.

Article 139. °

(Attenuation penalty free)

Without prejudice to Article 24. °, the court may mitigate the penalty free if the agent actually punishable as kidnapping renounce his claim and release the victim or put in a safe place, or if serious efforts to achieve it, without having committed any crime.

## SECTION II

### MEDICAL ASSISTANCE WITHOUT CONSENT OF THE PATIENT

Article 140. °

(Medical and surgical interventions without consent)

1 - Whoever, being a doctor or a person duly authorized for the purpose, conduct intervention or medical treatment without effective consent of the patient, shall be punished with imprisonment up to three years or a fine of 80-200 days.

2 - The fact is not punishable when consent can not be obtained or renewed in time to carry out, likely to be effective, intervention or treatment necessary to prevent danger to life or serious risk to the health of the patient.

3 - For the purposes of this Article, the consent is effective only when the patient has been properly clarified concerning the diagnosis, the nature, scope and possible consequences of the intervention or treatment, unless it involves the communication of circumstances, to be known, would put seriously endanger the life or health of the patient.

## CHAPTER V

## SEXUAL CRIMES

### Article 141. °

#### (Definitions)

For the purposes of this chapter, the following definitions shall apply: a) the entire Act sexual act performed for the release or satisfaction of the sexual instinct;

b ) Sexual assault any sexual act performed by means of violence, duress, menace, fraud, deliberate placement of the victim in a state of unconsciousness or inability to resist or use of this same situation;

c ) Penetration sexual intercourse, anal intercourse, oral intercourse, anal or vaginal penetration with fingers or objects intended for pre-sexual acts, or used in circumstances of sexual involvement, and tongue kiss.

### Article 142. °

(Sexual assault) 1 - Whoever commits sexual assault against another person shall be punished with imprisonment for 2-8 years. 2 - The same penalty shall apply to anyone who, by means of sexual assault, to take another person to suffer or enjoy sexual intercourse with a third party. 3 - If the victim is under 14, the penalty shall be imprisonment from 4 to 10 years.

### Article 143. °

#### (Sexual assault with penetration)

1 - Whoever, by means of sexual assault, sexual penetration make another person, or even by the same means to constrain suffer penetration by a third party, shall be punished with imprisonment for 4-10 years.

2 - If the victim is under 14, the penalty shall be imprisonment of 6-14 years.

Article 144. °

(Child Sexual Abuse) 1 - Whoever commits sexual act with or under 14, or to take him to practice it with another person, shall be punished with imprisonment for 2-8 years. 2 - If there is sexual penetration, the punishment shall be imprisonment of 4-10 years.

Article 145. °

(Sexual abuse of minors between 14 and 16 years)

1 - Who, being larger, practice sexual act with more or less than 14 years and less than 16 years, whichever is their superiority, originated by any relationship or situation, or the fact that the victim will be entrusted to education or assistance, shall be punished with imprisonment from 6 months to 4 years.

2 - If there is sexual penetration, the punishment shall be imprisonment of 1-6 years.

Article 146. °

(Sexual abuse of people hospitalized)

1 - Who, taking advantage of the functions or place, in any way, or hold exercises in prisons, hospitals, health, care and treatment or education and correction, practicing sexual intercourse with person admitted or anyway, or is entrusted to his care, shall be punished with imprisonment from 6 months to 4 years.

2 - If there is sexual penetration, the punishment shall be imprisonment of 1-6 years.

Article 147. °

(Exhibitionism)

1 - Whoever commits against another person, against their will, exhibitionist sex in nature, shall be punished with imprisonment up to one year or a fine of up to 100 days.

2 - The agent shall be punished with imprisonment up to three years, practicing the acts referred to in paragraph 1 before under 14 years.

Article 148. °

(Pimping)

1 - Who foster, encourage or facilitate the exercise of prostitution or sexual acts of children under 14 or people suffering from mental incapacity, shall be punished with imprisonment for 2-8 years.

2 - If the victim is under 16, the penalty shall be imprisonment from 1 to 5 years.

3 - The penalty referred to in the preceding paragraph shall also apply if the victim is a person in a situation of extreme economic necessity and the offender has taken advantage of this situation.

Section 149. °

(Solicitation of minor to practice of sex abroad)

Who solicit, transport, harbors or receives less than 16 years, or foster the conditions for the practice of this, in a foreign country, sexual acts or prostitution, shall be punished with imprisonment for 2-8 years.

Article 150. °

(Exploration of minor for pornographic purposes)

Who use less than 14 years or a person incapable purposes or exhibitionists or pornographic performances shall be punished with imprisonment up to three years.

Article 151. °

(Aggravation)

1 - The penalties provided for in Articles 142 to 150 °. ° will be increased by one third in its minimum and maximum, if the victim is ascending or descending, or is under the supervision of the agent, since the circumstances of the case reveal a sharp degree of unlawfulness of the act or fault of the agent.

2 - The penalties provided for in Article 142. °, 143. °, 144., 145. °, 146. °, 148. ° n. ° 1 and 150. ° will be increased by one third the minimum and half in ceiling if the behaviors described therein result pregnancy serious offense to integrity, transmission and incurable illness, suicide or death of the victim.

Article 152. °

(Sexual Harassment)

Who, abusing the authority that gives them their functions, sexually harass another person in orders, threats or coercion, for the purpose of obtaining benefits or favors of a sexual nature, shall be punished with imprisonment up to 1 year or a fine of up to 100 days.

CHAPTER VI

PUTTING PEOPLE IN DANGER

SECTION I

## RISK PERSON

### Article 153. °

(Exhibition person to danger)

Who put or exposes another person to immediate danger to life or serious damage to his integrity through use of particularly dangerous or insidious means, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days if a more serious punishment does not fit under any other legal provision.

### Article 154. °

(Putting person in a state of not being able to protect)

About abandon a person who is not in a position to protect or defend themselves because of age, illness or your physical or mental state, to create her real danger to life or serious damage to his integrity, shall be punished with imprisonment for 2-6 years when the agent fits the duty to guard, watch or attend.

### Article 155. °

(Exposition of another disease by sex)

Who exposes another person through sexual relations or act, venereal disease or other serious illness, you know or should know that suffers or is infected or contaminated, shall be punished with imprisonment up to two years or a fine of 60-150 days if a more severe penalty is not applicable under any other law.

### Article 156. °



(Danger of contagion of serious illness)

Who practices, in order to transfer it to another person who suffers from severe disease, is affected or contaminated, act capable of producing infection or contagion, shall be punished with imprisonment for 2-6 years if not more serious penalty applicable under any other law.

## SECTION II

PREVENTION ASSISTANCE is silent The SOCORR OF THE

Article 157. °

(Preventing the provision of relief)

About prevent the arrival or the provision of aid for the person in danger of death, serious harm to its integrity or freedom or fight a claim or accident that presents a danger to the safety of persons shall be punished with imprisonment for 1-5 years, if not more serious penalty applicable under any other law.

Article 158

(Omission of aid)

1 - Who, in case of grave necessity, particularly caused by disaster, accident, disaster or situation of common danger, which endangers the life, physical integrity or liberty of another person refrains from providing you assistance that without serious risk to his person or third parties may provide, for your personal action or requesting aid, shall be punished with imprisonment for 6-18 months or a fine of 60-150 days.

2 - If the situation referred to in the preceding paragraphs have been created by omitting the penalty shall be imprisonment of up to three years or a fine of 80-200 days.

Article 159. 9

(Refusal of care by a physician or nurse)

The doctor, nurse or other health professional who refuses, illegitimately, assistance in case of actual danger to life or serious harm to another body or health, shall be punished with imprisonment for 6-4 years.

Article 160. 9

(Exercise illegal occupation)

About against law or regulation, acts proper practice of a profession without having the corresponding official title or degree that legally enable this exercise, and thereby creating danger to life or serious danger to

the body or health of another person, shall be punished with imprisonment for 1-4 years.

CHAPTER VII

CRIMES AGAINST THE DIGNITY OF PERSONS

SECTION I

DISCRIMINATION AND TORTURE

## Article 161

### (Discrimination)

1 - Who, based on distinction between persons on grounds of origin, sex, family status, health status, habits and customs, political opinions, civic activity, membership or non-membership, true or supposed to an ethnic group, nation, race or religion, in fact or not be a member of an organization:

a) to refuse or restrict the supply of goods or services, b) prevent or restrict the normal exercise of any economic activity;

c) punish, dismiss or refuse to contract or employ a person, shall be punished with imprisonment up to two years or a fine of 100-300 days.

2 - The same penalty will apply to those who practice the acts described in the preceding paragraph with respect to legal persons, based on the scan, its members or the members of its organs, the elements described in paragraph 1.

3 - The act is not punishable if the distinction:

a) Founded in health status, consist of acts or transactions which have as their object the prevention and coverage of the death risk, risks related to the physical or mental integrity of the person or inability to work or disability;

b) Established in health status, to a refusal of employment or contract or dismissal, based on disability, medically recognized under labor laws or the civil service;

c) they relate to employment, where the condition of man or woman, as the law or the regulations of work is crucial to the exercise of the function or professional activity.

## Article 162

(Torture and cruel, inhuman or degrading treatment)

1 - Whoever commits acts of torture or cruel, inhuman or degrading treatment against another person, shall be punished with imprisonment for 2-6 years if a more severe penalty is not applicable under any other law.

2 - For the purposes of this section, it is considered an act of torture, cruel, inhuman or degrading treatment, the act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for whom the function has the knowledge, pursuit, research, application or enforcement of penalties for offenses of any kind, or person exercising functions of custody, protection or surveillance of detained or imprisoned, or even by those who have, for the purpose, usurped one of those functions, in order to:

a) obtain from him or a third confession, information or statement b) The punishment for an act committed or allegedly committed by it or third c) The bully or intimidate another person.

Article 163

(Aggravation)

1-The penalty shall be imprisonment from 5 to 12 years if the conduct described in the preceding article:

a) Causing serious harm to the physical or mental integrity of the victim;

b) is carried out with particularly violent

vexatious or severe, including through electric shocks,

systematic beatings, sexual abuse of the victim or his family,

simulacra implementation or use of hallucinatory substances.

2 - The penalty shall be imprisonment of 8-15 years if the conduct result in serious and incurable illness, suicide or death of the victim.

Article 164

(Responsibility of the superior)

1 - The superior who authorizes or consents to practice, his subordinate, torture, cruel, inhuman or degrading treatment, will be punished with the penalty applicable to the author.

2 - In jail 1-4 years will be punished to the superior, taking notice, after practice, the facts referred to in Article 162. And 163 °. Shall not make the complaint within five days.

SECTION II

CRIMES AGAINST HONOUR

Article 165

(Slander)

1 - Whoever, with knowledge of its falsity or with apparent disregard for the truth, to impute the other person to commit a crime or participation therein, or reproduce or noise such falsehood, shall be punished with imprisonment from 6 to 18 months or fine of 80-200 days.

2 - The penalty shall be imprisonment from 6 months to 3 years or a fine of 100 to 300 days if there is advertising or in case of repeated slander against the same person.

## Article 166

### (Injury)

1 - Who injure another person charging him facts or offensive judgments of their good name and credit, their honor, dignity or consideration, or reproduce these entries, shall be punished with imprisonment up to 18 months or a fine of 60 to 150 days.

2 - References to another person made using expressions or descriptions unnecessary and deliberately offensive or vexatious, although they are produced on the occasion of the true facts and certain, will be punished with the penalty of paragraph 1.

3 - The agent shall be punished with imprisonment up to two years or a fine of 80-200 days if there are ads in the event of injury or repeated against the same person.

4 - The defamation and verbal injury are the equivalent in writing, gestures, pictures, or any other means of expression.

## Article 167

### (Aggravation with the quality of the victim)

The penalties referred to in the two preceding articles shall be increased by one third in its minimum and maximum, if the victim is one of the persons described in paragraphs c) of Article 124, since the act was committed in the exercise of their functions.

## Article 168

### (Offense to the memory of deceased)

Who offend the memory of deceased for less than 30 years for libel, slander, or otherwise, shall be punished with the penalties mentioned in Article 166. °.

#### Article 169

(Offense legal person)

Who, without grounds for believing in good faith, deems the true, affirm or noise, giving them publicity, untrue facts affecting so serious credibility, prestige or confidence owed a legal person, institution or public service shall be punished with imprisonment up to six months or a fine of 80-200 days.

#### Article 170

(Lack of typicality)

Without prejudice to what is legally established on the exclusion of illegal activities will not be considered a crime of libel.

a ) The facts or judgments allocated between them by the litigants or their representatives, in the pleadings or oral submissions in court, provided they are not reproduced or disclosed outside this framework;

b ) The unfavorable view of critical scientific, literary, artistic, cultural and political, unless unequivocal intent to injure;

c ) The concept unfavorable issued by a public official, per employee within the employment relationship, or even in the process of curriculum evaluation or people.

#### Article 171. °

(Means of committing the criminal offense)

The crimes of slander, libel and insult the legal person may be committed by a written, oral, by sight or sound, on computer media, magnetic and electrical or any other mechanical or transmission of data, images, words and sounds.

Article 172

(Advertising)

There is advertising on libel, slander and offense in the legal person where the disclosure or the disclosure or judgments be made through printed papers, pamphlets, tarjetas, for warnings or notices posted in public places, for speeches, shouts, sessions, public meetings, by audiovisual means or similar means, by computer media or transmission of data, images, words and sounds.

