

Penal Code of Niger (2003) as amended by law no. 2008-18

MINISTRY OF JUSTICE NIAMEY

PENAL CODE

Law No. 2003-25 of June 13, 2003 amending Law No. 61-27 of July 15, 1961, establishing the Penal Code. (Special Official Journal No. 4 of April 7, 2004)

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BOOK I

GENERAL PRINCIPLES OF CRIMINAL LAW

PRELIMINARY PROVISIONS

First article. - The offense that the laws punish with simple police penalties is a contravention.

The offense that the laws punish with correctional penalties is a misdemeanor.

The offense that the laws punish with an afflictive and infamous penalty is a crime.

Art. 2.- Any attempted crime which has been manifested by the beginning of execution, if it has only been suspended or if it has failed to take effect as a result of circumstances independent of the will of its author, is considered as the crime itself.

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

Art. 3. - Attempted crimes are only considered as crimes in cases determined by a special provision of the law.

Art. 4. - No contravention, no misdemeanor, no crime can be punished with penalties which were not pronounced by law before they were committed.

"The criminal law is subject to strict interpretation."

TITLE I - CRIMINAL AND CORRECTIONAL PENALTIES AND THEIR EFFECTS

Art. 5. - The afflictive and infamous penalties are:

- the death;
- life imprisonment;
- imprisonment of ten to thirty years.

Art. 6. - The penalties in correctional matters are:

- imprisonment for a period greater than thirty days and less than ten years, except in cases of repeat offenses or other cases where the law has determined other limits;
- the fine;

- the timely prohibition of certain civic, civil or family rights.

Art. 7. - The duration of any custodial sentence counts from the day on which the convicted person is detained by virtue of the conviction which has become irrevocable and which imposes the sentence.

Days of imprisonment are full twenty-four hour days.

The month of imprisonment is thirty days.

The length of sentences of several months or years of imprisonment is calculated date for date.

Art. 8 - When there has been preventive detention, this detention will be deducted in full from the length of the sentence imposed by the judgment or the sentence of conviction.

Art. 9. - Any prisoner, sentenced to a correctional or criminal sentence in time, has the right to a nest egg.

The allowance is proportional to the number of days of work. It will be returned to him in full on the day of his release.

Art. 10. - The conviction of the penalties established by law is always pronounced without prejudice to the restitutions and damages which may be due to the parties.

Art. 11. - The ban on residence, the fine and special confiscation, either of the body of the offense, when the property belongs to the convicted person, or of the things produced by the offense, or of those which were used or which were intended to commit it, are penalties common to criminal and correctional matters.

Art. 12. - Failure to register on the electoral list or removal from this list as well as ineligibility are also penalties common to criminal and correctional matters.

First chapter. -CRIMINAL PENALTIES

Art. 13. - Anyone sentenced to death will be shot.

The execution will not be public. Only officials and magistrates designated for this purpose, a minister of the condemned person's religion and his or her defenders will be allowed to attend.

Art. 14. - If a woman condemned to death declares herself, and if it is verified that she is pregnant, she will only suffer the penalty after deliverance.

Art. 15. - The bodies of those condemned to death executed will be handed over to their family, if they request them, on condition that they have them buried without any device.

Art. 16. - Any person sentenced to a criminal sentence of imprisonment will be interned in a penitentiary establishment.

Art. 17. - (Law No. 2003-025 of June 13, 2003) - Men sentenced to criminal sentences will be employed in the most difficult work of public utility.

Women, minors under 18 and people over 60 will only be employed in work inside penitentiary establishments.

Art. 18. - Those sentenced to political criminal sentences will be interned in a penitentiary establishment.

They will be separated from common law convicts and not subject to forced labor.

Art. 19. - The criminal penalty of imprisonment entails legal prohibition, civic degradation, publication of the judgment of conviction and prohibition of residence.

Art. 20. - The convicted person in a state of legal prohibition will, for the entire duration of his sentence, deprived of the exercise of his civil rights. He will be given a guardian and a subrogated guardian to manage and administer his property, in the manner prescribed by law. His property will be returned to him, after he has served his sentence, and the guardian will give him an account of his administration.

Throughout the duration of the sentence, no sum, no provision, no portion of his income may be returned to him.

Art. 21. - Civic degradation will be incurred from the day the conviction becomes irrevocable and, in the event of conviction in default, from the day of posting of the extract of the judgment of conviction.

It consists :

- in the dismissal and exclusion of convicted persons from all public functions, jobs or offices;
- in the deprivation of the right to vote, election, eligibility and in general of all civil and political rights and the right to wear any decoration;
- incapacitated to be an expert juror, to be used as a witness in acts and to testify in court other than to provide simple information;
- unable to be part of any family council and to be guardian, curator, substitute guardian or legal advisor, if not of his own children and with the consent of the family;
- in the deprivation of the right to carry a weapon, to run a school or to teach and to be employed in any educational establishment, as professor, master or supervisor.

Art. 22. - The judgments relating to the conviction of a criminal sentence will be printed in extracts and posted at the town hall, or failing that at the offices of the administrative district, the place of the crime, the place of execution of the sentence and the residence of the convicted person.

The assize courts may, in addition, order that their decision be displayed in very visible characters in the places they indicate, at the expense of the convicted person.

Unless otherwise provided by law, this display will be issued for a period which may not exceed two months.

The removal, concealment and total or partial laceration of posters posted in accordance with this article, carried out voluntarily, will be punished by a fine of 10,000 to 100,000 francs and imprisonment of one to six months or one of these only two sentences; the entire display will be carried out again at the expense of the convicted person.

Art. 23. - In all cases where the conviction will be pronounced for a crime against security of the State, committed in time of war, the competent courts will pronounce the confiscation for the benefit of the nation of all the present and future property of the condemned person of whatever nature, movable, immovable, divided or undivided.

The alienation of confiscated property will be pursued by the administration of the estates in the forms prescribed for the sale of State property.

The property vested in the State as a result of the confiscation remains encumbered up to the value of the legitimate debts prior to the conviction.

Chapter II. - CORRECTIONAL SENTENCES

Art. 24. - Anyone who has been sentenced to a correctional prison sentence will be interned in a penitentiary establishment. He will be employed there on all work.

Those sentenced to political correctional sentences will be separated from other convicts.

Art. 25. - For a period of at least two years and at most ten years, the courts, judging criminally, may, in the cases provided for by law, prohibit in whole or in part the exercise of civic, civil and civil rights. family, as listed in Article 21.

They may, in addition, order the display of their decisions under the conditions and under the penalties provided for in Article 22 paragraphs 2, 3 and 4.

Chapter III. -PENALTIES AND OTHER CONVICTIONS WHICH CAN BE PRONOUNCED FOR CRIME AND OFFENSE

SECTION I- Prohibition of stay

Art. 26. - The ban on residence consists of prohibiting a convicted person from appearing in certain places.

It also includes surveillance measures.

Its duration is from one to ten years in correctional matters.

Art. 27.- In criminal matters, the courts will only order a stay ban when it has been authorized by a specific provision of the law.

Unless otherwise stipulated by law, the courts may not pronounce it.

Art. 28. - A residence ban may be imposed on anyone who is a repeat offender who has been sentenced to a sentence equal to or greater than one year's imprisonment.

Art. 29. - Will be automatically subject to the ban on residence for twenty years:

anyone sentenced to a criminal sentence of imprisonment after he has served his sentence;

(Law No. 71-6 of January 29, 1971). However, the sentence may reduce the duration of the ban or even declare that the convicted person will not be subject to it. If the judgment does not contain exemption or reduction of the ban, mention will be made, on pain of nullity, that it has been deliberate:

- any person sentenced to a life sentence who obtains commutation or remission of his sentence, if he is not otherwise provided by the gracious decision;

- everyone condemned to a perpetual life who has prescribed his sentence.

Art. 30. - The list of prohibited places is fixed by individual decision of the President of the Republic or the minister delegated by him.

The surveillance measures to which the convicted person may be subject will be determined by the same decision.

At any time during the stay ban, the President of the Republic or his delegate may, in the same manner, modify the list of prohibited places and the surveillance measures applicable to the convicted person.

Art. 31. - The prohibition decision may decide that its execution will be suspended. The execution of the prohibition decision may be suspended at any time.

The surveillance measures may be maintained either totally or in part for the duration of the reprieve or suspension.

The reprieve and suspension are revocable at any time in the manner provided for their granting. The time during which the convicted person has benefited from the reprieve or suspension will be counted in the duration of the stay ban, unless otherwise provided in the revocation decision.

In the event of an emergency, provisional authorization to stay in a prohibited location may be granted by the administrative authority.

Art. 32. - The ban is notified to the convicted person who receives, in addition to an anthropometric book, the legal identity card; the decisions taken pursuant to Articles 30 and 31 are also notified to it.

If notification of the banning decision was made to the convicted person before his final or conditional release, the ban starts from the date of this release. However, in the event of revocation of parole, the ban is suspended for the duration of the new incarceration. The same applies in the event of detention for any other cause.

If the banning decision could not be notified to him before his release, the convicted person must, at that time, notify the governor of the penitentiary establishment where he is detained of the place where he intends to stay. his residence; he is also required, during the three months following his release, to notify him of any change of residence, and to attend the summons which will be sent to him by the administrative authority with a view to notification of the decision to prohibition.

If he meets these obligations, the ban starts from the date of his release; otherwise, it only takes effect from the day on which notification of the prohibition decision can be made to him.

If a custodial sentence without suspension has not been imposed, or if this sentence has expired, notification of the ban decision is made to the convicted person as soon as the judgment or decision imposing the ban is imposed. of stay has become permanent. The ban starts from the day the judgment acquired this character.

In the case provided for in Article 29, 3, the stay ban takes effect from the day on which the limitation period is fulfilled.

Art. 33. - Will be punished by imprisonment of three months to three years and a fine of 10,000 to 100,000 francs, or one of these two penalties only, any person prohibited from staying who, in violation of the decision which been notified, appears in a place which has been prohibited to him.

Anyone who evades the surveillance measures prescribed by the decision notified to them or who does not comply with the summons sent to them by the administrative authority, with a view to notification of the decision will be punished with the same penalties. prohibition, in the case provided for in Article 32 paragraph 3.

SECTION II - Other convictions

Art. 34. - When there is reason for restitution, the guilty party may be sentenced, in addition, to the injured party, if they require it, to compensation, the determination of which is left to the discretion of the injured party. the assessment of the jurisdiction, when the law has not regulated them.

Art. 35. - The execution of sentences for fines, restitution and damages and costs may be pursued by means of physical restraint.

Art. 36. - In the event of competition of the fine with the restitutions and damages on the insufficient property of the convicted person, the latter convictions will obtain the preference.