Article 173. °

(Proof of the truth of the facts)

1 - There will be punishable by the perpetrator of the crime or offense of injury to a legal person performing the test on the veracity of the facts, or have serious grounds for he considers, in good faith, true, since if one of the following circumstances:

a ) The dissemination or disclosure relates to people who have public relevance or exercising public office and intended to defend or secure a public interest or to satisfy current freedom of information in terms appropriate to a democratic society;

b ) The fact that the alleged offense has been or may be subject to criminal prosecution and attribution is made to perform legitimate interest of the agent or a third party;

c ) The aggrieved requests, in any form, proof of imputation directed against it.



2 - The test of truth is not permitted in relation to acts protected by the right to private life and family, without prejudice to the provisions of subparagraphs b) and c) of Article 35. ° of this code.

Article 174. °

(Waiver of penalty)

1 - The court shall waive the penalty the agent when it goes in court clarifications or explanations of the crime he was accused, since the victim or his representative to accept them as satisfactory.

2 - The court may also waive the penalty the agent, if the offense has been caused by an illegal and reprehensible conduct of the victim.

3 - If offended fight back, the same act with an offense to another offense,

the court may waive the penalty both agents or only one of them depending on the circumstances.

Article 175. ° (Withdrawal public)

The agent of the crimes of slander, libel and insult the legal person may still be exempted from punishment if retract publicly and unequivocally before the start of the trial.

Article 176. °

(Publication of the sentence)

The request of the victim, or, if deceased, the ascendants, descendants, spouse or de facto united, the court, at the expense of the offender, the publication of the judgment of conviction for a crime of slander, libel or insult the legal person by whatever means it deems most appropriate or timely.

### SECTION III

#### CRIMES AGAINST THE RESPECT DUE TO THE DEAD

##### Article 177. °

(Attack on integrity corpse or ashes)

Who undermining the integrity of body or ashes of the deceased, by subtraction, concealment, destruction, profanity or other offensive acts of the respect due to the dead, whatever the means and manner, shall be punished with imprisonment from 6 months to 2 years or a fine of 80-200 days.

##### Article 178. °

(Desecration of burial place)

Anyone violating or profaning, by any means or form, tombs, graves and monuments dedicated to the memory of the deceased person shall be punished with imprisonment from 6 months to 2 years or a fine of 80-200 days.

##### Article 179

(Aggravation)

If the crimes referred to in this Section are committed by reason of membership or non-membership, true or supposed, to an ethnic group, nation, race, religion, or be a member or not a particular organization, the penalties will be increased by one third in its minimum and maximum.

### CHAPTER VII

## CRIMES AGAINST BOOKING OF PRIVACY

### Article 180. °

(Introduction in someone else's house)

1 - Who, without consent or except for cases in which the law allows, if you enter, stay or persist in staying in the dwelling of another person, their dependencies or attachments, after being ordered to withdraw shall be punished with imprisonment up to 1 year or a fine of up to 100 days.

2 - The agent shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days if a more severe penalty is not applicable under any other law, if the offense is committed at night or in lonely place by means of threat, coercion or violence, with use of a weapon or by means of burglary, scaling or false key.

3 - The penalties provided for in this Article shall be increased by one third in its minimum and maximum, if the acts are committed by employee, by abusing their powers.

4 - It is also applicable for the purposes of paragraph. 2 Article 200. ° on the notions of burglary, scaling and false key.

### Article 181. °

(Introduction in private fenced to the public)

1 - Who, without consent or except for cases in which the law permits, to enter, remain and persist in staying in transportation, rather fenced and earmarked for these services, companies and institutions or the exercise of professions, or elsewhere sealed and not freely accessible to the public shall be punished with imprisonment up to six months or a fine of up to 100 days.

2 - Should the circumstances mentioned in n. 2 of the preceding article, the punishment shall be imprisonment of up to two years or a fine of 60-150 days if a more severe penalty is not applicable under any other law.

3 - It is correspondingly applicable paragraph. 3 of the previous article.

Article 182. °

(Violation of established professional in special cases)

1 - The official abusing his powers, violating the established professional who, by the nature of its business, is bound to secrecy, shall be punished with imprisonment from 6 months to 3 years.

2 - If the conduct is carried out in conditions, or by the means mentioned in n. 2 of Article 180. No, the punishment shall be imprisonment of 1-4 years.

Article 183. °

(Attempt to private life)

Who, without consent or justification cause, and with intent to trespass or to disclose any facts or circumstances of the intimacy of personal, family or sexual else, intercept, listen, capture, record, or transmit words spoken in a private or confidential or register or transmitted by any means or form, the image of another person who is in private, shall be punished with imprisonment up to two years or a fine of 60-150 days.

Article 184. °

(Recordings, photos and movies illegal)

1 - Who, without consent, to record the words spoken by someone else and not for the public, even if it is directed, shall be punished with imprisonment up to 1 year or a fine of up to 100 days.

2 - The same penalty shall incur who, without consent, photographing or filming another person, even in events that have legitimately participated.

3 - If the agent to disseminate the recording or image, the punishment shall be imprisonment of up to two years or a fine of 60-150 days.

Article 185. °

(Presumed Consent)

For the purposes of the two previous articles, it is assumed

the consent of those who, being pursued, watches, sees or is aware of the practice of the facts described therein, without opposing them, and can do so without risk, cost or severe discomfort.

Article 186. °

(Conservation or misuse of registration or document)

Who conserve, to inform the public or permit to be brought to the public or a third party, or use in any manner, the registration or document obtained by any means indicated in Article 183. And 184 °. Thereof, shall be punished with imprisonment up to 18 months or a fine of 80-200 days.

Article 187. °

(Computer processing illegal)

Whoever makes or make automated processing of data or personally identifiable information, without compliance with the formalities required by law or without taking precautions imposed by law, to ensure that data security, particularly to prevent them from being changed , destroyed, destroyed or communicated or transmitted to unauthorized third parties for the purpose, shall be punished with imprisonment up to three years or a fine of 80-200 days.

Article 188. °

(Wanton by computer)

Who create, maintain or use automated data file individually identifiable and related to political, religious or philosophical beliefs, membership of political parties or unions, or racial or ethnic origin, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

Article 189. °

(Violation of secrecy of correspondence or telecommunications)

1 - Who, without consent, open, subtract, suppress or divert your destination order, letter, telegram or other written who is closed and that it is not directed, or made aware, by any means, its contents, or prevent, in any way, which is known to the recipient, shall be punished with imprisonment for 6-18 months or a fine of 60-150 days.

2 - The same penalty shall incur who, without consent, to intrude on the content of communication processes performed by telecommunication or other means of transmission, do your registration or recording or take note of it.

3 - Who, without consent, disclose the contents of the writings or other means of communication referred to in the preceding paragraphs shall be punished with imprisonment from 6 months to 2 years or a fine of 80-200 days, or with imprisonment of up to 1 year or a fine of up to 100 days, depending on whether or not the same agent of the facts referred to in paragraphs 1 or 2.

4 - If the facts in this article are committed by official postal service, telegraphs, telephones or telecommunications, the penalty shall be increased by one-third the minimum and half the ceiling.

Article 190. °

(Advertising undue match)

Who, without legitimate interest warrants, lying in possession of correspondence not intended for public knowledge, although addressed to him, to do post improperly, will be punished with a fine of 80-200 days.

Article 191. °

(Violation or improper use of secrecy)

1 - Who, without consent, to reveal secrets that others have taken notice because of their condition, occupation, employment, or art shall be punished with imprisonment up to 1 year or a fine of 60-150 days.

2 - The same who incur without consent, uses a secret relating to the commercial, industrial, professional or artistic alien that has taken notice because of their condition, occupation, employment, profession or craft and which thereby injury to another person or to the state.

Article 192. °

(Violation of professional secrecy)

Who, in default of its obligation of secrecy or professional reserve, imposed by law, to disclose secret of another person, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

Article 193. °

(Aggravation)

The penalties provided for in Article 183. °, 184. °, 186. °, 188. °, 189. °, 190. °, 191 and 192 will be increased by one third in its minimum and maximum if the fact is committed to get reward for the agent or other person or harm another person or the State.

I TITLE I CRIMES AGAINST ASSETS

CHAPTER I

CRIMES AGAINST PROPERTY

SECTION I

THEFT AND THEFT

Article 194

(Theft)

Whoever, with intent to appropriate for himself or for another person, subtract movable others, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

Article 195. °

(Stolen common thing)



1 - Whoever, with intent referred to in the previous article, subtract movable joint to joint owner, co-owner, compossidor, co-heir or member shall be punished with imprisonment up to two years or a fine of up to 120 days.

2 - There will be punishable by subtracting the common thing fungible, whose value does not exceed the quota you are entitled to the agent.

Article 196. °

(Theft qualified)

1 - The agent shall be punished with imprisonment from 1 to 5 years evading movable others: a) affect the worship or veneration of the memory of the dead and is in place for the worship or cemetery;

b) carried on any type of vehicle, and the theft has been

made between the time of loading and from your destination

or delivery, including periods of port visits;

c ) Intended to public service and to produce serious disturbance in its operation;

d ) What constitutes staple product, when the subtraction has caused a serious situation of lack of public water supply;

and ) Using vehicle to facilitate the execution of the act or

facilitate the escape, in case of need; f) Using any fraudulent means; g) Exploring the situation of particular vulnerability of the victim,

due to age, illness or disease, physical or mental disability;

h ) Exploring a fire, explosion, flood, shipwreck, mutiny, or facilities from any disaster or accident or situation involving public outcry;

i) Leaving the victim or his family in difficult economic situation; j) Usurping title, uniform or badge of authority, or claiming false order that authority; k) While holding public office or charge of public service, in exercise and because the performance of their duties;

l ) Introducing into housing, although mobile, in any establishment, public or private, enclosed space, or remain there concealed with intent to steal;

m ) Bringing in the time of the crime, weapon or other instrument equally dangerous without them splurge or view, and that there was no intimidation of the victim or another person.

2 - The agent shall be punished with imprisonment for 2-6 years were stealing something

others: a) that has significant meaning for developing important technological or economic or scientific value, cultural, artistic and historical b) that, by its nature, is highly dangerous c) causing considerable damage to the victim. d) As a member of the band for the practice of repeated crimes against property, with the collaboration of at least one other member of the pack, since there has been no violence, threat or intimidation of persons or use of violence on things.

Article 197. °

(Theft of petty thing)

There is no place for the qualification if the thing stolen is of low value and not cause serious injury to the victim.

## Article 198

(Rob)

1 - commits the crime of theft who, with intent to appropriate for himself or for another person, subtract, or embarrass you are given, movable others, by means of violence against a person, threatened with imminent danger to their life or physical integrity, or putting it in the inability to resist, or even employing violence on things.

2 - The penalty shall be imprisonment 2-8 years unless there are just things about use of violence, in which case the penalty shall be imprisonment from 1 to 5 years.

3 - The penalties referred to in n. ° 2 shall be increased by one third of its maximum limit, if there is any of the circumstances mentioned in Article 196. ° unless it is determined the provisions of the preceding article.

4 - If the agent has produced real danger to the life or caused serious harm to the physical integrity of the victim, the punishment shall be imprisonment from 5 to 12 years.

5 - If the violence to accomplish the theft results in the death of another person, the perpetrator shall be punished with imprisonment for 8-15 years.

## Article 199

(Violence after subtraction)

The penalties provided for in the preceding article shall, as appropriate, apply to those who, soon after subtracted the thing, using violence or serious threat against a person in order to ensure the impunity of the crime or the arrest of thing for himself or for a third party.

## Article 200. °

(Definitions)

1 - There is violence on things when in execution of the act, occurrence of a

the following circumstances: a) Scaling b) Burglary c) use of false keys to enter the place where the thing

Find.

2 - It is scaling the introduction at home indoors or her dependent, usually not intended for site entry, especially for roofs, doors, terraces or balconies, windows or walls, or over any buildings, or through any devices which serve to close the entrance or passage, or even by opening underground.

3 - There break when the agent proceeds to rupture, fracture or destruction, in whole or in part, wall, ceiling, floor, door or window, or any structure or device that serves to prevent the entrance or close outside or inside , home or place closed her dependent, or even cabinets, chests or other furniture closed or sealed containers intended to hold any objects, either onsite or off the robbery.

4 - They are false keys:

a ) The imitated, counterfeited, altered or other than those intended by the owner or possessor to open the lock;

b) The legitimate keys lost by the owner or possessor or obtained by a means which constitutes a criminal offense; c) The magnetic or punched or commands or tools for remote opening and d) The picks or any similar instruments.

5 - It is their reliance on home patios, garages and other spaces or indoors and contiguous to the building and interior communication with him, and, with it, forming a whole.

Article 201. °

(Minus the thing itself)

Who is the owner of a chattel to subtract, mislead or destroy, while she was in pledge or deposit legally constituted, to the detriment of another, shall be punished with imprisonment up to 1 year or a fine of up to 100 days.

## SECTION II

### UNAUTHORIZED USE OF VEHICLE

Article 202. °

(Unauthorized use of vehicle and qualification)

1 - Who used automobile or other motor vehicle, aircraft, boat or bike outside without permission of the rightful owner, shall be punished with imprisonment up to two years or a fine of 80-200 days if not more serious penalty applicable under any other law.

2 - The penalty shall be increased by half of its maximum limit, if there is violence on the vehicle.

## SECTION III

### ABUSE OF CONFIDENCE AND MISAPPROPRIATION

Article 203. °

(Abuse of trust)

1 - Whoever unlawfully appropriates the movable which has been delivered by way of transfer of property does not, producing the obligation to repay or present a certain application or order, shall be punished with imprisonment from 6 months to 3 years or with fine of 80-200 days.

2 - If that cause considerable damage to the victim the penalty shall be imprisonment from 1 to 5 years.

3 - If the agent received the thing for law enforcement, because of office, employment or profession, for deposit, or even as a tutor, guardian or legal custodian, shall be punished with imprisonment for 2-6 years.

#### SECTION IV

#### DAMAGE

Article 204. °

(Damage)

1 - Who destroy, disable, make it disappear, or in any way damaging thing wholly or partly of another, shall be punished with imprisonment up to three years or a fine of 80-200 days.

2 - It is correspondingly applicable paragraph. 2 of Article 195. °.

Article 205. °

(Damage qualified)

1 - The penalty shall be imprisonment from 1 to 5 years if: a) The fact is practiced to prevent the free exercise of authority

public or a reaction to legitimate determinations b) goods used poisonous, flammable or corrosive c) The offense is committed on file, registry, museum, library or

scientific institution or goods significant historical, artistic, cultural or scientific, or, in any way, intended for public use and usefulness;

d) The item damaged possess important significance for technological or economic e) The thing is allocated to religious worship or veneration of the memory of the dead and is in place for the worship or cemetery;

f) The fact is practiced in the works, establishments, facilities, transportation and military communication or material supply means or resources owned or assigned to the armed forces of the country;

g) The fact cause considerable damage to the victim.

2 - It is also applicable to Article 197. °.

Article 206. °

(Damage to the environment)

Whoever, in violation of laws or regulations, damage to the environment:

a) Eliminating specimens of fauna and flora, in order to make it disappear or create danger of disappearance of one or more species;

b ) destroying the natural habitat or depleting the resources of the subsoil, to prevent or endanger the renewal of one or more resources will be punished with imprisonment from 6 months to 3 years or a penalty of a fine of 100 450 days if a more severe penalty is not applicable under any other law.

## SECTION V

### Usurpation

#### Article 207

(Encroachment property of thing)

1 - Whoever, by violence or serious threat, invade or occupy property alien thing, with real intention to exercise the right not protected by law, ruling or administrative act, shall be punished with imprisonment from 6 months to 3 years or a penalty fine of 80-200 days if a more serious punishment does not fit under any other legal provision.

2 - The penalty provided in the preceding paragraph shall apply to persons who, by the means indicated in the previous paragraph, divert or impound water, without which it is entitled, with the intention of achieving, for himself or for another person, unlawful gain.

#### Article 208. °

(Removal or alteration of milestone or siding)

Whoever, with intent to appropriate all or part of something alien property, for yourself or someone else, delete, start, move or change in March, siding, ditch or any other signal indicative of the dividing line, shall be punished with imprisonment up to 6 months or a fine of up to 80 days.

#### Article 209. °



(Removal or alteration of markings on animals)

About cancel or amend unduly in cattle or flock of others, mark or indication of ownership shall be punished with imprisonment up to 1 year or a fine of up to 100 days.

### CHAPTER III

#### CRIMES AGAINST ASSETS IN GENERAL

##### SECTION I

###### AND INCAPABLE OF ABUSE scams

###### Article 210. °

(Burla)

1 - Who, maintaining or inducing another person in error by an assumed name, quality simulated securities or false writing or appearing assets, credit, commission, corporation or negotiation or by any other artifice, deception or fraudulent means to take commits an act that causes you or a third party, financial loss, achieving, thereby, for himself or for a third party, unlawful pecuniary advantage, shall be punished with imprisonment from 6 months to 3 years or a fine of 80 A 200-day if a more severe penalty is not applicable under any other law.

2 - shall be punished with the punishment provided in paragraph. 1 who sells, exchanges, gives in payment, hire or warranty as alien thing itself or its own thing that can not be disposed, inalienable, encumbered or litigation;

###### Article 211. °

(Burla relating to insurance)

Shall be punished in accordance with the preceding article who receive or causes another person to receive total or partial insurance, causing or aggravating appreciably result caused by accident whose risk was covered, or notionally accident whose risk was not covered, or even causing, himself or another person from physical injury or worsening the consequences of physical injury caused by an accident whose risk is covered.

Article 212. °

(Burla computer)

Shall be punished under Article 210. ° who obtains for himself or for a third party, unfair advantage, with financial loss to another person, interfering with treatment outcome data structuring or by incorrect computer program, use of incorrect or incomplete data, using data without authorization or intervention by any otherwise unauthorized processing.

Article 213. °

(Burla qualified)

1 - shall be punished with imprisonment for 2-6 year who commits the acts provided for in Article 210. ° to 212. °, provided that there is any of the following circumstances:

a) Have the agent caused considerable damage to the victim, b) have remained impaired person in difficult economic situation, c) have been carried out with the fact that serious abuse of the personal situation

victim or taking advantage of the agent of your professional credibility or corporate d) There has been misused title, uniform or badge of authority, or claiming false order of public authority, and) be the agent or holder of public office responsible for the service public in the year and because of the exercise of their functions; f) Have the agent made a public appeal for the issuance of securities or the collection of funds for the purpose of humanitarian aid or social assistance;

g ) Have the agent subtracted, replaced, concealed, mutilated or unusable, in whole or in part, any process, device, protocol, or other paper or document public, or that have been practiced with any procedural fraud.

2 - It is also applicable to Article 197. °.

Article 214. °

(Burla to obtain food, beverages or services)

Whoever, with intent not to pay: a) If you serve food or drinks in establishment

make your business or industry supply b) Using room or hotel service or similar establishment; c) Using transport or enter any public place

knowing that this requires paying a price;

d ) If you serve as fuels or lubricants partially or completely filling the tanks of the vehicle by companies or professionals in distribution and refuse to solve the debt contracted, shall be punished with imprisonment up to six months or a fine of up to 150 days .

Article 215. °

(Burla other assets)

Who gets unlawfully supplying electricity, water, telephone or any other element, energy or fluids outside by installing mechanical appliances or for their use, the use of instruments or apparatus, or through changes to the information contained in the instruments or measuring devices, shall be punished with imprisonment up to six months or a fine of up to 150 days.

Article 216. °

(Abuse unable)

1 - Whoever, with intent to achieve for himself or for a third party, financial advantage, and out of the situations referred to in Article 210. °, abusing the situation inexperience of need, dependency or weakness of character less, incompetent person or carrier of mental illness, to induce them to practice what they entail legal act, or a third party, financial loss, shall be punished with imprisonment up to two years or a fine of 80-200 days.

2 - The penalty shall be imprisonment from 1 to 5 years if that put the victim in difficult economic situation and caused him considerable damage.

## SECTION II

### EXTORTION AND BLACKMAIL

Article 217. °

(Extortion)

1 - Whoever, with intent to obtain for himself or for third undue economic advantage, embarrass another person by means of violence or threat of harm importantly, to practice, to tolerate or abstain from doing any act, which entails, for her or others, pecuniary loss shall be punished with imprisonment for 1-5 years.

2 - The penalty shall be imprisonment from 2 to 8 years, if:

a ) The agent explored the situation of particular vulnerability of the victim, due to age, illness or disease, physical or mental disability;

b ) The fact that the victim left in a difficult economic situation and caused him considerable damage;

c ) The agent that practiced as a holder of public office or charge of public service in the year and because of the exercise of their functions;

d ) The agent used or threatened the victim with the use of a weapon;

and ) This was practiced by flock that belonged to the agent and at least one other member of the pack for the repeated commission of crimes against property.

3 - The penalty shall be imprisonment from 5 to 12 years, if the agent with the violence produced real danger to the life or caused serious harm to the physical or mental integrity of the victim, or even if it results from the fact that the suicide victim.

4 - The penalty shall be imprisonment of 8-15 years if the violence results in the death of the victim.

Article 218. °

(Blackmail)

1 - Whoever, with the intention mentioned in the previous article, compels another person to engage in or tolerate acts to stop practicing those indicated in that Article, by the threat of revelation, through the media, or their publication of facts that may seriously offend the good name and credit, the honor and esteem of the victim or another person, shall be punished with imprisonment for 1-4 years.

2 - If any of the circumstances mentioned in paragraphs a), b) and c). ° 2 of the preceding article, the punishment shall be imprisonment of 2-6 years.

3 - The penalty shall be imprisonment from 4 to 10 years if the act results in the suicide of the victim.

Article 219. °

(Extortion indirect)

Who, abusing the situation need another person, require as debt guarantees, document that may give rise to prosecution against the victim or against third parties, shall be punished with imprisonment up to three years or a fine of 80 to 200 days.

### SECTION III

#### OTHER FRAUD

Article 220. °

(Infidelity)

1 - Who, having been entrusted by law or legal act, the burden of having property interests of others or the administer or supervise, cause these interests, intentionally and serious violation of his duties, financial loss important, shall be punished with imprisonment from 6 months to 3 years or a fine of 100 to 300 days if a more serious punishment does not fit under any other legal provision.

2 - If the interests are in the public sector of the economy, the penalty shall be increased by one third in its minimum and maximum.

Article 221. °

(Adulteration of accounts or inventory)

Whoever, being the administrator of fact or law, a commercial company, falsifying the annual accounts, inventories or other documents must reflect the legal, economic or financial company, with intent to cause damage to it, to any of his partners or a third party, shall be punished with imprisonment for 1-4 years.

Article 222. °

(Publication of falsehoods about the situation of society)

1 - Whoever, with intent to cause harm to the company or any of its partners, or even the third, publish or authorize the publication of false information on the status of a commercial company or do believe that it has an interest distinct from real, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

2 - If the agent administrator, in fact or in law, society, the punishment shall be increased by one third of its maximum limit.

Article 223. °

(Pact against corporate interests)

Whoever, being an administrator, in fact or in law, business partnership, or having her majority position, using such a condition, and maliciously, adopt or support with your vote, agreement or contract contrary to social interest, causing serious economic damage to the company, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days if a more serious punishment does not fit under any other legal provision.

Article 224. °

(Abuse warranty card or credit card)

1 - Who, abusing the possibility afforded by the possession of warranty card or credit, to take the issuer to make a payment, be detrimental to this or a third party, shall be punished with imprisonment from 6 months to 3 years or with fine of 80-200 days.

2 - The penalty shall be imprisonment 2-6 years if the victim has considerable damage.

Article 225. °

(Usury)

1 - Whoever, with intent to achieve a pecuniary benefit for himself or for another person, exploiting needy situation, mental illness, disability, inexperience or weakness of character of the debtor or a dependent relationship of this, do it to give, if undertakes to provide or promise any form, in his favor or in favor of another person, economic advantage is that, according to the circumstances, manifestly disproportionate to the consideration, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

2 - The penalty shall be imprisonment from 1 to 5 years: a) If the agent causing considerable damage to the victim or to leave in difficult economic situation b) If the agent lender or usurer agent professional or habitual.

3 - The court may freely mitigate the penalties referred to in the preceding paragraphs, or the agent of them harmless, if, by the beginning of the trial in the first instance:

a) To renounce delivery pecuniary advantage intended b) Deliver the excess cash received, plus the legal rate from the date of receipt c) Modify the business, according to the other party in accordance with the rules of good faith.

Article 226. °

(Adulteration of auction or public tender)



1 - Whoever, with intent to obtain pecuniary advantage for himself or for a third party, to prevent, tamper with or impair the results of sale or judicial auction or other sale or public auction authorized or required by law as well as tender governed by public law They were able, through donation, promise, threat to harm important understandings or any deception or fraudulent means, that someone does not compete or do not bid, or somehow undermine the freedom of their acts, shall be punished with imprisonment up to 3 years or a fine of 80-200 days if a more serious punishment does not fit under any other legal provision.

2 - The same penalty shall incur who, with the intention referred to above, accept a gift, promise or any benefit or pecuniary advantage.

## CHAPTER IV

### CRIMES AGAINST RIGHTS SHEETS

#### Article 227. °

(Frustration execution)

1 - The debtor who, with intent to impede implementation has started or whose initiation is predictable, do any act of disposition or asset that generates obligations, or even destroy, damage, hide, make goods disappear or decrease its assets or artificial fraudulently its value, shall be punished with imprisonment up to two years or a fine of 60-150 days if it were to be declared insolvent.

2 - If the agent of the act described in n. ° 1 for a third, with the knowledge or in favor of the debtor, the penalty will be reduced by one third of its maximum limit.

3 - The provisions of this Article shall apply irrespective of the nature or origin of the obligation or debt whose satisfaction or attempting to evade payment, including economic rights of workers and civil liability arising from the practice of criminal offense, regardless the fact that the lender be natural or legal person, public or private.

4 - For the purposes of this article, the initiation is predictable when the obligation already recorded judgment or other enforceable.

Article 228. °

(Fraudulent bankruptcy)

1 - The debtor merchant who, with intent to hinder creditors:

a ) destroy, damage, hide, disable, do away part of its assets or artificial or fraudulent diminishes its value, namely, simulating, or assuming debts, sales, expenses or losses;

b ) To delay bankruptcy, buying goods on credit, in order to sell them or use in payment for substantially less than the current price, will be punished if it were to be declared bankrupt, with imprisonment from 1 to 5 years or a fine of 200-500 days.

2 - The same penalty will apply the agreed not justify regular application given on assets existing at the date of bankruptcy.

3 - It is correspondingly applicable paragraph. 2 of the previous article.

Article 229. °

(Favoring creditors)

The debtor who, knowing his insolvency or predicting its imminent and with intent to favor certain creditors over others, solver debts not yet due or solver differently than cash or usual values, or provide guarantees for their debts which was not required, shall be punished with imprisonment up to two years or a fine of 60-150 days or with imprisonment of up to one year or with a fine not exceeding 100 days, as may be declared bankrupt or insolvent.