Art. 37. - All individuals convicted of the same crime or offense will be jointly liable for fines, restitution, damages and costs.

Chapter IV. - EFFECTS OF CRIMINAL AND CORRECTIONAL PENALTIES IN ELECTORAL MATTERS

Art. 38. - Automatically result in non-registration on the electoral list or removal from this list as well as ineligibility:

- convictions for crime,
- sentences of imprisonment, with or without suspension, of a duration greater than two months, accompanied or not by a fine, for: theft, fraud, breach of trust, offense punishable by penalties of theft, fraud or breach of trust, embezzlement committed by a depositary of public funds, false testimony, false certificate, corruption and influence peddling or attacks on walls,
- sentences of more than six months' imprisonment without suspension, or of more than one year's suspended sentence, for an offense other than those listed in the preceding paragraph, subject to the provisions of article 40.

Art. 39. - Entail automatically for a period of five years the removal from the electoral list or non-registration on this list, and ineligibility, convictions, either for an offense referred to in article 38, 3°, to a non-suspended prison sentence equal to or greater than two months and less than or equal to six months, or to a suspended prison sentence equal to or more than two months and less than or equal to six months or to a suspended prison sentence equal to or more than six months and less than or equal to one year, or for any offense to a non-suspended fine of more than two hundred thousand francs subject to the provisions of article 40.

However, the courts, by pronouncing the sentences referred to in the preceding paragraph, may relieve the convicted persons of this temporary deprivation of the right to vote and election.

The five-year period referred to above will begin to run from the day the convictions become final.

Art. 40. - Do not prevent registration on the electoral list and eligibility:

- convictions for recklessness excluding the case of concomitant hit-and-run;
- convictions handed down for offenses whose repression is not subject to proof of the bad faith of their perpetrators and which are only punishable by a fine.

TITLE II. - RESPONSIBILITY AND MEASURE OF PENALTY

First chapter. - RESPONSIBILITY

SECTION I - Causes of non-imputability and causes of justification.

Art. 41. - There is no crime, misdemeanor or contravention when the accused was in a state of dementia at the time of the action or when he was forced by a force which he was unable to resist.

(Law No. 2003-25 of June 13, 2003). - "No one is criminally responsible except for his own actions".

Art. 42. - A person who performs an act prescribed or authorized by legislative or regulatory provisions is not criminally liable.

(Law No. 2003-25 of June 13, 2003). - A person who carries out an act ordered by legitimate authority is not also criminally liable unless this act is manifestly illegal.

Art. 43. - There is no offense when the act was required by the current necessity of self-defense of oneself or others.

Art. 44. - The following two cases are included in cases of current need for defense:

- if the homicide was committed, if the injuries were caused or if the blows were carried out while repelling, during the night, the climbing or breaking into fences, walls, or the entrance to a house, or an inhabited apartment or their outbuildings;

- if the act took place while defending oneself against the perpetrators of theft or looting carried out with violence.

SECTION II - Criminal minority

Art. 45. - A minor under thirteen years of age is criminally irresponsible.

Art. 46. - (Law No. 62-24 of July 20, 1962). When the minor is under 18 years old, if it is decided that he acted indiscriminately, he will be acquitted. But he will, depending on the circumstances, be the subject of protection, assistance or re-education measures.

Art. 47. - (Law No. 62-24 of July 20, 1962). If it is decided that he acted with discernment, the penalties will be imposed as follows - if he has incurred the death penalty or the criminal penalty of life imprisonment, he will be sentenced to ten at thirty;

- if he has incurred a criminal sentence of imprisonment of ten to thirty years, he will be sentenced to a sentence of two to less than ten years.

(Law No. 62-24 of July 20, 1962). If he has incurred a criminal or simple police sentence, he will only be sentenced to half of the sentence to which he could have been sentenced if he had been 18 years old.

SECTION III - Complicity

Art. 48. - Accomplices to a crime or misdemeanor will be punished with the same penalty as the perpetrators of this crime or misdemeanor, except where the law provides otherwise.

Art. 49. - Those who, by gifts, promises, threats, abuse of authority or power, machinations or culpable artifices, provoke this action or give instructions to commit it will be punished as accomplices of an action classified as a crime or misdemeanor. ,

- those who will have, with knowledge, helped or assisted the author or authors of the action, in the facts which will have prepared or facilitated it, or in those who will have completed it,

- those who have obtained weapons, instruments or any other means which have been used to action, knowing that they had to serve there.

Chapter II.- MEASUREMENT OF PUNISHMENT

SECTION I-Apologies

Art. 50. - No offense can be excused, nor the penalty mitigated, except in the cases and in the circumstances where the law declares the act excusable and allows a less rigorous penalty to be applied.

Art. 51. - When the fact of excuse is proven:

- if it is a crime carrying the death penalty or life imprisonment, the sentence will be reduced to imprisonment of two to less than ten years,

- if it is a crime carrying a term of imprisonment, it will be reduced to imprisonment of six months to two years,

- if it is a misdemeanor, the sentence will be reduced to imprisonment of six days to six months,

- if it is a contravention, the author of the offense will benefit from absolution.

Art. 52. - When, in application of article 51, a correctional sentence is substituted for a criminal sentence, the offense becomes an offense.

When a simple police penalty is substituted for a criminal penalty, the offense becomes a fine.

SECTION II - Mitigating circumstances

Art. 53. - The penalties provided for by law against the accused found guilty, in whose favor the mitigating circumstances have been declared, may be reduced, according to the scale of penalties fixed in articles 5 and 6, up to ten years of imprisonment if the crime is punishable by death, up to five years of imprisonment if the crime is punishable by life, up to two years of imprisonment in other cases.

If a prison sentence is imposed, a fine may be imposed, not exceeding 5,000,000 francs; the guilty parties may also be subject to civic degradation for at least five years and at most ten years from the day on which they have served their sentence; they may also be subject to a residence ban for up to twenty years.

Art. 54. - Unless expressly provided, when the offense is punishable by imprisonment and a fine, or by one of these two penalties only, if the circumstances appear attenuating, the criminal courts are authorized to reduce the imprisonment and a fine of up to thirty days and 100,000 francs or a lesser penalty.

They will also be able to impose one or the other of these penalties separately, and even substitute a fine for imprisonment, without in any case being lower than simple police penalties.

In the case where the fine is substituted for imprisonment, if the penalty of imprisonment is the only one provided for by the article which is applied, the maximum of this fine will be 500,000 francs.

SECTION III - Accumulation of offenses

Art. 55. - In the event of conviction of several crimes or offenses, the strongest sentence alone will be imposed.

SECTION IV - Recidivism

Art. 56. - Whoever, having been sentenced to an afflictive and infamous sentence, commits a second crime punishable by a prison sentence of ten to thirty years, will be sentenced to life imprisonment.

If the second crime carries the penalty of life imprisonment, he will be sentenced to the penalty of death.

However, the individual convicted by a military court will, in the event of a subsequent crime or misdemeanor, be liable to the penalties for repeat offenses only as long as the first conviction has been pronounced for crimes or offenses punishable under ordinary criminal laws.

Art. 57. - Anyone, having been sentenced to a sentence of correctional imprisonment for a crime, will, within a period of five years, from the day on which the conviction became irrevocable, commit an offense or a crime punishable by a penalty of time imprisonment, will be sentenced to the maximum penalty provided for by law and this penalty may be increased to double.

Art. 58. - Whoever, having been sentenced to an afflictive and infamous penalty, will, within a period of five years, from the day on which the conviction became irrevocable, have committed an

offense, will be sentenced to the maximum penalty provided for by law and this penalty may be increased to double.

Art. 59. - (Law No. 63-38 of July 10, 1963). Any person, having been sentenced to one or more sentences of correctional imprisonment, who, within a period of five years from the day on which the conviction became irrevocable, committed the same offense or an offense of the same kind, will be sentenced to a penalty which may not be less than double the penalty or the highest penalty previously imposed, without however being less than the minimum penalty incurred nor more than double the maximum penalty.

The duration of any sentence suffered is not included in the five-year period provided for in the preceding paragraph, as well as in articles 57 and 58.

Art. 60. - Offenses included in each of the following groups are considered offenses of the same type:

- offenses against state security;
- offenses relating to the exercise of civil rights;
- attacks on freedom and abuse of authority;
- subtraction and embezzlement of funds, embezzlement and deletion of documents by depositaries, embezzlement, corruption and influence peddling, theft, fraud, breach of trust, extortion of funds, fraud, issuance of bad checks, receiving stolen goods, fraudulent bankruptcy, fraud and falsification;

- coloring and imitation of coins, counterfeits, fraudulent use of seals, stamps and marks, forgery and use of forgeries;

(Law No. 2003-25 of June 13, 2003). - rebellion, threats, administration of harmful substances, violence and intentional injury, resistance to the execution of a court decision, endangering the lives of others;

- vagrancy and begging;
- all offenses against foreigners;
- homicide and unintentional injuries;
- outrage against good morals, publications prohibited or dangerous for young people, public outrages of modesty, immodest acts against minors of the same sex, pimping, incitement of minors to debauchery, solicitation;
- abandonment of a child or incapable person, abandonment of family;
- false testimony, witness tampering, false oath, slanderous denunciation;
- defamation, insults or outrages;
- fires, destruction and damage to real and movable property;
- hunting offenses, fishing offenses and forestry offenses.

Art. 61. - In the cases provided for in articles 56, 57, 58 and 59, the provisions relating to attenuating circumstances cannot be applied.

BOOK II

CRIMES, OFFENSES AND THEIR PUNISHMENT

TITLE I. – STATE SECURITY AND GROUPS

First chapter. - CRIMES AND OFFENSES AGAINST STATE SECURITY

SECTION I- Crimes of treason and espionage

Art. 62. - Will be guilty of treason and punished with death any Nigerien, any soldier in the service of Niger who:

will bear arms against Niger;

will maintain intelligence with a foreign power, with a view to engaging it in undertake hostilities against Niger, or provide it with the means, either by facilitating the penetration of foreign forces into Nigerien territory, or by undermining the loyalty of the armies, or in any other way;

will deliver to a foreign power or its agents either Nigerien troops, or territories, towns, fortresses, works, posts, stores, arsenals, materials, munitions, vessels, buildings or air navigation devices, belonging to Niger or assigned has its defense;

with a view to harming national defense, will destroy or damage a ship, an air navigation device, equipment, a supply, a construction or any installation, or which, for the same purpose, will bring thereto, either before or after their completion, defects likely to damage them or cause an accident.

Art. 63. - Any Nigerien, any soldier in the service of Niger who, in time of war:

will induce soldiers to enter the service of a foreign power, will facilitate them with the means to do so or will enlist for a power at war with Niger;

will maintain intelligence with a foreign power or with its agents with a view to favoring the enterprises of this power against Niger;

will have hindered the circulation of military equipment;

will have knowingly participated in an enterprise to demoralize the army or the nation with the aim of harming national defense.