## Article 230. °

(Receiving)

1 - Whoever, with intent to obtain for himself or for another person, pecuniary advantage, acquire, receive, keep or hide something you know to be the subject or product of crime against property, or even contribute to or affect third in good faith, acquire, receive, keep or hide, shall be punished with imprisonment for 1-4 years or a fine of 100-400 days.

2 - Whoever, without first having ensured that its legitimate provenance, acquire or receive, in any way, something which by its quality, nature or by the disparity between its value and the price, or even the condition of one who offers , should do reasonably suspect that comes from crime against property, shall be punished with imprisonment up to 1 year or a fine of up to 200 days.

3 - The fencing is punishable, yet unknown, incapable of guilt, free pen or dispensed agent stemmed from the fact that the thing.

## CHAPTER V

### COMMON PROVISIONS

## Article 231. °

(Refund or repair)

When the subject matter of the crimes provided for in this Title, except those where there has been violence or serious threat, is restored, or is held that the damage caused no damage illegitimate third, until the beginning of the trial first instance, the court may mitigate the sentence freely.

## TITLE III

## CRIMES AGAINST PUBLIC FAITH

### CHAPTER I

#### FAKE DOCUMENTS

##### Article 232. °

###### (Definition)

For the purposes of this title constitutes the entire document paper or material that contains or incorporates a statement, data or facts, or which is issued by government to recognize fact or law, identity or quality, to exempt from tax or duty, to grant a permit or license, as well as a sign affixed thing to explain their nature and quality, provided that in any case, has legal significance and effectiveness evidence.

##### Article 233. °

###### (Falsification or alteration of document)

1 - Whoever, with intent to cause loss to another person or the State, or to obtain benefit for himself or another person, or to change that legally relevant, making false documents, falsifying document or change the actual document shall be punished with imprisonment 1 through 4 years.

2 - Since this is a public document, the penalty shall be imprisonment 2-6 years.

##### Article 234. °

###### (Omission or insertion of false statement on record or document)

1 - Whoever, with intent referred to in the previous article, omit, on record, in public or private document, statement or fact that it was included, it does insert or insert false statement or false or different from that which was to be written, or contain shall be punished with imprisonment of 1-5 years and 6 months to 4 years, depending on the instrument subject to counterfeiting is public or private.

2 - The penalty will be reduced by one third in its minimum and maximum if the agent is not an employee in the exercise of their functions.

Article 235. °

(Using a false document or record)

Whoever, with intent referred to in Article 233. °, make use of the document or record referred to in the preceding articles shall be punished with the penalty applicable to the relevant agent forgery or alteration reduced by one third of its maximum limit, provided it is not himself an agent of forgery or alteration.

Article 236. °

(Destruction or removal of document)

Whoever, with intent to cause injury to another person or to obtain for himself or for another person, unlawful benefit, do away, destroy, in whole or in part, subtract or hide document could not have, shall be punished with imprisonment 6 months to 3 years or a fine of 80-200 days or 1-4 years, depending on the document whether private or public.

Article 237. °

(Signature or handwriting recognition is not true)

Who, in the exercise of public function, recognize as true signature or letter known not to be, shall be punished with imprisonment of 1-4 years and 6 months to 3 years or a fine of 80-200 days, depending on whether it's public or private document.

Article 238. °

(Misrepresentation to obtain public office)

1 - Who attest or certify falsely, in the exercise of civil, fact or circumstance that enables anyone to obtain public office, exemption from duties, charges or service of a public nature, or any other benefit shall be punished with imprisonment from 6 months to two years or a fine of 60-150 days.

2 - The same penalty shall incur who commits the acts referred to in paragraph 1, arrogating themselves falsely as holder of public function.

Article 239. °

(Forgery of certificate to obtain public office)

1 - Who falsify or fabricate, in the exercise of public function, totally or partially, certificate, license or certificate, or change the content of a certificate, certificate of true, proof of facts or circumstances that enable one to obtain public office, exemption charges, duties or service of a public nature, or any other advantage, shall be punished with imprisonment from 6 months to 4 years.

2 - The same penalty shall incur who commits the acts described in paragraph. ° 1, arrogating themselves falsely as holder of public function.

Article 240. °

(Medical certificate fake)

1 - Whoever, being a doctor, nurse, laboratory employee or medical institution or person in charge of performing autopsies, which, in the profession, passing certificate, certificate of who knows not the case on the state of the body or the physical or mental health, the birth or death of a person, intended to make faith before public authority or harm another person, shall be punished with imprisonment from 6 months to 2 years or a fine of 60 to 150 days .

2 - The same penalty shall incur the veterinarian who pass certificates for animals under and for the purposes mentioned in the preceding paragraph.

3 - The same penalty shall incur who commits the acts described in paragraphs. ° s 1 and 2, arrogating falsely quality indicated on them.

Article 241. °

(Use of false statements or certificates)

Who, aware of the forgery, makes use of certificates, false certificates or certificates referred to in Articles 238 °, 239. ° and 240. °, shall be punished with the penalty imposed to the relevant agent spoofing reduced by one third of its maximum limit , since it is not itself an agent of forgery.

Article 242. °

(Aggravation)

The penalties referred to in Articles 233. °, 236. ° and 240. ° will be increased by one third in its minimum and maximum, if the acts are committed by an official in the performance of his duties or because of them.

CHAPTER II

## COUNTERFEIT CURRENCY AND LETTERS OF CREDIT

Article 243. °

(Counterfeiting currency)

1 - Who manufacture counterfeit, falsify or alter coins or paper money legal tender in the country or abroad shall be punished with imprisonment for 5-12 years.

2 - The penalty shall be increased by one third of its maximum limit, if the agent actually put into circulation counterfeited or altered currency.

Article 244. °

(Forgery ballot, note or ticket)

1 - Who: a) Form ballot, note or ticket representative currency with fragments of bills, notes or tickets true b) Delete indicative of destruction by ballot, note or ticket collected, in order to pass them or put in circulation ;

c) Put in circulation ballot, note or ticket referred to in the preceding paragraphs seized or collected for the purpose of destruction, shall be punished with imprisonment for 2-8 years.

2 - If the agent of the facts referred to in points a) and b) pass or actually put into circulation the ballot, note or ticket forged or altered, the penalty shall be increased by one third of its maximum limit.

Article 245. °

(Falsification of securities and other commercial documents)



1 - Who fabricating, falsifying or altering securities, domestic or foreign credit cards or warranty, tickets or lottery tickets domestic or commercial document transferable by endorsement shall be punished with imprisonment for 4-10 years.

2 - It is correspondingly applicable paragraph. 2 of Article 243. °.

Article 246. °

(Pass currency or fake titles)

1 - Who, in consultation with the forger, move, or puts into circulation counterfeit money or securities, cards or other documents counterfeit, forged or altered referred to in Article 245. Thereof, shall be punished with the penalty imposed to the corresponding agent or forgery amendment.

2 - If there is no consultation with the forger, the penalty will be that corresponding to the agent of forgery or alteration reduced by one third in its minimum and maximum limits.

Article 247. °

(Pass currency or fake titles received in good faith)

Who, having received in good faith, as true, counterfeit currency or securities, credit cards and other counterfeit documents, falsified or altered referred to in Article 245. °, the restore movement after meeting his counterfeit or falsity, shall be punished with imprisonment from 6 months to 3 years or a fine of 100-300 days.

Article 248. °

(Acquisition, sale or transfer of currency or fake titles)

Whoever, with intent to pass, or put in circulation on their own or that of others, purchase, import or enter the country, export, transport, buy, sell, lend, give, keep, receive on deposit or exposes for sale or counterfeit amended, or the securities, credit cards or other documents counterfeit, forged or altered referred to in Article 245. ° will be punished with the penalty imposed to the corresponding agent forgery or alteration reduced by one third in its minimum and half at their limit max.

Article 249. °

(Issue illegal currency)

Whoever, being the officer, director, manager or supervisor of the issuing bank, manufacture, issue or authorize the making or issuing currency with title or underweight determined by law, or paper money in excess of that authorized, shall be punished with imprisonment for 2-8 years.

Article 250. °

(Circulation unauthorized currency)

Who swerve and make circular coin, whose circulation was not yet authorized, shall be punished with imprisonment for 1-5 years.

Article 251. °

(Detention equipment forgery)

Who owns equipment or materials for the manufacture of counterfeit coins shall be punished with imprisonment for 1-5 years.

CHAPTER III

## FALSIFICATIONS GOVERNMENT SECURITIES AND EXCHANGE

Article 252. °

(Forgery of tax stamps, postage stamps and bonds)

1 - Who fabricating, falsifying or altering:

a) Amounts or any sealed or stamped paper issued legal

for the collection of tax or duty;

b) postage stamp;

c) Role of public credit that is not legal tender;

d) Receipt, tab, receipt, delivery note or any other document relating to

collection of public revenues or by deposit or bond

who is responsible public entity will be punished with

imprisonment from 2 to 8 years

2 - The penalty shall be increased by one third in its maximum if the offender uses or puts into circulation as legitimate values or roles counterfeit, forged or altered referred to above.

Article 253. °

(Abolition of stamp values and bonds)

1 - Who abolish stamp or indicative of destruction affixed values, papers or securities referred to in the preceding article, if they are legitimate, in order to make them usable again, shall be punished with imprisonment for 1-4 years.

2 - It is correspondingly applicable paragraph. 2 of the previous article.

Article 254. °

(Circulation of counterfeit titles and values)

1 - Who, in consultation with the stakeholders of the facts referred to in Article 252. ° and 253. °, values put into circulation, papers or bonds counterfeit, forged or altered described therein, shall be punished with the penalty imposed to the corresponding agent forgery or alteration.

2 - If there is no consultation with the forger, the penalty will be the agent of restraint applied to the corresponding forgery or alteration reduced by one third in its minimum and maximum.

Article 255. °

(Use values and securities received in good faith)

Who, having received in good faith as true any of the values, roles or titles counterfeit, forged or altered referred to in Articles 252 ° and 253 ° do use them or restore them to the circulation, after knowing their counterfeiting, forgery or alteration, shall be punished with imprisonment up to two years or a fine of 80-200 days.

Article 256. °

(Acquisition, sale or transfer of securities or bonds forged)

Whoever, with intent to use or put in circulation on their own or that of others, purchase, import or enter the country, export, transport, buy, sell, lend, give, keep, receive on deposit or exposes for sale values , papers or securities counterfeit, forged or altered referred to in Articles 252 and 253. thereof, shall be punished with the penalty imposed to the corresponding agent forgery or alteration reduced by one third in its minimum and half of its maximum limit.

#### CHAPTER IV

#### FORGERY OF STAMPS, cleats, WEIGHTS AND MEASURES

Article 257. °

(Falsification of seal, stamp, mark or seal)

1 - Who fabricating, falsifying or altering stamps, dies, marks, seals or signs of any authority or public office shall be punished with imprisonment for 1-5 years.

2 - The penalty shall be increased by one third of its maximum limit if the agent makes use of objects counterfeit, forged or altered referred to above.

Article 258. °

(Use of seal, stamp, mark or seal false)

Whoever makes use of, or with the intention of using them as authentic or intact, purchase, import, enter the country, receiving on deposit, buy, sell, lend or lease objects counterfeit, forged or altered the preceding Article shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

Article 259. °

(Unlawful use of seal, stamp, mark or seal)

Who use without permission of the rightful seal, stamp, mark, stamp or sign true to the detriment of another person or government or yourself or others, shall be punished with imprisonment from 6 months to 3 years or a fine 80 to 200 days.

Article 260. °

(Aggravation)

The penalties provided for in Article 257. °, 258. ° and 259. ° will be increased by one third in its minimum and maximum, if the facts described in these articles are carried out by staff in duties or because of them.

Article 261. °

(Falsification of weights and measures)

1 - Whoever, with intent to cause loss to another person or the State, or to get their own benefit or for another person: a) Apuser on weights, measures, scales or other measuring instruments puncture false or has falsified the existing, or

b ) Change, whatever its nature, weights, measures, scales or other measuring instruments that are legally subject to the existence of a puncture; shall be punished with imprisonment up to two years or a fine of 60-150 days.

2 - The penalty shall be increased by one third of its maximum limit if the agent makes use of counterfeit objects referred to in the preceding paragraph.

Article 262. °

(Use of weights and measures counterfeit)

Who, apart from the cases mentioned in n. 2 of the previous article, using weights, measures, scales or other measuring instruments false or counterfeit, shall be punished with imprisonment up to 18 months or a fine of 60-150 days.

## CHAPTER V

### OTHER FALSIFICATIONS

Article 263

(Assumption or assignment of false identity)

About assume or assign to third false identity to gain advantage in yourself or others, or to cause harm to another person, shall be punished with imprisonment up to 1 year or a fine of up to 100 days, if not a more severe penalty applicable under any other law.

Article 264. °

(Use of identification of others)

Who use as own identification document issued to another person or give to others so that it is used, such a document, own or third party, shall be punished with imprisonment up to two years or with a fine of 60 150 days if a more serious punishment does not fit under any other legal provision.

## TITLE IV

## CRIMES AGAINST INTERNATIONAL COMMUNITY

### Article 265. °

(Attack against foreign entities)

1 - Who attempt on the life, physical integrity or freedom of Head of State, Head of Government or Minister in charge of foreign relations aliens in the performance of official duties in Cape Verde, or even a representative or employee of a foreign state or international organization that at the time of the crime, enjoy special protection under international law, shall be punished with imprisonment for 2-8 years if a more severe penalty is not applicable under any other law.

2 - It also applies the provisions of the preceding paragraph if the acts are committed against family members, as appropriate, accompany or live with the entities mentioned herein.