Art. 64. - Will be guilty of treason and punished with death any Nigerien who:

- will deliver to a foreign power or its agents, in any form and by any means whatsoever, information, object, document or process which must be kept secret in the interest of national defense;

- will ensure, by any means whatsoever, possession of such information, object, document or process with a view to delivering it to a foreign power or its agents;

- will destroy or allow such information, object, document or process to be destroyed with a view to favoring a foreign power.

Art. 65. - Any foreigner who commits one of the acts referred to in article 62, 2nd, article 62, 4th, article 63 and article 64 will be guilty of espionage and punished with death.

Provocation to commit or offer to commit one of the crimes referred to in articles 62, 63 and 64 and in this article will be punished as the crime itself.

SECTION II - Other attacks on national defense

Art. 66. - Will be punished with life imprisonment any Nigerien or any foreigner who, with the intention of delivering them to a foreign power, gathers information, objects, documents or processes whose assembly and exploitation are likely to harm national defense.

Art. 67. - Will be punished by imprisonment of ten to twenty years any guardian, any depositary by function or by quality of information, object, document or process which must be kept secret in the interest of national defense or whose knowledge could lead to the discovery of a national defense secret which, without the intention of treason or espionage, will:

- destroyed, subtracted, allowed to be destroyed or subtracted, reproduced or allowed to be reproduced;
- brought or allowed to be brought to the attention of an unqualified person or the public.

The penalty will be imprisonment for five to less than ten years if the guardian or depositary acted through clumsiness, imprudence, inattention, negligence or non-compliance with the regulations.

Art. 68. - Will be punished by imprisonment of five to less than ten years any Nigerien or foreigner other than those referred to in article 67 who, without intention of treason or espionage:

- will ensure, being without quality, the possession of information, object, document or process, which must be kept secret in the interest of national defense or knowledge of which could lead to the discovery of a secret of the National Defense ;
- destroy, subtract, allow to be destroyed or subtract, reproduce or allow to be reproduced such information, object, document or process;
- will bring or allow such information, object, document or process to be brought to the attention of a non-qualified person or the public, or will have extended its disclosure.

Art. 69. - Will be punished by imprisonment of ten to twenty years any Nigerien or foreigner who, without prior authorization from the competent authority, delivers or communicates to a person acting on behalf of a power or a company foreign either an invention of interest to national defense, or information, studies, or manufacturing processes relating to an invention of this type or to an industrial application of interest to national defense.

Art. 70. - Will be punished by imprisonment of one to five years any Nigerien or foreigner who, without intention of treason or espionage, brings to the attention of an unqualified person or the public military information not made known public by the authority competent and the disclosure of which is clearly likely to harm national defense.

Art. 71. - Any Nigerien or foreigner who:

- will enter under a disguise or a false name, or by concealing his status or his nationality, in a fortress, a work, post or arsenal, in the works, camps, bivouacs or cantonments of an army, in a building of war or a commercial vessel used for national defense, in an aerial navigation device or in an armed military vehicle, in a military establishment of any kind, or in an establishment or construction site of national defense;
- even without disguising himself or without concealing his name, his position or his nationality, will have organized in a hidden manner any means of correspondence or transmission to distance likely to harm national defense;
- will fly over Nigerien territory using a foreign aircraft without being authorized to do so by a diplomatic convention or permission from the Nigerien authority;
- in a prohibited zone set by the military authority, will carry out, without the authorization of the latter, drawings, photographs, surveys or photo-graphic operations inside or around places, works, posts or establishments military or relevant to national defense;

- will stay, in defiance of a prohibition issued by decree, within a determined radius around fortified works or military establishments;

- will communicate to an unqualified person or make public information relating either to the measures taken to discover and arrest the perpetrators and accomplices of crimes or offenses defined in sections I and II of this chapter, or to the conduct of prosecutions and the investigation, or the debates before the trial courts.

However, in peacetime, the perpetrators of the offenses provided for in paragraphs 3, 4, 5 and 6 above will be punished by imprisonment of one to five years and a fine of 50,000 francs to 2,000,000 francs.

Art. 72. - Will be punished with imprisonment of ten to twenty years anyone:

- will have, through hostile acts not approved by the government, exposed Niger to a declaration of war;

- will have, through acts not approved by the government, exposed Nigeriens to suffering reprisals;

- will maintain, with agents of a foreign power, intelligence likely to harm the military or diplomatic situation of Niger or its essential economic interests.

Art. 73. - Will be punished by imprisonment of ten to twenty years whoever, in time of war:

- maintain, without government authorization, correspondence or relations with subjects or agents of an enemy power;

- will, directly or through an intermediary, carry out acts of commerce with the subjects or agents of an enemy power, in defiance of the prohibitions enacted.

Art. 7.4. - Will be punished by imprisonment of one to five years and a fine of 50,000 to 1,000,000 francs anyone, in time of war, who knowingly performs an act likely to harm national defense, unforeseen and repressed by another text.

Art. 75. - Will be punished by imprisonment of five to less than ten years anyone, in time of peace, with a view to harming national defense, who obstructs the circulation of military equipment or who, by any means whatsoever, provokes, facilitated or organized a violent or concerted action having these obstacles as its aim or result.

Art. 76. - Will be punished with imprisonment of five to less than ten years whoever, in time of peace, knowingly participates in an enterprise to demoralize the army with the aim of harming national defense.

Art. 77. - Will be punished by imprisonment of one to five years and a fine of 50,000 to 1,000,000 francs anyone, without authorization from the government, in time of peace, who enlists soldiers on behalf of a foreign power.

SECTION III - Attacks, plots and other offenses against the authority of the State and the integrity of the national territory

Art. 78. - The attack whose aim was either to destroy or change the constitutional regime, or to incite citizens or inhabitants to arm themselves against the authority of the State or to arm themselves against each other others, or to undermine the integrity of the national territory, will be punished by life imprisonment.

The execution or attempt alone will constitute the attack.

Art. 79. - Conspiracy aimed at the crimes mentioned in article 78, if it was followed by an act committed or begun to prepare for its execution, will be punished by imprisonment of ten to twenty years.

If the conspiracy was not followed by an act committed or begun to prepare for its execution, the penalty will be imprisonment of five to less than ten years.

There is a conspiracy as soon as the resolution to act is concerted and agreed between two or more people.

If there is a proposal made and not approved to form a conspiracy to commit the crimes mentioned in article 78, the person who made such a proposal will be punished by imprisonment of one to less than ten years and a fine. from 50,000 to 2,000,000 francs.

The guilty party may also be prohibited, in whole or in part, from the rights referred to in article 21.

Art. 80. - Anyone, except in the cases provided for in articles 78 and 79, who undertakes by any means whatsoever to undermine the integrity of the national territory, will be punished by imprisonment of one to less than ten years and a fine of 50,000 to 2,000,000 francs. He may also be deprived of all or part of the rights referred to in Article 21.

Art. 81. - Those who have raised or caused to be raised armed troops, engaged or enlisted, had soldiers enlisted or have provided them with arms or ammunition, without order or authorization from the legitimate power, will be punished with life imprisonment. .

Art. 82. - Those who, without right or legitimate reason, have taken any military command,

- those who, against the order of the government, have retained such a command,

- commanders who have held their army or troop assembled, after dismissal or separation have been ordered, will be punished with life imprisonment.

Art. 83. - When one of the offenses provided for in articles 78, 80, 81 and 82 has been carried out or simply attempted with the use of weapons, the penalty will be death.

Art. 84. - Any person who, being able to use public force, will have requested or ordered, caused to be required or ordered the action or use to prevent the execution of the laws on military recruitment or on mobilization, will be punished with 'an imprisonment of ten to twenty years.

If this requisition or order has had its effect, the guilty party will be punished with life imprisonment.

SECTION IV - Crimes tending to disturb the State through massacre or devastation

Art. 85. - Those who have committed an attack whose aim was to cause massacre or devastation in one or more localities will be punished by death.

The execution or attempt alone will constitute the attack.

Art. 86. - Conspiracy having as its aim the crime provided for in article 85, if it was followed by an act committed or begun to prepare its execution, will be punished by life imprisonment.

If the conspiracy was not followed by an act committed or begun to prepare for its execution, the penalty will be imprisonment of ten to twenty years.

There is a conspiracy as soon as the resolution to act is concerted and agreed between two or more people.

If there has been a proposal made and not approved to form a conspiracy to commit the crimes mentioned in article 85, the person who made such a proposal will be punished by imprisonment of five to less than ten years.

Art. 87. - Anyone who intends to disturb the State by one of the crimes provided for in articles 78 and 85 or by the invasion, pillage or sharing of public or private property or by attacking or resistance towards the public force acting against

the perpetrators of these crimes will have placed themselves at the head of armed bands or will have exercised any function or command there.

The same penalty will be applied to those who have directed the association, raised or caused to be raised, organized or caused to be organized gangs or have, knowingly and voluntarily, provided or procured subsidies, weapons, ammunition and instruments of crime or sent them subsistence or who will have, in any other way, practiced intelligence with the directors or commanders of the bands.

Art. 88. - Individuals belonging to gangs, without exercising any command or employment, will be punished by imprisonment of ten to twenty years.

SECTION V - Crimes committed by participation in an insurrectional movement

Art. 89. - Individuals who, in an insurrectional movement:

- will have made or helped to make barricades, entrenchments or any other work intended to hinder or stop the exercise of public force:

- will have prevented, with the help of violence or threats, the summoning or assembly of the public force, or who will have provoked or facilitated the assembly of the insurgents, either by the distribution of orders or proclamations, or by the port flags or other rallying signs, or by any other means of appeal;

- will, in order to attack or resist the public force, invade or occupy buildings, posts and other public establishments, inhabited or uninhabited houses. The penalty will be the same for the owner or tenant who, knowing the aim of the insurgents, will have provided them with entry to said houses without constraint.

Art. 90. - Individuals who, in an insurrectional movement:

- have seized weapons, ammunition or materials of all kinds, either with the help of violence or threats, or by the looting of shops or posts, stores, arsenals or other public establishments, or by the disarmament of agents of the public force;

- will have worn either visible or hidden weapons or ammunition, or a uniform or costume or other civil or military insignia.

If individuals carrying visible or hidden weapons or ammunition were wearing a uniform, costume or other civil or military insignia, they will be punished with life imprisonment.

Individuals who use their weapons will be punished by death.

Art. 91. - Those who have led or organized an insurrectional movement or who have knowingly and voluntarily supplied or procured weapons, ammunition and instruments of crime, or sent food or who have, in any way, practiced intelligence will be punished by death. with movement directors or commanders.