3 - For the purposes of this article, both the attack is attempted as the consummation of their fact.

### Article 266. °

(Outrage of foreign symbols)

Who publicly, by words, gestures, written disclosure, picture or sound, or any other means of communication with the public, outraging official flag or other symbol of foreign State or Territory, shall be punished with imprisonment up to 1 year or fine of up to 100 days, provided that this fact be considered a crime in that State or Territory.

### Article 267. °

(Incitement to war or genocide)



1 - Who, publicly and repeatedly, by any means to incite hatred against a people, an ethnic, racial or religious group, with the intent to destroy, in whole or in part, the people or group or start a war, shall be punished with prison 2-6 years.

2 - The same penalty shall incur who recruit elements of the Armed Forces in Cape Verde for a war against the State or Territory or foreign overthrow through violent means, the legitimate government of another State or Territory.

Article 268. °

(Genocide)

Who, pursuant to a concerted plan, and with the intent to destroy, in whole or in part, a national, ethnic, racial, religious or other determined from any arbitrary criterion, playing against one of the members of this group acts following shall be punished with imprisonment from 15 to 25 years:

a) Homicide or serious harm to physical or psychological integrity;

b) Deportation, reduction to slavery or kidnapping followed by

disappearance;

c) Liability to massive and systematic practice of torture or treatments

cruel, inhuman and degrading treatment, which appear likely to cause

destruction, total or partial, of the group;

d) Measures to prevent the procreation and birth;

e) Forcibly transferring children of the group to another.

Article 269. °

(Recruitment of mercenaries)

1 - Who recruiting mercenaries to any organization or armed group, national or foreign, who proposes, by violent means to overthrow the legitimate government or prejudice the sovereignty, the independence or territorial integrity of another State, shall be punished with imprisonment from 1 to 5 years.

2 - It is a mercenary who is regarded as such by international law.

Article 270. °

(Organization for racial discrimination)

1 - Who founding or directing organization that develops activities incitement to discrimination, hatred or racial violence shall be punished with imprisonment for 3-8 years.

2 - Who is part of the organization referred to in the preceding paragraph or to develop or participate in an organized manner in the activities described therein, or even those who assist them, including through financing, shall be punished with imprisonment from 1 to six years.

3 - The same penalty of no. 2 ° incur who, in a public meeting, or through any means of communication with the public, provoke violence or defame or injure person or group of persons because of their race or ethnic origin, with intent to provoke acts of discrimination, racial hatred or violence, if a more serious punishment does not fit under any other legal provision.

4 - If the offender commits the conduct described in paragraphs. ° s 1 and 2 using violent means, the penalty shall be increased by one third in its minimum and maximum, if more severe punishment they will not fit under any other legal provision.

Article 271. °

(Slavery)

Who else reduce to the state or condition of a slave, sell, assign or acquire another person or get hold of it with the intention to keep the situation slave shall be punished with imprisonment for 6-12 years.

Article 272. °

(Crimes against persons protected in the event of armed conflict)

Whoever, in violation of international law, in the event of armed conflict, practicing on anyone protected:

a) Homicide or serious harm to physical or psychological integrity;

b) torture or other cruel, inhuman or degrading treatment,

including biological experiments;

c) sexual assault

d) Deportation or subjection to slavery abductions and kidnappings;

e) the service Embarrassment enemy armed forces;

f) Destruction or theft of assets of great value;

shall be punished with imprisonment of 10-20 years if a more serious penalty resulting from the application of another legal provision.

Article 273. °

(Means of combat prohibited)

Who, in the event of armed conflict, use or order the use of prohibited methods or means of combat, or intended to cause unnecessary suffering or designed to cause extensive damage, severe and enduring to the natural environment, endangering the health or survival of the population, shall be punished with imprisonment of 10-15 years.

Article 274. °

(Reprisals and threats of violence on the civilian population)

Who, during armed conflict or occupation, conduct or order the holding of excessive or indiscriminate attacks or submission of civilians to attacks, reprisals, acts or threats of violence, with the purpose of terrorizing, will be punished with Prison 8-15 years if a more serious penalty applicable under any other law.

Article 275. °

(Destruction of civilian ship or aircraft)

Whoever, in time of war or armed conflict, destroy or severely damage, in violation of rules of international law, civilian ship or aircraft of a hostile power or neutral, unnecessarily and without giving time or not taken the necessary measures to promote the safety of people and the preservation of the documentation on board, shall be punished with imprisonment for 8-15 years if a more severe penalty is not applicable under any other law.

Article 276. °

(Destruction of monuments, places of worship and businesses)

1 - Whoever, in time of war, armed conflict or occupation, in violation of rules of international law, destroy or severely damage, unnecessarily in military terms, goods or cultural monuments, historical or scientific, or places of worship which constitute cultural or spiritual heritage of peoples, shall be punished with imprisonment for 3-8 years.

2 - The same penalty shall incur who, in similar circumstances, destroy or severely damage health facilities or for humanitarian purposes.

Article 277. °

(Destruction of civilian targets)

1 - Whoever, in time of war or armed conflict, goods or attacking civilian targets, causing its destruction or disposal, without such an operation offers definite military advantage or that such goods or targets effectively contribute to military action of the enemy, will be punished with imprisonment for 2-6 years.

2 - The same penalty who incur the same circumstances, destroy, disable or subtract indispensable to the survival of the civilian population, since they are not used by the opposing party in direct support of military action or as a means of livelihood for the members of their military.

Article 278. °

(Other crimes against the international community)

Whoever, in time of war, armed conflict or occupation, conduct or order the performance of any other offenses or acts contrary to the provisions contained in international conventions to which Cape Verde is obliged to respect and which concern the conduct of hostilities, the protection of

injured , sick, shipwrecked, the treatment of prisoners of war, protection of civilians and property in the event of war, armed conflict or occupation, shall be punished with imprisonment for 1-3 years.

## TITLE V

### CRIMES AGAINST FAMILY

#### Article 279. °

(Bigamy)

1 - Who, being married, contract another marriage, or who marry with married person, shall be punished with imprisonment up to two years or a fine of 60-150 days.

2 - The same penalty shall incur who, for having such jurisdiction, perform or authorize the performance of marriage under the conditions referred to in the preceding paragraph.

#### Article 280. °

(Falsification of marital status)

1 - Whoever, endangering the official verification of marital status or family legal position, do or omit statements that translate into usurp, become uncertain, distort, change, assume, hide or conceal marital status or position their legal family or another person, shall be punished with imprisonment up to two years or a fine of 60-150 days.

2 - The same penalty will incur if more serious penalty is applicable under any other law, who do appear in the civil registry birth or other non-existent.

#### Article 281. °

(Subtraction or refusal to surrender less)

Who subtract smaller, or by means of violence, threat of violence or serious harm, determine lower to flee or to leave the family home or the place where he resides with the consent of those who have responsibility for their care, or even who refusing to deliver less to the person to whom he is lawfully entrusted, shall be punished with imprisonment up to three years or a fine of 80-200 days if a more serious penalty applicable under any other law.

Article 282

(Replacement fraudulent newborn)

Who, by fraud or any other contrivance, to replace a newborn on the other, shall be punished with imprisonment for 2-8 years.

Article 283. °

(Disclosure of false paternity)

1 - Who, outside the cases provided for in the preceding articles, publishes and falsely attributing the paternity of another person with the intent to cause damage to it or to a third party, shall be punished with imprisonment up to 1 year or a fine of up to 100 days.

2 - The same penalty shall incur who take publicly and falsely, as the son of another, with intent referred to in the preceding paragraph.

Article 284. °

(Non-compliance with the obligation to provide food)

1 - Who is obliged to provide food, have conditions do not fulfill the obligation, effectively putting in jeopardy the fulfillment of basic needs of feeding, shall be punished with imprisonment up to two years or a fine of 60-150 days.

2 - If the obligation were to be accomplished, the court, in the particular circumstances of the case, the agent can waive the penalty or declare extinct the sentence not served.

## V TITLE I CRIMES AGAINST PUBLIC ORDER AND SAFETY ENTITY

### CHAPTER I

#### CRIMES AGAINST PUBLIC ORDER AND TRANQUILLITY

##### Article 285. °

(Obstruction or disruption of funeral)

About prevent or obstruct the holding of funeral procession or through acts of violence, threats of violence or any other form that leads to disturbance of public peace, shall be punished with imprisonment up to 18 months or a fine up to 150 days is a more serious punishment does not fit under any other legal provision.

##### Article 286. °

(Desecration of place or object of worship)

1 - Who, in order to disturb the public peace, profane place or object of worship or religious worship, shall be punished with imprisonment up to 18 months years or a fine of up to 150 days.

2 - The same penalty shall incur who, in order to disturb the public peace, offending person or mock it because of their belief or religious function.



Article 287. °

(Obstruction or disruption of an act of worship)

Who, by means of violence or threat of violence, prevent or disrupt

the exercise of religious worship, shall be punished with imprisonment up to 18 months or a fine of up to 150 days if a more serious punishment does not fit under any other legal provision.

Article 288. °

(Public incitement to crime)

1 - Whoever publicly or by means of communication with the public, induces the commission of a specific crime against a person or institution, shall be punished with imprisonment up to three years or a fine of 80-200 days if heavier sentence does not fit under any other legal provision.

2 - The penalty can never be greater than that which corresponds to a crime whose practice encourages.

Article 289. °

(Public condoning of crime)

1 - Whoever publicly or by any means of communication with the public, praise or reward another person for having committed a crime, appropriately creating real danger of carrying out another crime of the same species, shall be punished with imprisonment up to 1 year or a fine of up to 100 days, if more severe penalty is not applicable by virtue of another legal provision.

2 - It is correspondingly applicable paragraph. 2 of the previous article.

Article 290. °

(Public Intimidation)

Who cause alarm or concern among the population, through the issuing of alarm signals or voices, or threatens to commit a crime of common danger or other means normally suitable for the production of those effects, or even making believe that will be committing a crime, shall be punished with imprisonment up to two years or a fine of up to 150 days.

Article 291. °

(Criminal organization)

1 - Who founding organization or group whose purpose is directed to the crimes shall be punished with imprisonment for 2-6 years.

2 - Whoever leads or driving criminal organization or group shall be punished with imprisonment for 2-8 years.

3 - Who join the organization or criminal group, becoming its member, shall be punished with imprisonment for 1-5 years.

4 - Who support or collaborate with criminal group or organization, without being a member of them, shall be punished with imprisonment for 1-4 years unless more severe penalty resulting from the application of the provisions of this code to the practice of offenses that would result the performance of the organization or group.

5 - Without prejudice to Article 24. °, the court may mitigate the sentence or freely waive her agent who obstructs or makes serious efforts to prevent further criminal organization or group, or to

communicate its existence to the competent authorities so these can prevent the practice of criminal offenses.

#### Article 292. °

##### (Riot)

1 - Who, acting as a group, and with the purpose of undermining the public peace, to take part in acts of violence against persons or property, or acts of obstruction of public roads or their access, or even occupation facilities or buildings, shall be punished with imprisonment from 6 months to 2 years or a fine of 60-150 days if a more serious punishment does not fit under any other legal provision.

2 - If the agent has directed or initiated the mutiny, the punishment shall be imprisonment from 6 months to 3 years or a fine of 80-200 days.

3 - The penalty shall be increased by one third in its minimum and maximum, during the riot are used firearms or any threat of its use.

#### Article 293. °

##### (Fight)

When two people are offended, conversely, the body or health, not proving which one attacked first, the punishment shall be imprisonment up to 1 year or fine up to 100 days.

## CHAPTER II

### CRIMES AGAINST THE COLLECTIVE SECURITY

#### Article 294. °

(Prohibited firearms and explosives)

1 - Who owns prohibited weapons or weapons that are the result of substantial modification of the characteristics of regulated manufacturing weapons shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

2 - Who owns wit or explosive substance, flammable, incendiary, toxic or asphyxiating, or its components, outside the legal conditions or in violation of the requirements of the competent authority, shall be punished with imprisonment for 1-4 years.

3 - Who manufacture, market, transport, possession or to establish tank weapons or munitions of war shall be punished with imprisonment for 2-6 years.

4 - Who manufacture, market, transport, deposit or set of devices or substances referred to in n. 2 of this article, outside of the legal conditions or in violation of the requirements of the competent authority, shall be punished with imprisonment for 1-5 years.

Article 295. °

(Other weapons)

1 - Who owns firearms regulated, or their parts and essential components without having the necessary permit or license, shall be punished with imprisonment up to two years or a fine of 60-150 days.

2 - Who manufacture, market, transport, or to establish tank weapons mentioned in the preceding paragraph, shall be punished with imprisonment for 1-3 years or a fine of 80-200 days.

3 - The imprisonment of up to one year or a fine of up to 100 days will incur any lien or bring with weapon or other instrument for the purpose of being used as a weapon of aggression.

Article 296. °

(Fire, flood and other especially dangerous conduct)

1 - Who cause fire, including setting fire to the building, construction, transportation, forest or thicket, and thus create real danger to life, serious danger to the physical safety of others or real danger to the patrimony of others high value, shall be punished with imprisonment for 4-10 years.

2 - The same who incur cause an explosion, releasing toxic or asphyxiating gases, emitting radiation or releasing radioactive substances, causing flood or landslide or collapse of construction, and thus create the danger described in the preceding paragraph.

3 - If the hazard described in paragraphs 1 and 2 is created by negligence, the punishment shall be imprisonment of 2-6 years.

4 - If the conduct described in paragraphs. Paragraphs 1 and 2 of this Article is performed negligently, the punishment shall be imprisonment from 6 months to 4 years.

Article 297. °

(Pollution)

1 - Who, contradicting requirements or restrictions or limitations imposed by law or regulation, pollute water or soil, or in any way degrade their qualities, pollute the air and cause noise pollution, creating this way a real danger to life , serious danger to the physical integrity of another person, or even unrelated to capital assets of high value, shall be punished with imprisonment for 1-6 years.

2 - If the danger is created by negligence, the punishment shall be imprisonment from 6 months to 4 years.

3 - If the conduct referred to in n. Paragraph 1 of this Article is performed negligently, the punishment shall be imprisonment of up to two years or a fine of 60-150 days.

Article 298. °

(Adulteration of food substances or medicinal)

1 - Who tamper with or counterfeit substances food, drinking water, beverages or medicinal substances, intended for public use or consumption of a majority of people, thus creating real danger to life or serious threat to the physical integrity of others, will be punished with imprisonment for 1-6 years.

2 - The same penalty shall incur who import, sell, offers for sale, dissemble, deliver or distribute counterfeit or adulterated substances mentioned in the preceding paragraph or which are out-dated or altered, tampered with or damaged due to the ravages of time , thus creating the danger described in the preceding paragraph.

3 - If the danger is created by negligence, the punishment shall be imprisonment from 6 months to 4 years or a fine of 100-300 days.

4 - If the conduct described in paragraphs 1 and 2 of this Article is performed negligently, the punishment shall be imprisonment of up to three years or a fine of 80-200 days.

Article 299. °

(Spread of contagious disease)

1 - Who spread contagious disease, creating danger to life or serious threat to the physical integrity of another person, shall be punished with imprisonment for 1-6 years.

2 - If the hazard is created or the conduct is carried out negligently, the punishment shall be, respectively, referred to in n. 3 or n. ° 4 of the preceding Article.

Article 300

(Alteration or falsification of analytical or prescription)

1 - Whoever, being a doctor, nurse, medical technician or laboratory, or their employees, or even a person legally authorized to draw up examination or registration assistant medical diagnosis or treatment or curative, provide data or false or inaccurate information, creating thereby endangering the lives or serious danger to the physical integrity of another person, shall be punished with imprisonment for 1-6 years.

2 - The same penalty shall incur who, being a pharmacist or pharmacy employee, provide medicinal substances in violation of the provisions on prescription and non-prescription drugs, when required by law or regulation, thereby creating the danger described in previous paragraph.

3 - If the hazard is created or conduct referred to in paragraphs. Paragraphs 1 and 2 of this Article is performed negligently, the punishment shall be, respectively, referred to in n. 3 or n. 4 of article 298.  
°

Article 301. °

(Deviation or taking a ship or aircraft)

About seize or deviate from its normal route ship underway navigation or aircraft in flight shall be punished with imprisonment for 5-12 years or 2-8 years depending whether or not passengers at the time of committing the act.

Article 302. °

(Attack on transport safety)

1 - Whoever commits any fact adequate to cause a serious decrease or lack of security means of transport so as to create danger effective for the life or physical integrity of others or unrelated to capital assets of high value, shall be punished with imprisonment for 2-8 years.

2 - If the danger referred to in the preceding paragraph is created by negligence, the penalty shall be imprisonment 1-4 years.

3 - If the conduct mentioned in n. 1 is carried out negligently, the punishment shall be imprisonment of up to three years or a fine of 80-200 days.

Article 303. °

(Dangerous Driving mode of transport)

1 - Whoever drives a vehicle designed to transport by air or water, not being able to do so safely, especially for being under the influence of toxic drugs, alcohol, narcotic or psychotropic substances, or blatantly violating the rules of conduct, creating for that reason, real danger to the life or physical integrity of others or unrelated to capital assets of high value, shall be punished with imprisonment for 2-6 years.

2 - The penalty shall be imprisonment 1-4 years if the danger referred to in the preceding paragraph is created by driving the vehicle on public roads.

3 - If the danger is caused by negligence, the punishment shall be imprisonment of 1-4 years in the case of paragraph 1, and imprisonment up to two years or a fine of 60-150 days in the case of n. ° 2.

4 - If the conduct is performed negligently, the punishment shall be imprisonment of up to three years or a fine of 80-200 days in the case of n. ° 1, and imprisonment up to 1 year or fine up to 100 days in the case of n. ° 2.

Article 304. °

(Attack on communications and other essential services)

1 - Whoever destroys, damages or failure, subtract or divert thing or energy, preventing or disrupting thereby the operation of the



communications or the public water supply, electricity or energy, and creating danger to life or physical integrity of others, or even unrelated to capital assets of high value, shall be punished with imprisonment from 2 to 8 years .

2 - The same penalty shall incur who create the danger referred to in the preceding paragraph, destroying, damaging or disabling facilities use, production, storage, conducting or distributing water, electricity, gas, oil, gasoline, or energy.

3 - If the danger is caused by negligence, the punishment shall be imprisonment of 1-4 years.

4 - If the conduct mentioned in n. Paragraphs 1 and 2 is carried out negligently, the punishment shall be imprisonment of up to three years or a fine of 80-200 days.

Article 305. °

(Violation of building rules and damage to facilities)

1 - Whoever destroys, damages or failure of equipment or any other existing tools in the workplace and to prevent accidents, or omit the installation of such devices or instruments, in violation of laws, regulations and techniques, causing thereby danger to life or physical integrity of another person, or even unrelated to capital assets of high value, shall be punished with imprisonment for 1-6 years.

2 - The same penalty shall incur who create the danger mentioned in the preceding paragraph, to violate or not to observe within their professional activity, laws, regulations and techniques for the planning, direction and execution of construction, demolition or installation.

3 - If the danger is caused by negligence, the punishment shall be imprisonment from 6 months to 4 years.

4 - If the conduct referred to in paragraphs. Paragraphs 1 and 2 is carried out negligently, the punishment shall be imprisonment of up to two years or a fine of 60-150 days.

## TITLE VII

### CRIMES AGAINST DEMOCRATIC RULE OF LAW

#### CHAPTER I

#### CRIMES AGAINST NATIONAL SOVEREIGNTY AND INDEPENDENCE

Article 306. °

(Treason)

1 - shall be punished for treason:

a ) who, by means of violence, threat of violence or usurpation of functions of sovereignty, offend or actually put in danger the country's independence or perform any act aimed at implementing submission Cape Verde, wholly or partly, to the domain of a foreign country;

b ) Who, being Cape Verdean, serving under the flag of a foreign country during war or armed action against Cape Verde;

c ) Who enlist people in Cape Verde, or provide weapons to the service of a foreign power or have intelligence with the government, party, association or foreign agents, with the intent to promote or provoke a war or armed conflict against Cape Verde;

d ) Anyone who has dealings with the government, party, association or foreign group, or their agents, with the intent to embarrass

State of Cape Verde to declare war, to maintain or not maintain neutrality, or even to submit to the interference of a foreign state in such terms that effectively is put in danger the independence or territorial integrity of the country;

and ) Whoever, being Cape Verdean, or foreign or stateless person residing or lying in Cape Verde, in time of war or armed conflict against Cape Verde, have understandings with foreign countries or in any way commit an act with the intention of promote or assist the execution of military operations against Cape Verde.

2 - The facts described in the preceding paragraph shall be punished with imprisonment of 10-20 years in the case of subparagraph a), 8-15 years in the case of b), c) and e), and 3-8 years in the case of point d).

3 - In the cases provided for in paragraphs c), d) and e) n. ° 1, the penalty will be reduced by one third in its minimum and maximum, if not realized the intent Agent criminal offense.

Article 307. °

(Sabotage against national defense)

1 - Who put actual harm or endanger national defense, damaging or destroying, in whole or in part, works or other materials or military means, or even roads, transmission or shipping, shipyards, port facilities, factories or deposits, shall be punished with imprisonment of 4-10 years.

2 - Whoever, for the purpose of practicing the acts referred to in the preceding paragraph, manufacture, import, purchase, sell, transfer or acquire any title, distribute, store or storage, possession or use of prohibited weapons, explosives or products suitable for manufacturing of toxic or asphyxiating gases, shall be punished with imprisonment for 2-8 years.

Article 308. °

(Provocation to war or reprisal)

1 - Who, being Cape Verdean, or foreign or stateless person residing or lying in Cape Verde, the unauthorized practice by competent authority appropriate to provoke a declaration of war or armed

conflict against Cape Verde, or Cape Verdean expose reprisals on their persons or property, shall be punished with imprisonment for 2-8 years.

2 - If the acts are only appropriate to expose Cape Verde reprisals affecting their vital interests in the fields diplomatic, economic or social, the penalty shall be imprisonment from 1 to 5 years.

3 - It is correspondingly applicable paragraph. 3 of Article 306

4 - If the agent who commits the acts described in this article that you violated specific duty was imposed by the status of their role, responsibilities conferred or service, the penalty shall be increased by one third in its minimum and maximum.

Article 309. °

(Violation of state secret)

1 - Who, endangering the interests of Cape Verde regarding national independence, the preservation of its territorial integrity or his defense in situations of war or armed conflict against Cape Verde, transmit or make available to the public or to persons not authorized for

effect, document object, fact or information that should, in keeping with their nature and those interests, keep secret, shall be punished with imprisonment of 2-8 years.

2 - The same penalty shall incur who, for the purpose of practicing the acts mentioned in the preceding paragraph, collaborate with government, service, group or association foreigners, or their agents, or recruiting or auxiliary agent to take charge of practicing such acts.

3 - If the facts referred to in the preceding paragraphs only jeopardize the interests of Cape Verde regarding the conduct of its foreign policy, the penalty will be reduced by one third in its minimum and maximum.

4 - The provisions of paragraph. 4 of Article 308. °.

Article 310. °

(Negligent breach of state secrecy)

Whoever negligently commits the acts referred to in n. ° 1 of the preceding article, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

Article 311. °

(Infidelity diplomatic)

1 - Who, officially representing the State of Cape Verde, conducting business in the State, or assume, without being authorized to do so, commitments on behalf of Cape Verde, with the intent of harming national interests or rights, shall be punished with imprisonment 2-6 years if such losses are met effectively.

2 - Failing losses referred to in the preceding paragraph, the penalty will be reduced to half the lower limit and a third in the ceiling.

Article 312. °

(Usurpation of Authority Cape Verdean)

Who, with usurpation of functions, practice, in favor of a foreign state or its agent, act of public authority private Cape Verdean, shall be punished with imprisonment for 1-5 years.

CHAPTER II

CRIMES AGAINST THE INSTITUTIONS AND VALUES OF DEMOCRATIC STATE

## SECTION I

### REBELLION, coercion and TERRORISM

Article 313. °

(Rebellion)

1 - shall be punished with imprisonment for 5-15 years is because it does not fit most severe penalty under any other legal provision, who, by means of violence or threat of violence, to practice implementing act aimed at destroying, subverting or change the democratic rule of law enshrined in the Constitution, in particular by:

a ) Derogation, suspension or modification of all or part of the current Constitution;

b ) Declaration of independence of the national territory;

c ) Deposition of the Head of State, government or local authorities, or suppression of legally constituted tribunals;

d ) Dissolution of the National Assembly;

and ) the impediment to gather, work or decide freely the organs of sovereignty or other organs of political power constitutionally established;

f ) Impediment to elections for public office;

g ) Attempt on the life, physical integrity or freedom to hold sovereign body;

h ) Destruction, damage or destruction, total or partial, of roads, utilities or facilities intended to supply the population.

2 - If the facts mentioned in the previous paragraph are committed by armed violence, jail time will be 10-18 years.

3 - Public provocation or distribution of weapons for the commission of offenses referred to in this article, or even the collective public incitement to disobedience to the laws of public order or violent political struggle, with the intention mentioned in n. ° 1 this article shall be punished with corresponding reduced, respectively, one-third or half.

Article 314. °

(Coercion or disruption of constitutional body)

1 - Who, besides the cases mentioned in the preceding article, by means of violence or threat of violence, prevent or embarrass the free exercise of functions of a sovereign body or local authority, shall be punished with imprisonment for 2-8 years or 2-5 years, depending on the case or that this organ is more severe punishment does not fit the fact that by virtue of another legal provision.

2 - If the facts mentioned in the previous paragraph are committed against a member of one of the bodies mentioned therein, the penalty will be that corresponding to the preceding paragraph, reduced by half the minimum and the maximum one-third.

Article 315. °

(Terrorist organization)

1 - Who founding organization or terrorist group shall be punished with imprisonment for 8-15 years.

2 - Whoever leads or direct terrorist organization shall be punished with imprisonment of 10-15 years.

3 - Who join the organization or terrorist group, becoming its member, shall be punished with imprisonment for 6-12 years.

4 - The qualification of a group or organization as a terrorist group requires verification of the following requirements:

a ) Performance concerted two or more persons;

b ) Purpose destroy, alter or subvert the democratic rule of law enshrined in the Constitution or its institutions, or to offend or endanger the independence or territorial integrity of the country, or even to create a climate of social unrest or disturbance , Using, as a means of action, of crimes against life, physical integrity or liberty of persons; against the security of transport and communications; production willful common danger, including through fire, toxic gas release or asphyxiating, contamination of food and water for human consumption, spread of diseases and pests; sabotage or even crimes involving the use of firearms, bombs, explosives, flammable substances, parcels or letter bombs or incendiary of any kind.

Article 316. °

(Collaboration with terrorist organization)

Shall be punished with imprisonment from 5 to 10 years who support or collaborate with organization or terrorist group without being a member of them, unless a more severe penalty resulting from the application of the provisions of this code to the practice of offenses that would result in the performance of organization or group.