SECTION VI -Miscellaneous provisions

Art. 92. - Subject to the obligations resulting from professional secrecy. will be punished, in time of war, by imprisonment of ten to twenty years at most and, in time of peace, by imprisonment of one to five years and by a fine of 50,000 to 1,500,000 francs, any person who, having knowledge of plans or acts of treason, espionage or other activities likely to harm national defense, will not make a declaration thereof to the military, administrative or judicial authorities, as soon as the moment she knew them.

In addition to the persons designated in article 49, anyone will be punished as an accomplice, other than the perpetrator or accomplice:

- provide without constraint and with knowledge of their intentions, subsidies, means of existence, accommodation, place of retirement or meeting to the perpetrators of crimes and offenses against the security of the State;
- will knowingly carry the correspondence of the perpetrators of such crimes or offenses, or will knowingly facilitate them, in any way whatsoever, in the search, concealment, transport, or transmission of the object of the crime or offense.

In addition to the case provided for in article 354, anyone, other than the perpetrator or the accomplice, will be punished as receiver:

- will knowingly conceal the objects or instruments used or intended to be used to commit the crime or offense or the objects, materials or documents obtained by the crime or offense;
- will destroy, subtract, conceal, conceal or knowingly alter a public or private document likely to facilitate the search for the crime or offense, the discovery of evidence or the punishment of its perpetrators.

In the cases provided for in this article, the court may exempt from the penalty incurred the relatives or allies of the criminal, up to the fourth degree inclusive.

Art. 93. - Will be exempt from the penalty incurred who, before any execution or attempt of a crime or an offense against the security of the State, gives the first knowledge of it to the administrative or judicial authorities.

If the denunciation occurs after the commission or attempt of the crime or offense but before the opening of proceedings:

- the penalty of criminal imprisonment will be substituted for the death penalty or life imprisonment;
- the penalty of correctional imprisonment will be substituted for that of criminal imprisonment;
- the penalty of simple police imprisonment will be substituted for that of correctional imprisonment.

Except for specific crimes that they have personally committed, no one will be pronounced no penalty against those who, having been part of an armed band without exercising any command and without fulfilling any job or function, withdraw at the first warning from the civil or military authorities or surrender to these authorities.

Those who are exempt from punishment by application of this article may nevertheless be banned from residence as in correctional matters and deprived of all or part of the rights listed in article 21.

Art. 94. - The remuneration received by the guilty party, or the amount of its value, when the remuneration could not be seized, will be declared acquired in the treasury by the judgment.

The confiscation of the object of the crime or offense and the objects and instruments used to commit it will be ordered.

The term weapons includes all machines, all cutting, piercing or blunt instruments or utensils.

Pocket knives and scissors, simple canes and any other objects whatsoever will only be deemed weapons if they have been used to kill, injure or strike.

Art. 95. - The attempt to commit an offense against the security of the State will be punished like the offense itself.

In correctional matters, a stay ban may be imposed in all the cases provided for in this chapter.

Art. 96. - The President of the Republic may, by decree taken in the council of ministers, extend either for times of war or for times of peace, all or part of the provisions relating to crimes or offenses committed against the security of the State of acts concerning it which would be committed against the powers allied or friendly to Niger.

Chapter II - GROUPS

Art. 97. ñ Is prohibited on public roads:

- any armed gathering;
- any unarmed gathering which could disturb public peace

The gathering is armed if one of the individuals who compose it is carrying an apparent weapon, or if several of them are carrying hidden weapons or any objects, visible or hidden, having served as weapons or brought for use as weapons.

Representatives of the public force called to disperse a gathering or to ensure the execution of the law, a judgment or warrant of justice, may use force if violence or assault is carried out against them, or if they cannot otherwise defend the land they occupy or the posts entrusted to their guard.

In other cases, the gathering is dispersed by force after the head of the administrative district, the mayor or one of his deputies, a police commissioner or any other judicial police officer wearing the insignia of his office:

- will have announced his presence by a sound or light signal likely to effectively warn the individuals constituting the gathering;
- will have ordered the people participating in the gathering to disperse, using a loudspeaker or by using a sound or light signal also likely to effectively warn the individuals constituting the gathering;
- will have proceeded in the same way to a second summons if the first remained without result.

The nature of the signals which must be used will be determined by decree.

(See Decree No. 66-070/PRN of April 20, 1966 determining the terms of application of Article 97 of the Penal Code-No. 82-2 of the Collection of Laws and Regulations).

Art. 98. - Any unarmed person who, being part of an armed or unarmed gathering, does not abandon it after the first summons will be punished with imprisonment of two months to one year.

The imprisonment will be from six months to three years if the unarmed person continued to voluntarily be part of an armed gathering that only dispersed when force was used.

Persons convicted under this article may be deprived of all or part of the rights mentioned in article 21.

Art. 99. - Without prejudice, where applicable, to harsher penalties, anyone in a gathering, during a demonstration or at the occasion of a meeting, will have been found carrying an apparent or hidden weapon or any visible or hidden objects having been used as weapons or brought with the aim of being used as weapons.

The imprisonment will be from one to five years in the case of a gathering dispersed by force.

Persons convicted pursuant to this article may be prohibited from staying and deprived, in whole or in part, of the rights mentioned in article 21.

Ban from the national territory may be pronounced against any foreigner who is guilty of one of the offenses provided for in this article.

Art. 100. - Any direct provocation to an unarmed gathering either by speeches uttered publicly, or by writings or printed matter displayed or distributed will be punished by imprisonment of three months to one year, if it was followed by effect and, in the otherwise, imprisonment of two to six months and a fine of 50,000 to 300,000 francs, or one of these two penalties only.

Any direct provocation by the same means to an armed gathering is punishable by imprisonment of one to five years, if it was followed by effect and, otherwise, by imprisonment of three months to one year and a fine of 50,000 to 300,000 francs or one of these two penalties only.

Art. 101. - Prosecuting for assembly offenses does not constitute an obstacle to prosecution for crimes or specific offenses which may have been committed in the midst of assemblies.

The flagrante delicto procedure is applicable to offenses provided for and punished by this chapter committed on the very premises of the assembly.

Any person who continues to be part of a gathering after the second summons made by a representative of the public authority may be ordered to pay monetary compensation for the damage caused by this gathering.

TITLE II. - CRIMES AND OFFENSES AGAINST THE CONSTITUTION AND PUBLIC PEACE

First chapter. - CRIMES AND OFFENSES OF A RACIAL, REGIONALIST OR RELIGIOUS CHARACTER

Art. 102. - Any act of racial or ethnic discrimination, as well as any regionalist propaganda, any demonstration contrary to freedom of conscience and freedom of worship, likely to pit citizens against each other, will be punished from one to five years of imprisonment and a travel ban.

When the act of racial or ethnic discrimination, regionalist propaganda or demonstration contrary to freedom of conscience or religion has had as its aim or effect one of the crimes or offenses detrimental to the security of the State or to the integrity of the territory of the Republic, its author or instigator will be prosecuted as co-author or as accomplice depending on the case.

Chapter II. - CRIMES AND OFFENSES RELATING TO THE EXERCISE OF CIVIL RIGHTS

Art. 103. - When by crowd, assault or threats, one or more citizens have been prevented from exercising their civil rights, each of the culprits will be punished by imprisonment of six months to two years and deprived of their civil rights for five years at least and ten years at most.

Art. 104. If this offense was committed following a concerted plan to be carried out either throughout the Republic, or in one or more districts or localities, the penalty will be five to less than ten years' imprisonment. A stay ban will be imposed.

Art. 105. - Any citizen member of a polling station, any curator who, during the operations, has falsified or attempted to falsify, subtracted or attempted to subtract, added or attempted to add ballots, register or attempt to register on the ballots of illiterate voters names other than those which would have been declared to them, induce or attempt to mislead as to the meaning of the colors of the ballots, will be punished by one to two years' imprisonment and a ban on the right to vote and stand for election for a minimum of five years and a maximum of ten years.

Art. 106. - All other persons guilty of the facts set out in the preceding article will be punished by imprisonment of two to six months and prohibition of the right to vote and to be eligible for at least five years and ten years at most .

Art. 107. - Any citizen who, during the elections, bought or sold a vote in any way and whatever the price, will be punished by three months to one year of imprisonment, and deprived of his civil rights and any public functions or employment for a minimum of five years and a maximum of ten years.

The seller and the buyer of the vote will also each be fined twice the value of the things received or promised.

Chapter III.- CRIMES AND OFFENSES COMMITTED BY OFFICIALS SECTION I-Attacks on freedom

Art. 108. - Any public official, agent or employee of the administration who has ordered or commits any arbitrary or infringing act either on the individual freedom or on the civil rights of one or more citizens. either to the Constitution, will be punished by imprisonment of one to five years and may also, in accordance with the provisions of article 25, be deprived of all or part of the rights set out in article 21.

If, nevertheless, he justifies having acted by order of his superiors for objects within their jurisdiction, on which they were due hierarchical obedience, he will be exempt from the penalty, which in this case will be applied only to superiors who have gave the order.

(Law No. 2003-25 of June 13, 2003). - In all cases where the order is manifestly illegal, the provisions of Article 42, paragraph 2 apply.

Art. 109. - Damages, which could be pronounced as a result of the attacks expressed in article 108 above, will be requested either through criminal proceedings or through civil proceedings, and will be settled, taking into account the persons, the circumstances and the harm suffered.

Art. 110. - Prison governors who have received a prisoner without warrant or judgment or, when it concerns an expulsion or extradition without a provisional order from the government, those who have detained him or refused to represent him at the police officer or the bearer of his orders, without justifying the defense of the public prosecutor or the judge, those who have refused to exhibit their registers to the police officer will be, as guilty of arbitrary detention, punished six months to two years' imprisonment and a fine of 10,000 to 150,000 francs or one of these two penalties only.

Art. 111. - Will be punished by imprisonment of five to less than ten years all attorneys general or of the Republic, all substitutes, all judges, all judicial police officers who have provoked, given or signed a judgment, an order or a mandate tending to the personal prosecution or accusation either of a minister or of a member of the National Assembly, without the formalities or authorizations prescribed by law; or who, with regard to the latter, will not have suspended the detention or prosecution at the request of the National Assembly or who, apart from cases of flagrant offenses will have, without the same formalities and authorizations, given or signed the order or mandate to seize or arrest one or more ministers or members of the Assembly.

The guilty parties may, in addition, in accordance with the provisions of article 25, be deprived of all or part of the rights mentioned in article 21.

Art. 112. - (Law No. 2003-25 of June 13, 2003) - Prosecutors general or of the Republic, substitutes, judges or judicial police officers who have detained or causes an individual to be detained without a regular detention certificate outside of places determined by the government or public administration.

Art. 113. - Public officials responsible for the administrative or judicial police, who have refused or neglected to respond to a legal complaint tending to establish illegal and arbitrary detentions, either in places intended for the custody of detainees, or anywhere else, and who do not justify having denounced them to the higher authority, will be punished with imprisonment of six months to two years.

SECTION II - Abuses of authority against individuals

Art. 114. - Any official of the administrative or judicial order, any agent of the public force who, acting in his said capacity, will have entered the home of a citizen, against the will of the latter, except in cases provided for by law and without the formalities it has prescribed, will be punished by imprisonment of three months to two years, and a fine of 10,000 to 100,000 francs, or by one of these two penalties only.

Art. 115. - Any judge or tribunal, any administrator or administrative authority who, under any pretext whatsoever, even from the silence or obscurity of the law, will have denied rendering the justice he owes to the parties, after having been required and who has persevered in his denial, after warning or injunction from his superiors, may be prosecuted, and will be punished with a fine of 10,000 to 100,000 francs and a ban on the exercise of public functions for five years up to twenty years old.

Art. 116. - Any deletion, any voluntary delay in transmission or distribution, any opening of a letter entrusted to the post and telecommunications administration, committed or facilitated by an official or employee of the government or the post and telecommunications administration, will be punished by imprisonment of three months to five years and a fine of 10,000 to 100,000 francs.

The guilty party may also, in accordance with the provisions of article 25, be deprived of all or part of the rights mentioned in article 21.

Apart from the cases provided for in paragraph 1 of this article, any deletion or opening of correspondence addressed to third parties, made in bad faith, will be punished by imprisonment of six days to one year and a fine of 5,000 to 100,000 francs, or one of these two penalties only, without prejudice to the penalties for theft if the constituent elements of this offense are noted.

SECTION III.- Coalition of civil servants

Art. 117. - All depositaries of any part of public authority who, either by meeting of individuals or bodies, or by delegation or correspondence between them, will have concerted measures contrary to the Constitution and the laws, will be punished with a imprisonment of six months to three years and a fine of 50,000 to 200,000 francs or one of these two penalties only.

They may, in addition, in application of the provisions of Article 25, be deprived of all or part of the rights mentioned in Article 21.

Art. 118. - If, by one of the means expressed above, measures have been concerted against the execution of laws or orders of the government, the penalty will be two to five years of imprisonment.

If this concert took place between the civil authorities and the military or security bodies or their leaders, those who are the authors or provocateurs will be punished by imprisonment of ten to thirty years.

The other culprits will be punished with five to less than ten years of imprisonment and a ban on residence.

In the cases covered by paragraphs 1 and 3 of this article, the ban on civil rights and all public employment for ten years at most will also be pronounced.

Art. 119. - (Law No. 63-3 of February 1, 1963). Public officials who, with the intention of opposing laws or government action, have by deliberation decided to give resignations individually or collectively, the object or effect of which would be to prevent or suspend either the The administration of justice, or the performance of any public service, will be punished by imprisonment of two to five years and a fine of 50,000 to 200,000 francs.

Abandonment of post by any public official, the aim or effect of which was to prevent or suspend the performance of his service, will be punished by imprisonment of one to three years and a fine of 20,000 to 100,000 francs. The penalties provided for in paragraph 1 will be applied if, after abandoning the post, the public official leaves or attempts to leave the national territory.

The guilty parties, in addition, may be deprived of all or part of the rights mentioned in article 21.

Art. 120. - The preceding provisions have nothing in common with the fact, for civil servants, of using the right to strike and the freedom to group together within cooperation organizations or union organizations of their choice for the defense of their professional interests.

SECTION IV - Subtractions committed by public depositories

Art. 121. - (Law No. 88-35 of June 9, 1988). Any depositary or public accountant who has misappropriated public or private funds, effects or objects with an estimated monetary value of less than two million francs which were in his hands by virtue of his functions will be punished:

- a prison sentence of 1 to 3 years and a fine of 10,000 to 500,000 francs if the sums dissipated or subtracted are equal to or less than 500,000 francs or if the property dissipated or subtracted is of an equivalent value;

- a prison sentence of 3 to 5 years and a fine of 500,000 to 1,000,000 francs if the sums dissipated or subtracted are greater than 500,000 and less than 1,000,000 francs or if the property dissipated or withdrawn is of an equivalent value;

- a prison sentence of 5 to 7 years and a fine of 750,000 to 1,500,000 francs if the sums dissipated or subtracted are equal to or greater than 1,000,000 francs and less than 1,500,000 francs or if the property dissipated or withdrawn is of equivalent value;

- a prison sentence of 7 to less than 10 years and a fine of 1,000,000 to 2,000,000 francs if the sums dissipated or subtracted are equal to or greater than 1,500,000 and less than 2,000,000 francs or if the property dissipated or withdrawn is of an equivalent value.

Art. 122. - Any civil servant or public officer, any person committed to a collection, depositary or public accountant, who will have destroyed, deleted or misappropriated the

legal documents or titles of which he was the depositary in this capacity, or which will have been given to him or communicated to him because of his functions.

Art. 123. - (Law No. 88-35 of June 9, 1988). However, the benefit of the provisions relating to mitigating circumstances may be granted if, before judgment and after expert assessment, the accused restores or reimburses at least half of the estimated cash value of the property dissipated or removed.

The benefit of the suspended sentence law may be granted if, before judgment, the accused returns the entire estimated cash value of the dissipated or stolen property.

SECTION V - Concussion

Art. 124. - All civil servants or public officers, all collectors of duties, contributions or public funds, their clerks or agents, who have received, demanded or ordered to collect for duties, taxes, contributions or funds, or for wages and salaries, what they knew that they were not owed or exceeded what was owed, will be punished, namely:

civil servants or public officers, collectors of duties, contributions or public funds, with imprisonment of six months to less than ten years and a fine of 50,000 to 1,000,000 francs;

their clerks or employees, with imprisonment of three months to five years and a fine of 10,000 to 500,000 francs.

However, civil servants or public officers, collectors of duties, contributions or public funds, their clerks or employees who are guilty of the offense of extortion, but have not pursued a pecuniary interest, will only incur the penalty fine provided for in the preceding paragraphs.

Art. 125. - The preceding provisions are applicable to clerks and ministerial officers when the act was committed in connection with the receipts for which they are responsible by law.

Art. 126. - Holders of public authority who, in any form whatsoever and for any reason whatsoever, will be punished with imprisonment of three months to less than five years and a fine of 50,000 to 1,000,000 francs, will have without authorization of the law granted exemptions or exemptions from duties, taxes and charges, or will have carried out the free delivery of products from State establishments.

Art. 127. - Those who knowingly benefit from an offense of extortion will be punished as accomplices.

Art. 128. - In all the cases provided for in this section:

- the attempted offense will be punished like the offense itself;
- the provisions relating to mitigating circumstances and suspension cannot be applied;
- the guilty parties may, in addition, be deprived of all or part of the rights mentioned in section 21.

SECTION VI -Interference by officials

Art. 129. - Any civil servant, any public officer, any agent of a public administration who, either openly, or by simulated acts, or by the interposition of persons, will have taken or received any interest whatsoever in the acts, awards, companies or companies, of which he has or had, at the time of the act, in whole or in part, the administration or supervision, will be punished

imprisonment of at least two months and a maximum of two years and a fine of 100,000 to 1,000,000 francs or one of these two penalties only.

This provision is applicable to any official or agent or employee of a public administration who will have any interest in a matter for which he was responsible.
to order payment or to carry out liquidation.

Any public official, any agent or employee of a public administration, responsible for very reason for its function:

- surveillance or control of a private company;
- the award, in the name of the State, of markets or contracts of any nature with a private company;
- the expression of opinions on markets or contracts of any kind concluded with a private company,
- and who, for a period of five years from the cessation of the function will take or receive a participation through work, advice or capital (except by hereditary devolution with regard to capital):
- either in any of the companies referred to above;
- either in any company possessing with one of these at least 30% of capital common ;
- or in any company having concluded a contract with one of these involving legal or de facto exclusivity.

These provisions apply to agents of public establishments, nationalized companies and mixed economy companies in which the State or public authorities directly or indirectly hold more than 50% of the capital.

In all the cases provided for in this article, the convicted person may, in addition, in accordance with Article 25, be deprived of all or part of the rights listed in Article 21.

SECTION VII - Corruption and influence peddling

Art. 130. - Anyone who has solicited or accepted offers or promises, solicited or received donations or presents for:

- being invested with an elective mandate, public official of the administrative or judicial order, military or similar, agent or employee of a public administration or an administration placed under the control of public power, or citizen in charge of a ministry of public service, to do or to refrain from doing an act of his functions or his employment, fair or not, but not subject to salary;
- being an arbitrator or expert appointed either by the court or by the parties, render a decision or give a favorable opinion to a party;
- being a doctor, surgeon, dentist, midwife, nurse, falsely certify or conceal the existence of illnesses or infirmities or a state of pregnancy or provide false information on the origin of an illness or infirmity or the cause of death.

Any clerk, employee or servant, employed or remunerated in any form which is directly , or by an intermediary person will have,

without the knowledge and consent of his boss, is solicited or approved of offers or promises,

is solicited or received donations, gifts, commissions, discounts or bonuses to perform or refrain from performing an act of his employment.

If the offers, promises, donations or solicitations tended towards the accomplishment or abstention of an act which, although outside the personal attributions of the corrupt person, was or would have been facilitated by his function or by the service that she insured, the penalty will be imprisonment of one to five years and a fine of 10,000 to 1,000,000 francs or one of these two penalties only.

Art. 131. - Will be punished by imprisonment of one to five years and a fine of 50,000 to 1,000,000 francs, any person who has solicited or approved offers or promises, solicited or received donations or gifts, to obtain or attempt to obtain decorations, medals, distinctions or rewards, places, functions or jobs or any favors granted by the public authority, markets, companies or other benefits resulting from treaties concluded with the public authority or, in general, a favorable decision of such an authority or administration, and will thus have abused real or supposed influence.

However, when the culprit is one of the persons referred to in paragraph 1 of the first paragraph of Article 130 and he has abused the real or supposed influence given to him by his mandate or his position, the penalty of imprisonment will be from two to less than ten years old.

Art. 132. - Anyone who, to obtain either the performance or the abstention of an act, or one of the favors or advantages provided for in articles 130 and 131, will have used assault or threats, promises, gifts or gifts or ceded to solicitations tending to corruption, even if he has not taken the initiative, will be, whether the coercion or corruption has produced its effect or not, punished with the same penalties as those provided for in the articles against the corrupt person .