SECTION II

Outrage NATIONAL SYMBOLS AND PREVENTION THE FREE EXERCISE OF POLITICAL RIGHTS



Article 317. °

(Outrage of national symbols)

Who publicly, by words, gestures, written disclosure, picture or sound, or by any other means of communication with the public, outraging the national flag, the national anthem or other symbol of the sovereignty of Cape Verde, will be punished with imprisonment for up to 18 months or a fine of 60-150 days.

Article 318. °

(Preventing the free exercise of political rights)

Who, by means of violence or threat of serious harm, to prevent others from exercising their political rights constitutionally enshrined, shall be punished with imprisonment up to two years or a fine of 60-150 days if a more serious penalty result from application of other legal provisions.

### SECTION III

#### ELECTION CRIMES

Article 319. °

(Falsification of voter registration)

1 - Any person falsifying voter registration, including:

a) Falsifying your registration through delivery or indication

false elements or sign up plurima;

b) Subscribing person who knows not have the right to enroll there,

or preventing the entry of perhaps entitled to do so shall be punished

with imprisonment up to 2 years or a fine of 60-150

days.

2 - The penalty shall be imprisonment 1-4 years if the agent, with fraudulent intent, replace, destroy, suppress, violate, vitiate, or compose falsely electoral roll.

Article 320. °

(Obstruction of violent or fraudulent registration)

Who, by means of violence, threat of violence or deception fraudulent voter to determine not enroll in voter registration or sign-up off-site or within due, shall be punished with imprisonment up to two years or with a fine 60-150 days if a more severe penalty is not applicable under any other law.

Article 321. °

(Disturbing the polling station)

Who, by means of violence, threat of violence or participating in turmoil, prevent or seriously disrupt the performance or operation of assembly intended to elect a sovereign body, local authority or other constitutional body, shall be punished with imprisonment up to 3 years or a fine of 80-200 days if a more serious punishment does not fit under any other legal provision.

Article 322. °

(Coercion or deception about fraudulent voter)

1 - Who, with violence, threat of violence or serious harm, coerce voters to any of the bodies referred to in the previous article to vote or not to vote, or to vote in a certain sense, be punished with imprisonment up to 1 year if worth more serious is not applicable by virtue of another legal provision.

2 - If the commission of offenses referred to in the preceding paragraph is determined by means of false, deception, or other fraudulent contrivance, the punishment shall be imprisonment of up to three years or a fine of 80-200 days.

Article 323. °

(Active and passive corruption voter)

1 - Who, through the award of money or any compensation or benefit of a patrimonial nature, lead voters to vote in a certain way or not to vote, shall be punished with imprisonment of up to two years or a fine of 60-150 days.

2 - A voter who receive money or any compensation or a financial advantage to vote in a certain way or not to vote shall be punished with imprisonment up to 1 year or a fine of up to 100 days.

Article 324. °

(Vote plúrimo)

Who, in the elections to the bodies referred to in the preceding articles, vote more than once for the same body shall be punished with imprisonment up to two years or a fine of 60-150 days.

Article 325. °

(Forgery of ballot papers, records or documents)

Who, in the elections mentioned in the previous article, with fraudulent intent, replace, destroy, suppress, violate, vitiate or distortion ballot papers, minutes of the polling station or clearance, or documents relating to the election, shall be punished with imprisonment up to three years.

Article 326. °

(Aggravation)

The penalties provided for in the articles of this section will be increased by one third of its maximum limit, if the agent is a member of the electoral commission or registration, or table polling station, or if authorized list or his representative.

Article 327. °

(Attenuation free or waiver of penalty)

Without prejudice to Article 24. °, the court may mitigate the sentence freely or even waive it the agent of one of the crimes provided for in Chapters I and II of this Title, when he guessed the production of a hazard and the offender voluntarily diminishes considerably the danger caused by his conduct, or away.

CHAPTER III

CRIMES AGAINST THE ADMINISTRATION OF JUSTICE AND ACHIEVEMENT

Article 328. °

(Malfeasance of magistrate)

1 - The judge who, against the law and with the intent or awareness of harm or benefit anyone, within the powers conferred upon him in criminal proceedings, issue orders or sentence that has the effect of deprivation of liberty of a person or maintaining them illegally, shall be punished with imprisonment for 2-8 years.

2 - The penalty will be 1-6 years if the order or judgment rendered not have the effect referred to in the preceding paragraph, or if they are delivered in some other process.

3 - The prosecutor who, against the law and with the intent or awareness of harm or benefit anyone, promote the act leading to the verification of the result referred to in n. 1, shall be punished with imprisonment for 2-6 years being the imprisonment of 1 to 5 years in case of commission of any other procedural act within the powers conferred upon him by law.

Article 329. °

(Denial of justice)

1 - The magistrate who refuses to administer justice or to apply the law which, under its jurisdiction, it can, and you were required, or with intent to harm or benefit anyone, cause delay or delay in the administration of justice or in law shall be punished with imprisonment up to two years.

2 - If the conduct described in the preceding paragraph is committed by an official of the sentence shall be imprisonment up to 1 year or fine up to 100 days.

Article 330. °

(Malfeasance employee)

1 - The official who, against the law and with the intent or awareness of harm or benefit anyone, promote or not promote, lead, or decide not to decide, or practice or not practice act in inquiry proceedings, court proceedings or disciplinary by offense, shall be punished with imprisonment for 1-4 years.

2 - If the conduct referred to in the preceding result to deprivation of liberty of someone, the punishment shall be imprisonment of 2-6 years.

3 - On sentence in the preceding paragraph will incur the employee to order or perform custodial measure, without thereby having jurisdiction, if a more serious punishment does not fit under any other legal provision.

Article 331. °

(Subtraction or abuse of process)

1 - Who subtract, destroy, do away or divert some process or part of the register or any document relating to them, shall be punished with imprisonment for 1-5 years.

2 - If the actions described in the preceding paragraph is committed by an official or magistrate, the punishment shall be imprisonment of 2-6 years.

Article 332. °

(Running or not running as illegal deprivation of liberty)

The employee who is responsible for this, illegally ordering or performing custodial measure, or fails to execute the order or by law, shall be punished with imprisonment for 1-5 years.

Article 333. °

(Sponsorship infidel lawyer or solicitor)

The lawyer or solicitor who intentionally cause harm delivered to your sponsorship, or who, in the same cause, advocate or solicitor exercise for persons whose interests are conflicting know, with intent to benefit or harm one of them, shall be punished with imprisonment up to 3 years or a fine of 100-300 days.

Article 334. °

(Destruction or withholding document or object probative value)

The lawyer or solicitor to destroy, disable, evade or stop restore file, document or object which received probation in that capacity, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

Article 335. °

(Violation of secrecy)

Who, in a manner not permitted by law, give knowledge of procedural content that are covered by secrecy or has been decided to exclude advertising, shall be punished with imprisonment from 6 months to 4 years, if it in criminal proceedings, or with imprisonment of up to six months or a fine of up to 80 days in case of contravention or disciplinary procedure.

Article 336. °

(Concealment)

1 - Whoever, having knowledge of the commission of a criminal offense, and after its completion, assist, without intent to obtain pecuniary benefit, so that its agents can it in any way, benefit, or who hide or unusable, totally or partially, evidence with the intention of preventing discover that the

criminal offense, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

2 - The same penalty applies if the favors provide assistance for the purpose of evading the research activity of the authority or its agents, or to avoid arrest or detention, since if one of the following circumstances:

a ) Being that favored crime punishable with a ceiling higher than 8 years in prison;

b ) Having acted flattery abuse or violation of the duties inherent in the exercise of public functions.

3 - The penalty to which the agent will be condemned can never be greater than that provided by law for the criminal offense subject of the cover-up.

4 - There are punishable under the provisions of this article that the agent, in fact, look at the same time prevent against it is applied or enforced criminal sanction, and the spouse, the kingdom of fact, or relatives within the second degree, the adopter or the adopted person on whose behalf they acted.

Article 337. °

(Aggravation)

Where the event mentioned in paragraph. 1 of the preceding article is committed with abuse or violation of the duties inherent in the exercise of public functions, the agent shall be punished with imprisonment from 6 months to 4 years.

Article 338. °

(Reporting false)



1 - Whoever, with knowledge of its falsity or with apparent disregard for the truth, to impute certain person practicing criminal offense, contraordenacional or disciplinary authority before or in public, with the intent that it be brought against procedure, shall be punished with imprisonment from 6 months to 2 years or a fine of 60-150 days in the case of imputation of a crime punishable by imprisonment for more than six years, with imprisonment up to 1 year or a fine not exceeding 100 days, in case of other crimes charged, or a fine of up to 80 days in other cases.

2 - If the act results in actual deprivation of liberty of the victim, the penalty shall be imprisonment from 1 year to 5 years.

3 - You can not proceed criminally against the agent if the criminal offense provided for in this Article, without judgment or court order that falsely imputed on the offense, has ruled.

4 - The court, on conviction, at the request of the victim, order the publication of the judgment under Article 176. °.

Article 339. °

(Simulation of crime)

Who, without imputing the person determined to denounce crime that knows how to be non-existent, leading with this fact a procedural act, shall be punished with imprisonment up to 1 year or a fine of up to 100 days.

Article 340

(Obstruction of judicial activity)

1 - Who oppose, obstruct or impede a manner not permitted by law,

compliance with or enforcement of final court decision, shall be punished with imprisonment from 6 months to 2 years or a fine of 60-150 days.

2 - If the conduct is carried out by means of violence or threat of violence, the penalty shall be imprisonment 1-4 years if a more serious punishment does not fit under any other legal provision.

3 - If the conduct is carried out by staff for such authority, the penalty shall be increased by one third in its minimum and maximum.

Article 341. °

(Realization arbitrary in its own right)

Who to claim, defense or conducting its own right, rather than bail out the administrative or judicial procedures permitted by law, seriously and gravely intimidate or use violence against others or about things, shall be punished with a fine of 80 A 200-day if a more serious punishment does not fit under any other legal provision.

Article 342. °

(Falsehood by intervening in procedural)

1 - Who, before the competent court or to receive as evidence, testimony, statement, information, report or translation, testifying part, has acted as an assistant or a civil party in criminal proceedings, expert witness, technical translator or interpreter making statements and giving false information or presenting reports or false translations, shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

2 - The same penalty that the defendant provide false statements about his identity.

3 - If, as a result of the conduct described in this article, someone is deprived of liberty, the agent shall be punished with imprisonment for 1-5 years.

4 - The penalties provided for in this Article shall also apply to those who knowingly present witnesses, experts or interpreters false.

Article 343. °

(Presentation and preparation of false documents)

1 - Whoever knowingly submit false documents before the entities referred to in the preceding article shall be punished in accordance with the penalties and mentioned therein.

2 - If the agent is also the author of the forgery will be punished with the penalty corresponding to the most serious offense, aggravated a third of its maximum limit, if not more serious penalty applicable under any other law.

Article 344. °

(Refusal of cooperation)

Who, without just cause, to refuse to testify, a statement or provide information, or to report or translation shall be punished with imprisonment up to 3 years or a fine of 80-200 days.

Article 345. °

(Withdrawal)

The withdrawal of the agent who has committed any of the acts referred to in Articles 342. °, 343 ° and 344 ° has the effect of waiver of penalty, if it is done in time to be taken into account in the decision, since they have not been already caused damage to a third party.

Article 346. °

(Bribery)

Who, by gift or promise of advantage or another, to convince another person to commit any of the acts referred to in Articles 342, 343. ° and 344. Thereof, shall be punished as an instigator of those facts, if they are actually carried out, and with imprisonment up to 2 years or a fine of 60-150 days if they are not practiced.

Article 347. °

(Attenuation free or waiver of penalty)

1 - The court may, taking into account the specific gravity of the relevant facts and circumstances to which they relate falsehood or refusal, freely mitigate the penalty or even waive it the agent of offenses under Articles 342. °, 343 . °, 344. ° and 346. °.

2 - It is also applicable to the crimes mentioned in the preceding paragraph, the provisions of the second part of the paragraph. 4 of Article 336. °.

Article 348. °

(Coercion to obstruction of justice)

1 - who, by means of violence, threat of violence or serious and severe intimidation, coercing lawyer, solicitor, participant or whistleblower, expert witness, translator or interpreter to leave the defense, not to make or give representation, complaint, participation , declaration or statement, information or reports, or present them in a false, inadequate or improper, shall be punished with imprisonment from 6 months to 4 years, if the target has not been achieved, and 1-5 years if is to be achieved if a more serious penalty applies by virtue of another legal provision.

2-If the acts are committed by an official in a lawsuit, or disciplinary offense, the penalty shall be increased by one third in its minimum and maximum.

Article 349. °

(Obstruction assistance of detained or arrested)

The authority or public official who illegitimately, prevent or seriously impede the assistance of counsel or advocate for defendant arrested or detained, or seek a waiver of that or favor to the said service, shall be punished with fine up to 150 days.

Article 350. °

(Evasion violent)

Who, finding themselves legally deprived of freedom, abscond with the use of violence, threat of violence or break-through, will be punished with 1-4 years if a more severe penalty is not applicable under any other law .

Article 351. °

(Aid to circumvention)

1 - Who, by illegal means, release, promote, or in any way assist the escape of a person legally deprived of liberty shall be punished with imprisonment up to 1 year or a fine of 60-150 days.

2 - If you use violence or intimidation of persons, or if employed violence on things, the punishment shall be imprisonment from 6 months to 4 years.

3 - If the conduct mentioned in the preceding paragraphs is held by the officer of the guard person lawfully deprived of liberty, the punishment shall be imprisonment of 1-6 years in the case of paragraph 1, and 2-8 years for paragraph 2 of this article.