The corruptor will never be given restitution of the things delivered by him or of their value, they will be confiscated for the benefit of the Treasury.

Art. 133. - In all the cases provided for in this section, when the culprit is one of the persons provided for in 1°, 2° and 3° of article 130, he will be deprived of all or part of the rights set out in article 21.

SECTION VIII - Illegal exercise of public authority

Art. 134. - Any civil servant or public officer, agent or employee of a public administration, dismissed, dismissed, suspended, or legally prohibited who, after having had official knowledge of it, will have continued the exercise of his functions or who, invested with elective or temporary functions, will have exercised them after having been replaced or when his functions have ended, will be punished by imprisonment of six months to two years and a fine of 10,000 to 100,000 francs or one of these two penalties only.

He may, in addition, in accordance with article 25, be deprived of the exercise of all or part of the rights referred to in article 21.

SECTION VIII BIS - (Law No. 2003-25 of June 13, 2003). - Infringement of freedom of access and equality of candidates in public contracts and service delegations.

Art. 134-1. (Law No. 2003-25 of June 13, 2003). - Is punished by imprisonment of two to less than 10 years and a fine of 100,000 to 10,000,000 francs, done by a person holding public authority or charged with a public service mission, or one invested with a public elective mandate, or exercising the functions of representative, administrator or agent of the State, local authorities, public establishments, mixed economy companies or by any person acting on behalf of one of those mentioned above,

procure or attempt to procure for another an unjustified advantage by an act contrary to legislative or regulatory provisions.

Those who have benefited from these facts will be punished with the same penalties.

Under no circumstances may the provisions relating to mitigating circumstances or suspension be applied.

The guilty parties may also, in accordance with the provisions of article 25, be deprived of all or part of the rights mentioned in article 21.

Chapter IV. - FALSE

SECTION I - Counterfeit money

Art. 135. - Anyone who counterfeits or alters either metallic currencies having legal tender in Niger, or bills issued by the Public Treasury with its stamp or mark, or bank notes authorized by law or notes of the same nature issued by the Treasury, or participated in the issue, exhibition or introduction into Nigerien territory of these counterfeit or altered currencies, effects and notes, will be punished by imprisonment of five to less than ten years and a fine from 100,000 to 10,000,000 francs.

Art. 136. - Will be punished by imprisonment of six months to three years and a fine of 40,000 to 4,000,000 francs anyone who has colored metal currencies legal tender in Niger, with the aim of deceiving about the nature metal or will have issued or introduced them into Nigerien territory or will have participated in their emission or their introduction.

Art. 137. - The operations provided for in the preceding articles, even carried out abroad, will be punished according to the same distinctions if they involve foreign currencies, notes or effects.

However, those who, abroad, are guilty as perpetrators or accomplices of such offenses may only be prosecuted in Niger under the conditions provided for in the code of criminal procedure.

Art. 138. - The participation set out in the preceding articles does not apply to those who, having received counterfeit, altered or colored coins as good, put them back into circulation.

However, anyone who has used said coins, after having checked them or had them checked for defects, will be punished with a fine three times at least and six times at most of the sum represented by the coins which he will have returned to circulation, without that this fine may, in no case, be less than 50,000 francs.

Art. 139. - The subscription, issue or putting into circulation of means of payment intended to supplement or replace the monetary symbols having legal tender, will be punished by imprisonment of one to five years and a fine of 200,000 francs to 20,000,000 francs or one of these two penalties only.

Means of payment subscribed, issued or put into circulation contrary to the prohibitions of this article, will be seized by the agents authorized to note violations. Their confiscation must be ordered by the court.

Art. 140. - Will be punished with a fine of 50,000 to 500,000 francs those who, without having been there previously authorized by the public authority, use or possess devices or instruments likely to be used for the manufacture of metallic currencies, bills issued by the Treasury or bank notes, as well as those who have delivered them to persons without authorization.

SECTION II - Counterfeiting of State seals, stamps and marks

Art. 141 - Those who have counterfeited the State seal or used the counterfeit seal will be punished by imprisonment of five to less than ten years and a fine of 100,000 to 10,000,000 francs.

Art. 142. - Those who have counterfeited or falsified either one or more national stamps, or the State hammers used for forestry marks, or the punch or punches used to mark gold or silver materials, or who have used falsified or counterfeit papers, effects, stamps, hammers or punches, will be punished by imprisonment of two to six years and a fine of 80,000 to 8,000,000 francs.

Art. 143. - Will be punished by imprisonment of one to five years and a fine of 50,000 to 5,000,000 francs anyone who has improperly obtained real stamps, hammers or punches having one of the destinations expressed in article 142, will have made an application or use prejudicial to the rights or interests of the State.

Art. 144. - Will be punished by imprisonment of six months to three years and a fine of 40,000 to 4,000,000 francs:

- those who have counterfeited the marks intended to be affixed in the name of the government on various types of foodstuffs or goods or who have used these false marks;

- those who have counterfeited the seal, stamp or mark of any authority, or who have used counterfeit seals, stamps or marks;

- those who have counterfeited the official letterheads or printed materials used in the assemblies established by the Constitution, public administrations or the various jurisdictions, who have sold, peddled or distributed them, or who have used the papers or printed materials thus counterfeited ;

- those who have counterfeited or falsified postage stamps, franking imprints or reply coupons issued by the Nigerien postal administration and movable stamps, who have sold, hawked, distributed or knowingly used said stamps, imprints or coupons - counterfeit or falsified responses.

Art. 145. - Anyone who has improperly obtained real seals, marks, stamps or printed matter provided for in the preceding article, who has made or attempted to make a fraudulent application or use of them, will be punished by three months' imprisonment. to two years and a fine of 30,000 to 3,000,000 francs.

Art. 146. - Will be punished by imprisonment of ten days to six months and a fine of 10,000 to 300,000 francs:

- those who have manufactured, sold, or distributed, any objects, printed or formulas, obtained by any process which, by their external form, would appear with coins or bank notes having legal tender in Niger or abroad, with annuity securities, stickers and stamps from the post and telecommunications service or state authorities, shares, bonds, interest shares, dividend coupons or interest relating thereto and generally with fiduciary values issued by the State, public establishments, as well as by private companies, companies or businesses, a resemblance likely to facilitate the acceptance of said objects, printed matter or formulas in place of the imitated values;

- those who have manufactured, sold, peddled, distributed or used printed matter which, by their format, their color, their text, their typographical arrangement or any other character, would present, with the official letterheads or printed matter in use in the assemblies established by the Constitution, public administrations and different jurisdictions, a resemblance likely to cause misunderstanding in the mind of the public;

- those who have knowingly used postage stamps or movable stamps which have already been used, as well as those who have, by any means, altered stamps in order to protect them from cancellation and thus allow their subsequent reuse;
- those who have overprinted, by printing, perforation or any other means, Niger postage stamps or other postal fiduciary values which have expired or not, with the exception of operations prescribed by the postal and telecommunications administration, as well as those who will have sold, peddled, offered, distributed, exported postage stamps thus overprinted;
- those who have counterfeited, imitated or altered stickers, stamps, franking imprints or reply coupons issued by the postal service of a foreign country, who have sold, peddled or distributed said stickers, stamps, franking imprints postage or reply coupons or who have used them;
- those who have counterfeited, imitated or altered Nigerien or foreign postal identity cards, postal service subscription cards, who have sold, peddled or distributed said cards or will have used them.

In all cases provided for in this article, the corpus delicti will be confiscated and destroyed.

SECTION III - Provisions common to sections I and II

Art. 147. - Persons guilty of the offenses provided for in the two previous sections, except those set out in article 146, will be exempt from punishment if, before the commission of these offenses and before any prosecution, they have given knowledge and revealed the perpetrators to the constituted authorities or if, even after the prosecutions had begun, they procured the arrest of the other culprits.

Art. 148. - Except in the cases provided for in article 146, the guilty parties may be, in accordance with Article 25, deprived of all or part of the rights listed in Article 21.

They may also be prohibited from staying.

Art. 149. - In all cases of counterfeiting, alteration or coloring, the corpus delicti will be confiscated and destroyed.

Art. 150. - The attempt will always be punished like the offense itself.

Art. 151. - The provisions relating to suspension and mitigating circumstances cannot be applied in the cases provided for in articles 135, 136, 137, 141 and 142.

SECTION IV - Forgery

Art. 152. - Forgery is the fraudulent alteration of the truth likely to cause harm and committed in a writing intended or capable of proving a right or a fact having legal effects.

Art. 153. - Any civil servant or public officer, any agent or employee of a public administration who, in the exercise of of his functions, will have committed a forgery:

- either by material falsification resulting from false signatures, counterfeiting or alteration of writing or signature, fabrication of an act or agreement forming a title, addition, deletion or modification made after the making of the acts or writings in the declarations or facts contained to the said acts or writings, and that their purpose was to receive or note;

- by fabrication or distortion of the substance or circumstances of acts or writings, carried out at the time of their drafting, and carried out by including declarations or conventions other than those made or dictated by the parties, or by altering them by means of

false mentions or voluntary omissions the facts that the act or writing was intended to establish or by noting false facts as true, or as admitted facts which were not so.

Art. 154. - Any person who commits a forgery of public or authentic writing will be punished by imprisonment of one year to eight years and a fine of 10,000 to 500,000 francs.

Art. 155. - Will be punished by imprisonment of six months to three years and a fine of 10,000 to 100,000 francs any person who, by false declarations made in front of a civil servant or public officer or an agent or employee of a public administration, will have caused the insertion, in a public or authentic act, of statements contrary to the truth.

Art. 156. - Anyone who, in one of the ways expressed in article 153, commits forgery in commercial or bank writing or in private writing will be punished with imprisonment of six months to five years.

Art. 157. - Anyone who knowingly used a false document will be punished with the same penalty as if he had committed the forgery.

Art. 158. - Will be punished by imprisonment of six months to three years and a fine of 50,000 to 500,000 francs anyone who makes fraudulent use of a document all or part of which has become incomplete or inaccurate.

Art. 159. - Civil servants, public officers, agents or employees of a public administration, found guilty of forgery and use of forgery in the exercise of their functions, will not be able to benefit from the provisions relating to mitigating circumstances and suspended sentence.

Art. 160. - The attempted crime of forgery will be punished as the completed crime.

Art. 161. - In all the cases provided for in this section, the court may deprive the guilty parties of all or part of the rights listed in article 21.

Chapter V. - CRIMES AND OFFENSES AGAINST CITIZENS CHARGED WITH A PUBLIC SERVICE

SECTION I - Rebellion

Art. 162. - Any attack, any resistance with violence or assault against civil servants or agents responsible for executing the orders of public authority, acting in the exercise of or during the exercise of their functions, is called rebellion.

Art. 163.- If the rebellion was committed by one or two people without visible weapons, it will be punished by imprisonment of three months to two years and a fine of 10,000 to 100,000 francs; if it was committed with visible weapons, the imprisonment will be from six months to three years.

Art. 164. - If the rebellion was committed by more than two people without visible weapons, it will be punished by imprisonment of one to five years and a fine of 10,000 to 100,000 francs; if it was committed with visible weapons, the imprisonment will be from two to less than ten years.

Art. 165. - In the event of rebellion in a band or assembly, no penalty will be pronounced against rebels without function or employment in the band who have withdrawn at the first warning from the public authority or even who, since then, have been seized outside from the place of rebellion without new resistance and without weapons.

However, and subject to other crimes or offenses that they may have committed during the meeting, they may be prohibited from staying.

Art. 166. - Those who, being part of a meeting not deemed armed, find themselves equipped with hidden weapons, will be individually punished as if they had been part of an armed troop or meeting.

Any rebellion committed in a meeting in which at least two participants carry visible weapons is deemed to be armed. In addition to firearms, all sharp, piercing or blunt objects are considered weapons.

Art. 167. - The penalty applied for rebellion to prisoners, defendants, accused or condemned, will be suffered under the following conditions:

- those who are sentenced to a non-capital or life sentence, immediately after the expiration of their sentence;

- for others, immediately after the judgment or final judgment or the act which puts an end to their detention.

Art. 168. - A stay ban may be imposed on any person convicted of rebellion.

SECTION II - Outrages

Art. 169. - Contempt by words, gestures, threats, writings or drawings not made public or by sending any objects aimed at a civil servant or public officer or citizen in charge of a public service ministry, in the exercise or on the occasion of the exercise of his functions, and tending, in these various cases, to indict his honor or his delicacy, will be punished by imprisonment of three to six months and a fine of 10,000 to 100,000 francs or one of these two penalties only.

Art. 170. - Contempt committed with the same intention by one of the means listed in the preceding article against an administrative or judicial magistrate or a juror, in the exercise or on the occasion of the exercise of his functions, will be punished by imprisonment of three months to two years and a fine of 10,000 to 100,000 francs or one of these two penalties only. If the contempt took place at the hearing of a court or tribunal, the penalty will be imprisonment of two to five years and a fine of 10,000 to 1,000,000 francs.

Art. 171. - Anyone who has publicly, by words or writings, sought to discredit a judicial act or decision, in conditions likely to undermine the authority of justice or its independence, will be punished by one to six months' imprisonment and a fine of 50,000 to 500,000 francs or one of these two penalties only.

Anyone who publishes, before the final judicial decision is made, comments tending to exert pressure on the statements of witnesses or on the decision of the investigating or trial courts will be punished with the same penalties.

The court may, in addition, order that its decision be displayed or published under the conditions provided for in Articles 25, paragraph 2, and 22, paragraph 2.

The preceding provisions cannot under any circumstances be applied to purely technical comments nor to words or writings aimed at reviewing a conviction.

Art. 172. - When the offense specified in the preceding article has been committed through the press, the managers or publishers will, for the sole fact of the publication, be liable as principal authors to the penalties imposed in the said article.

In their absence, the author, and in the absence of the author, the printers, distributors and posters, will be prosecuted as the main authors.

When the author is not prosecuted as the main author, he will be prosecuted as an accomplice.

Any person to whom article 49 could apply may be prosecuted as accomplices and in all cases.

SECTION III - Violence

Art. 173. - Violence or assault committed against civil servants or public officers or citizens entrusted with a public service ministry, committed in the exercise of or during the exercise of their functions, will be punished by imprisonment of six months to three years and a fine of 10,000 to 500,000 francs.

If this results in bloodshed, injury or illness for the victim or if there has been premeditation or ambush, the penalties will be imprisonment of one to less than ten years and a fine of 20,000 to 200,000 francs.

If the violence caused the death of the victim, the culprit will be punished with imprisonment of ten to twenty-five years.

Art. 174. - Violence or assault committed against magistrates of the administrative or judicial order in the exercise or during the exercise of their functions, will be punished by imprisonment of one to five years and a fine of 10,000 to 500,000 francs.

If they took place at the hearing of a tribunal or court, or if they were the cause of bloodshed, injury or illness, or if there was premeditation or ambush, the Imprisonment will be from two years to less than ten years.

If this results in the death of the victim, the culprit will be punished with imprisonment of fifteen to thirty years.

Art. 175. - The murder of a magistrate, a civil servant, a public officer or a citizen entrusted with a public service ministry, in the exercise or on the occasion of the exercise of his functions , will be punished with the death penalty.

Art. 176. - In the cases provided for in articles 173, paragraphs 2 and 3, 174, paragraphs 2 and 3, and 175, the provisions relating to mitigating circumstances and suspension cannot be applied.

However, when the death penalty is incurred, life imprisonment may be substituted.

A stay ban may be imposed in correctional matters.

Chapter VI. - VAGABONDAGE - BEGGING

SECTION I-Vagabondage

Art. 177. - Vagabonds are those who have neither certain domicile nor means of subsistence and who do not usually exercise a trade or profession.

Art. 178. - Vagabonds will be punished with imprisonment of three to six months.
A stay ban will also be imposed.

SECTION II- Begging

Art. 179. - Any person found begging in a public or private place will be punished by imprisonment of three to six months.

Art. 180. -No sentence may, however, be pronounced against old people over sixty years old and the infirm.

Art. 181. - (Law No. 63-3 of February 1, 1963). Parents of minors under the age of eighteen who habitually engage in begging, all those who invite them to beg or who knowingly take advantage of it, will be punished with imprisonment of six months to one year.

Art. 182. - Any person who is a member of an organization of beggars will be punished by imprisonment of one to two years.

A stay ban will also be imposed.

Chapter VII - OFFENSES AGAINST THE PUBLIC AUTHORITY

SECTION I - Refusal of a legally owed service

Art. 183. - Any weapons commander, any officer or non-commissioned officer or head of a detachment of the public force who, after having been legally required to do so by the civil authority, refuses to cause the force placed under his orders to act, will be punished by imprisonment of six months to two years and a fine of 10,000 to 100,000 francs, or one of these two penalties only.

Art. 184. - Failing witnesses and jurors who have alleged an excuse recognized as false, the doctor who does not comply with the requisitions of justice, individuals who do not comply with the legal requisitions of representatives of public authorities, will be sentenced to imprisonment for fifteen days to two months and a fine of 10,000 to 100,000 francs, or one of these two penalties only.

Summons emanating from heads of administrative districts, magistrates and judicial police officers, and delivered to their recipients, are considered to be legal requisitions, mentioned in the preceding paragraph.

Art. 185. - Those who, through violence, assault, threats or concerted maneuvers, have organized or attempted to organize the collective refusal to pay tax will be punished with a penalty of three months to two years' imprisonment and a fine of 20,000 to 200,000 francs.

Those who collectively refuse payment of tax will be punished by six months to one year of imprisonment and a fine of 10,000 to 100,000 francs or one of these penalties only.

In the cases provided for in paragraphs 2 and 3, proceedings may only be initiated upon the complaint of the agents responsible for tax collection; however, no prosecution will take place before the expiration of a period of three months after the date of recovery of the role.

Art. 186. - Will be punished by imprisonment of one to six months and a fine of 10,000 to 100,000 francs or one of these two penalties only for those who, having knowledge of a crime already attempted or completed, do not immediately notify the administrative or judicial authorities.

The prison sentence will be a minimum of six months and a maximum of three years if the denunciation could have had the effect of preventing or limiting the effects of the crime, or if the guilty party was likely to commit new crimes that the denunciation would have could have prevented.

The husband, wife, parents or allies, up to the fourth degree inclusive, of the perpetrators or accomplices of the crime are exempt from the provisions of this article.

Art. 187. - Anyone, after having publicly denounced a crime or misdemeanor and declared that he knows the perpetrator(s), refuses to answer the questions asked of him, on this point, by the investigating judge, will be punished with imprisonment of one month to one year and a fine of 10,000 to 100,000 francs or one of these two penalties only.

Art. 188. - Will be punished by imprisonment of six months to three years and a fine of 10,000 to 100,000 francs or one of these two penalties only anyone, who can prevent by his immediate action, without risk for himself or for third parties, either an act classified as a crime or an offense against bodily integrity, voluntarily refrain from doing so.

Anyone who voluntarily refrains from providing a person in danger with the assistance that, without risk to themselves or to third parties, could provide them either through their personal action or by providing assistance will be punished with the same penalties.

The same penalties will be imposed on anyone who, knowing the proof of the innocence of a person imprisoned preventively or tried for a crime or misdemeanor, voluntarily refrains from immediately providing testimony to the judicial or police authorities. However, no penalty will be imposed against anyone who provides their testimony late but spontaneously.

Excluded from the provision of the preceding paragraph are those guilty of the act which motivated the prosecution, co-perpetrators, accomplices, spouse, parents or allies up to the fourth degree inclusive.

SECTION II - Usurpation of title or function

Art. 189. - Anyone, without title, who has interfered in public, civil or military functions, or who has performed the acts of one of these functions, or without performing an act of the function, will have sought, through maneuvers, to persuade that he was invested with it, will be punished by imprisonment of one to five years and a fine of 10,000 to 100,000 francs or by one of these two penalties only.

Art. 190. - Any person who has publicly worn a costume, uniform or decoration having an official character, and which has not been regularly attributed to him, conferred or recognized by public authorities, will be punished by imprisonment of six months to three years and a fine of 10,000 to 100,000 francs or one of these penalties only.

Will be punished with the same penalties anyone, without fulfilling the required conditions, who has used or claimed a title attached to a legally regulated profession, a diploma or a quality, the conditions of attribution of which have been fixed by the public authority.

The provisions of Article 25, paragraph 2 may be applied.

SECTION III - Breaking of seals

Art 191. - When the seals affixed either by order of the public authority, or following a court order issued in any matter whatsoever, have been broken, the guards will be punished, for simple negligence, with a imprisonment of two to six months and a fine of 10,000 to 100,000 francs or one of these two penalties only.

Art. 192. - Anyone who breaks or attempts to break seals, or participates in breaking seals or attempting to break seals, will be punished by imprisonment of one to three years, and a fine of 10,000 to 100,000 francs or one of these two penalties only.

If it is the guard himself who broke the seals or participated in breaking the seals, he will be punished with imprisonment of two to five years.

Art. 193. - Any theft committed using the breaking of seals will be punished as theft committed using break-in.

SECTION IV - Removal of coins from public depositories

Art. 194. - Anyone who is guilty of fraudulent removal or willful destruction of documents or criminal proceedings, or other papers, registers, acts and effects contained in archives, registries and public deposits, or handed over to a depositary public in this capacity, will be punished by imprisonment of one to five years.