4 - If the conduct is carried out by staff who, not being in charge of the guard is obliged to exercise supervision over the person lawfully deprived of liberty or prevent their escape, by virtue of that function, the penalty will be, as the case , prison 1-5 years or 1-6 years.

#### Article 352

(Gross negligence)

1 - The official in charge of the custody of the person legally deprived of liberty, by gross negligence, allow their escape, shall be punished with imprisonment up to two years or a fine of 60-150 days.

2 - If the agent is the fact that the employee referred to in n. ° 4 of the previous article the penalty shall be imprisonment up to 1 year or fine up to 100 days.

#### Article 353. °

(Riot prisoners)

The arrested, detained or interned that amotinarem and repairing their forces, attacking official legally responsible for their care, supervision or treatment, or constrain by means of violence or threat of violence, to do or to refrain from practicing an act, or even that, by that means, to promote their avoidance or third party, shall be punished with imprisonment for 2-8 years.

#### Article 354. °

(Breach of other restrictions imposed in criminal proceedings)

Anyone who violates the prohibitions or restrictions imposed by judicial decision in a criminal case, the title of the sentence or security measure not involving the deprivation of liberty, shall be punished with imprisonment up to two years or a fine of 60-150 days.

## CHAPTER IV

### CRIMES AGAINST PUBLIC AUTHORITY

#### Article 355. °

(Attack or resistance against authority)

Who, by means of violence or serious threat employee, member of the military, militarized or police, opposes the implementation of the Act concerning the exercise of its functions, or constrain the practice act contrary to their duties, will be punished with prison 1-5 years.

#### Article 356. °

(Disobedience)

1 - Who skipping obedience legally due, order or warrant legitimate authority or competent official, be reported as legally prescribed, shall be punished with imprisonment up to 1 year or a fine of up to 100 days, whenever, in this case, there is legal provision comine punishment for disobedience and disobedience simple.

The same penalty will apply when, regardless of the existence of a legal provision, order or warrant is intended to comply with the ruling, or the agent is warned that his conduct is likely to generate criminal liability, or, when disobedience involve danger to life, physical integrity or liberty of another person, or to real property outside of high value.

The penalty shall be imprisonment of up to two years or a fine 60-200 days in cases where there is legal provision comine punishment for disobedience qualified.

#### Article 357. °

(Usurpation of functions)

1 - Who perform duties or commits an act of own employee, military command of a military force or of public order, without being legally authorized to do so and arrogating to this quality, express or implied, shall be punished with imprisonment of six months to 2 years or a fine of 60-150 days.

2 - The same penalty will apply to those who continue in public office after having been legally and officially communicated suspension, termination or prohibition of office.

Article 358. °

(Exercise illegal profession without danger to the life or integrity of others)

Who, apart from the cases provided for in Article 160. °, exercise profession, for which law or regulation requires title or 60.5. the completion of certain conditions, arrogating to himself, falsely, that quality shall be punished with imprisonment up to 18 months or a fine of up to 150 days.

Article 359. °

(Illegal use designation, sign or uniform)

About against law or regulation, and with the intent to make people believe that you belong, use designation, sign, uniform or costume own function of public service, shall be punished with imprisonment up to 1 year or a fine of up to 100 days .

Article 360. °

(Destroying or damaging objects under government)



Who destroy, conceal, damage or impair, totally or partially, or in any way subtract from the government, to which it is subject, document or other moving object as well as something that has been subject to arrest, seizure or injunction, shall be punished with imprisonment for 1-4 years if a more serious punishment does not fit under any other legal provision.

Article 361. °

(Break marks and seals)

Who open, break or impair, totally or partially, marks or stamps affixed legitimately by a competent official to identify or maintain inviolate anything, or to certify that fell over her arrest, seizure or injunction shall be punished with imprisonment up to 2 years or a fine of 60-150 days.

CHAPTER V

SOME CRIMES FOR THE YEAR PUBLIC FUNCTIONS

SECTION I

PRELIMINARY PROVISIONS

Article 362. °

(Concept and comparable with employee)

1-To this end the provisions of this Code, the term employee includes:

a ) The officials of central and local public administration;

b ) The officers of the custom of the State and other public bodies;

c ) Who, even provisionally or temporarily in return for payment or free of charge, voluntary or mandatory, has been called to play or participate in the performance of an activity included in the civil service or administrative tribunal, or in the same circumstances, play roles in public-benefit organizations or participate.

2 - The employee is still equivalent: a) managers and members of the supervisory board and employees of public companies and publicly owned companies, b) the judicial magistrates and prosecutors.

Article 363. °

(Passive corruption)

1 - The employee who, directly or through an intermediary, requests or accepts, for himself or for a third party, money or any other gift, or his promise to do or refrain from commits an act contrary to the duties of office, shall be punished with imprisonment for 2-8 years if achieved his purpose, and imprisonment of six months to three years or a fine of 80-200 days otherwise.

2 - If the acts described in the preceding paragraph are carried out as compensation or reward for an act or omission lawful, the employee shall be punished with imprisonment from 6 months to 3 years or a fine of 80-200 days.

3 - The penalties provided for in the preceding paragraphs will be taxed half of its minimum and maximum, if the acts are committed by a magistrate or prosecutor.

Article 364. °

(Active corruption)

1 - Whoever, directly or through an intermediary, offering or promising money or any gift to an employee or a third party with knowledge that, with the stated purpose of paragraph 1 of the preceding Article, shall be punished with imprisonment from 6 months to 4 years.

2 - If the order is indicated in n. ° 2 of the preceding article, the punishment shall be imprisonment of up to six months or a fine not exceeding 80 days.

Section 365. °

(Trafficking in influence)

1 - Who obtains for himself or for a third party, money or other pecuniary advantage or its promise, for using his influence to get the public authority decision on awards, contracts, employment, grants, orders or other benefits, shall be punished with imprisonment up to 3 years.

2 - If the decision if you want the public entity would be contrary to law or regulations, the penalty shall be imprisonment from 1 to 5 years.

3 - If the agent is an employee, the penalty will be 2-8 years.

4 - Whoever, directly or through intermediaries, offer or promise money or other pecuniary advantage to a third party for the purpose mentioned in paragraph. 1, shall be punished with imprisonment up to 1 year or fine up to 90 days.

5 - If the decision if you want the public entity is referred to in n. 2, the penalty shall be imprisonment of up to three years.

Article 366. °

(Embezzlement)

The employee who, for their own benefit or third illegitimately appropriating money or other movable thing which has been delivered, or is in possession of it is accessible due to the exercise of

their duties, shall be punished with imprisonment of 2 to 8 years, if more severe punishment does not fit under any other legal provision.

Article 367. °

(Embezzlement of encumbrance)

If the employee, with the intention of making a profit or other benefit or compensation sheet, der loan, pledge, transfer for consideration, or in any way encumber valuables or items mentioned in the previous article, the penalty shall be imprisonment from six months to 3 years or a fine of 80-200 days if a more serious penalty applicable under any other law.

Article 368. °

(Concussion)

1 - The official who, abusing the office, or by misleading or error recovery of the victim, demanding pay or deliver or make unduly contribution rate, fee, duty, penalty or fine shall be punished with imprisonment up to 3 years or a fine of 80-200 days.

2 - If the offense is committed for the benefit of the agent, the penalty shall be imprisonment from 1 to 5 years.

3 - If the act is committed by means of violence, threat of violence or serious harm, the penalty shall be increased by one third in its minimum and maximum, if more severe penalty is not applicable by virtue of another legal provision.

Article 369. °

(Participation in unlawful business)

1 - The employee who, by reason of tenure, has to intervene in a contract or other transaction or activity, and to take advantage of this quality to have them participate, directly or through intermediaries, with the intention of making a profit or pecuniary advantage for himself or a third party, shall be punished with imprisonment from 6 months to 3 years or a fine of 100-200 days.

2 - If the conduct referred to in the preceding paragraph resulting heavy losses for the Administration, the punishment shall be imprisonment of 1-4 years.

Article 370 °

(Defrauding the public equity interests)

1 - The official who intervened, and because due to the exercise of their duties, auction, auction or public sale, hire or receive goods, certification, inspection and acceptance conditions for works or operation or liquidation of property assets public, liaise with stakeholders or use of any artifice to defraud one public entity, shall be punished with imprisonment from 6 months to 2 years or a fine of 60-150 days or imprisonment 1-3 years or fine 80-200 days depending upon whether or not actually defrauding if a more serious penalty applicable under any other law.

2 - If the conduct is carried out with actual pecuniary benefit of the agent, the penalty shall be imprisonment 1-5 years if a more serious punishment does not fit under any other provision of law.

Article 371. °

(Illegal Employment of public force)

An official who has authority to request or order the use of public force, do to prevent law enforcement, warrant or order of legitimate public authority, shall be punished with imprisonment from 6 months to 4 years or a fine of 100 to 300 days.

Article 372. °

(Refusal of cooperation due)

The official who unlawfully refuses to provide cooperation to the administration of justice or to any public service or not to pay, after receiving legal request of the competent authority, shall be punished with imprisonment up to 3 years or a fine of 80 200 days if a more serious penalty applicable under any other law.

## TITLE VII

### GENERAL AND FINAL PROVISIONS

#### CHAPTER I

#### PUNISHMENT OF EXCEPTIONAL PREPARATORY ACTS AND ATTEMPT

##### SECTION I

##### PREPARATORY ACTS EXCEPTIONALLY PUNITIVE

Article 373. °

(Legislative non-typed)

Preparatory acts are punishable crimes under Articles 268. °, 306. °, 307. °, 308. ° n. ° 1, 309. ° 1 and n ° 2, 313. ° and 315. ° n. ° 1.

Article 374. °

(Legislative forgery typed)

Are punished, while preparatory acts, acts which consist of manufacture, purchase, provide, for consideration or free of charge, possess, transport, deposit or store machinery, apparatus, instrument or any object especially for the counterfeiting or altering of currency, securities and government securities or other property referred to in Chapters II, III and IV of Title III of Book II of this Code.

## SECTION II

### PUNISHMENT OF EXCEPTIONAL ATTEMPT

Article 375. °

(Enumeration of cases)

It is exceptionally attempts to commit any of the offenses under Articles 177. °, 178. °, 179, 194. °, 202. °, 204., No. 1, 224., No. 1, 247. °, 254. , paragraph 2, 255. °, 285. °, 287. °, 318. °, 319. °, n. ° 1, 320. °, 321. ° and 323., no. 1.

## CHAPTER II

### CRIMINAL PROCEDURE DEPENDENT CLAIM, OR PARTICIPATION OF PRIVATE PROSECUTION

#### SECTION I

##### CRIMES SEMI-PUBLIC

Article 376. °

(Dependence mere abuse)

1 - Depends on mere complaint by the victim prosecution for offenses under Articles 128. °, 131. °, 132. °, 134. °, 136., 137. ° n. ° 1, 140. °, 152. °, 155. °, 167. °, 180. °, 181., 182. °, 183. °, 184. °, 186. °, 189. ° paragraph 1, 2 and 3, 190. No, 191. °, 192. °, 207. °, 211. °, 212. °, 221. °, 222. °, 223. °, 225, No. 1, 281. °, 282. °, 284. ° and 318. °.

2 - It also depends on mere complaint by the victim prosecution for offenses under Articles 142. °, 143. °, 144., 145. ° and 147. °, since there has been a death or suicide, or the victim is over 14 years old, and the criminal offense described in Article 193 when referring to Articles 183. °, 184. °, 186. °, 189. ° paragraphs 1, 2 and 3, 190. 191 °. and 192. °.

3 - Depends on mere complaint by the victim prosecution for offenses referred to in Articles 194. °, 195. °, 201. °, 202. °, 203. ° n. ° 1, 204. °, 208. °, 209. No, 210. °, 214. °, 215. °, 216. ° n. ° 1, 220. ° n. ° 1 and 224. ° n. ° 1, unless the agent is a spouse or de facto united, ascendant or descendant of the victim, in which case the prosecution will also depend on private prosecution.

4 - It also depends on mere complaint by the victim prosecution for criminal offense under Article 236. °, where it is particularly offended.

Article 377. °

(Dependence mere participation)

1 - Depends on mere participation offended prosecution by criminal offense described in Article 169. ° whenever he exercises authority.

2 - It depends on the participation of the Government of Cape Verde prosecution for offenses referred to in Articles 265. ° and 266. ° unless otherwise international convention, and also by the fact described in Article 311. °.

## SECTION II

### SPECIAL CRIMES



Article 378. °

(Abuse or dependence participation and private prosecution)

1 - The prosecution on a complaint by the victim and further procedure depends on private prosecution, when it comes to acts punishable under Articles 165. °, 166. ° and 168. °, and also those who are mentioned in n. Paragraph 3 of Article 376 thereof, whenever the agent is the spouse or de facto united, ascendant or descendant of the victim.

2 - The prosecution relies on the participation of the victim and further procedural depends private prosecution in the case of criminal offense under Article 169. °, where the victim is not or does not exercise public authority.

### SECTION III

#### CRIMES TRIED SEMI-PUBLIC AND PRIVATE

Article 379. °

(Referral)

The provisions of Sections I and II of this Chapter applies to the corresponding offenses in the form of trial.

### SECTION IV

#### CRIMINAL PROCEDURE AND PREPARATORY ACTS IN PROSSECUÇÃO PROCESSUAL

Article 380. °

(Nature public)

Preparatory acts are crimes punishable unusually public complaint or not depending on participation prosecution nor the pursuit of private prosecution proceedings.

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