If the theft or destruction was committed with violence against people, or by break-in, the prison sentence will be two to less than ten years.

If the removals or destructions are the work of the depositary himself, he will be punished by the penalty provided for in the preceding paragraph.

In the cases provided for in paragraphs 2 and 3, the provisions relating to mitigating circumstances and suspension cannot be applied.

In all cases, the attempt will be punished as the completed offense.

Art. 195. - When the theft or destruction of documents referred to in the preceding article has been committed, the clerks, archivists, notaries or other negligent depositaries will be punished by imprisonment of fifteen days to six months and a fine from 20,000 to 200,000 francs or one of these two penalties only.

SECTION V - Opposition to the execution of public works

Art. 196. - Anyone who, by violence or assault, opposes the carrying out of work authorized by the public authority, will be punished by imprisonment of three months to two years and a fine of 10,000 to 100,000 francs or of only one of these two penalties.

SECTION V BIS - (Law No. 2003-2 of June 13, 2003). - Resistance to the execution of a court decision.

Art. 196-1. - Anyone who resists or attempts to resist the execution of a court decision that has become final or enforceable will be punished by imprisonment of three months to two years and a fine of 10,000 to 100,000 francs.

If the resistance was committed while carrying a weapon, the imprisonment will be from 6 months to 3 years and the fine from 10,000 to 200,000 francs.

If the resistance was committed with violence, the imprisonment will be 1 to 5 years and the fine will be 20,000 to 200,000 francs.

Art. 196.-2. - If the resistance was committed by a group of two or more people, the imprisonment will be 2 to 5 years and the fine will be 20,000 to 200,000 francs.

If the resistance was committed in a gathering of several people with weapons, the imprisonment will be 2 to 7 years and the fine will be 20,000 to 200,000 francs.

If the acts provided for in the preceding paragraph were committed with violence, the imprisonment will be from 2 to less than 10 years and the fine from 50,000 to 500,000 francs.

Art. 196-3 - Any holder of public authority who refuses to lend assistance when regularly required to do so for the execution of a court decision that has become final or enforceable will be punished by imprisonment of 6 months to 2 years and a fine of 10,000 to 20,000 francs.

Chapter VIII - ESCAPE AND ASSISTANCE TO CRIMINALS

SECTION I -Escape of detainees

Art. 197. - Any person legally detained in any place whatsoever who has escaped or attempted to escape will, for this sole fact, be punished with imprisonment of three months to a year.

If the escape took place by breaking the prison or violence, the imprisonment will be six months to two years.

The sentence imposed will be imposed immediately after the expiry of the sentence incurred by the detainee for the offense giving rise to the detention or immediately after the ruling or judgment which acquitted or discharged him acquitted of the said offense.

Art. 198. - Any guard or person responsible for driving, transporting or guarding detainees who, through his negligence, allows the escape of detainees, will be punished by imprisonment of three months to one year and a fine. from 5,000 to 100,000 francs or one of these two penalties only.

Art. 199. - Any guard or person responsible for the conduct, transport or custody of detainees, who has attempted to procure or facilitate an escape, even if this has not been completed or attempted, and even if the preparations would have been carried out without the knowledge of the detainee, will be punished by imprisonment of six months to three years and a fine of 10,000 to 100,000 francs.

If the escape took place or was attempted with violence or breach of prison, the imprisonment will be from three years to less than ten years, against the guard who favored it by providing instruments or weapons suitable for operating it.

Art. 200. - Those who, not being responsible for the custody or conduct of the detainee, will have procured, facilitated or attempted to procure or facilitate his escape or his flight once the escape has been accomplished, will be punished by imprisonment. from three months to two years.

If the escape took place or was attempted with violence or prison breakage, the imprisonment will be from two to eight years against those who favored it by providing instruments or weapons suitable for carrying it out.

Art. 201. - In the cases provided for in paragraphs 2 of articles 197 and 199, the court will not be able to apply the provisions relating to mitigating circumstances and suspension.

Art. 202. - The sentence of exclusion may be imposed against any person convicted of having encouraged an escape or an attempted escape.

Art. 203. - The prison sentences established above against the guards or those in charge of the conduct, transport or custody of prisoners, in case of negligence only, will cease when the escapees are recaptured or represented, provided that it is within two months of the escape, and that they are not arrested for other crimes or offenses committed subsequently.

Art. 204. -No prosecution will take place against those who have attempted to procure or facilitate an escape if, before it has been carried out, they have made aware of the project to the administrative or judicial authorities and revealed it to them authors.

SECTION II - Receiving criminals

Art. 205. - Those who, knowing the actions of criminals carrying out robbery or violence against the security of the State, public peace, people or property, their habitually provide accommodation, place of retreat or meeting, will be punished as authors.

Art. 206. - Those who have knowingly concealed a person whom they knew was wanted by the justice system, or who have evaded them or attempted to evade arrest or searches, or have helped them to hide or take custody. flight, will be punished by imprisonment of six months to five years and a fine of 10,000 to 100,000 francs, or by one of these two penalties only.

Excluded from the preceding provisions are the spouse, parents or allies of the person sought, up to the fourth degree inclusive.

SECTION III - Delivery of objects to detainees

Art. 207. - Will be punished by imprisonment of three months to one year and a fine of 10,000 to 100,000 francs or one of these two penalties only for anyone who, under irregular conditions, gives or sends or attempts to give or send to a detainee, anywhere, sums of money, correspondence or any objects.

The irregular exit or attempted exit of sums of money, correspondence or any objects whatsoever will be punished with the same penalties.

SECTION IV - Criminal association

Art. 208. - Anyone who has affiliated or participated in an association whose aim is to commit crimes or offenses against people or property will be punished by imprisonment of two to less than ten years.

The provisions relating to mitigating circumstances and suspension cannot be applied.

A stay ban will also be imposed.

Those guilty of the offense mentioned in the 1st paragraph of this article will be exempt from punishment if, before any prosecution, they revealed to the constituted authorities the agreement established or made known the existence of the association.

Preliminary chapter. - (Law No. 2003-25 of June 13, 2003). - CRIMES AGAINST HUMANITY AND WAR CRIMES

SECTION I: Genocide.

Art. 208-1. - Constitutes genocide the fact, in execution of a concerted plan tending to the total or partial destruction of a national, ethnic, racial or religious group or of a group determined on the basis of any other arbitrary criterion, to commit or cause one of the following acts to be committed against this group:

- willful harm to life;
- serious harm to physical or psychological integrity;
- submission to living conditions likely to result in the total or partial destruction of the group;

- measure aimed at preventing births;
- forced transfer of children;

Genocide is punishable by the death penalty.

SECTION II: Crime against humanity

Art. 208.2. - Constitute crimes against humanity, deportation, reduction into slavery or the massive and systematic practice of summary executions, kidnapping of persons followed by their disappearance, torture or inhumane acts, inspired by motives political, philosophical, racial or religious and organized in execution of a concerted plan against a group of the civilian population.

Crimes against humanity are punishable by death.

SECTION III: War crimes

Art. 208.3. - Constitute war crimes and punishable in accordance with the provisions of this chapter, the serious offenses listed below, affecting, by action or omission, persons and property protected by the conventions signed in Geneva on August 12, 1949, by the additional protocols 1 and 2 to these conventions, adopted in Geneva on June 8, 1977:

Intentional homicide;

Torture or other inhumane treatment, including biological experiments;

The acts of intentionally causing great suffering or causing serious harm to physical integrity or health;

Compelling a prisoner of war, a civilian protected by the Convention relating to the Protection of Civilian Persons in Time of War or a person protected in this regard to serve in the armed forces of the enemy power or the opposing party by additional protocols 1 and 2 to the Geneva international conventions of August 12, 1949;

The act of depriving a prisoner of war, a civilian person protected by the Convention on the Protection of Civilian Persons in Time of War or a person protected in this same respect, by Additional Protocols 1 and 2 to the Geneva International Conventions of August 12 1949, of his right to be judged regularly and impartially according to the requirements of these provisions.

The unlawful deportation, transfer or movement, the unlawful detention of a civilian person protected by the Convention on the Protection of Civilian Persons in Time of War or a person protected in these same respects by Additional Protocols 1 and 2 to the international conventions of Geneva on August 12, 1949;

Hostage taking;

The destruction and appropriation of property, not justified by military necessity as admitted by international law and carried out on a large scale in an illicit and arbitrary manner;

Acts and omissions, not legally justified, which are likely to compromise the health and physical or mental integrity of persons protected by one of the conventions relating to the protection of the injured, sick and shipwrecked, in particular any act which would not be justified the state of health of these people or which would not conform to the generally recognized rules of medical art;

Unless they are justified under the conditions provided for in 9th, acts consisting of carrying out on the persons referred to in 9th, even with their consent, physical mutilations, medical or scientific experiments or the removal of tissues or organs for transplants, unless they are blood donations for transfusions or skin donations intended for grafts, provided that these donations are voluntary, consented and intended for these therapeutic purposes.

Subjecting the civilian population or civilian persons to attack.

Launching an indiscriminate attack affecting the civilian population or civilian objects, knowing that such attack will result in loss of life, injury to civilians or damage to civilian objects which would be excessive in relation to the concrete and direct military advantage expected, without prejudice to the criminality of the attack whose damaging effects, even proportionate to the expected military advantage, would be incompatible with the principles of international law, as it results from established customs, the principles of humanity and the demands of public conscience.

Launching an attack against works or installations containing dangerous forces, knowing that this attack will cause loss of life, injury to civilians or damage to civilian objects, which would be excessive in relation to the concrete or direct military advantage expected, without prejudice to the criminality of the attack whose damaging effects are even proportionate to the expected military advantage

would be incompatible with the principles of international law, as it results from established customs, the principles of humanity and the demands of public conscience.

Subjecting undefended localities or demilitarized zones to attack;

The act of subjecting a person to an attack knowing that they are out of combat.

Treacherously using the distinctive sign of the Red Cross or Red Crescent.

The transfer into an occupied territory of part of the civilian population of the occupying power, in the case of an international armed conflict, or of the occupying authority in the case of a non-international armed conflict.

Unjustifiably delaying the repatriation of prisoners of war or civilians;

Engaging in apartheid or other inhumane or degrading practices based on racial discrimination and giving rise to outrages upon dignity personal.

Directing attacks against clearly recognized historical monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples to whom special protection has been granted under a particular arrangement while there is no evidence of violation by the opposing party of the prohibition on using these assets in support of the military effort, and that these assets are not located in the immediate vicinity of military objectives.

The facts listed in paragraphs 11, 12, 13, 14, 15 and 16 are considered serious offenses within the meaning of this article, on the condition that they result in death, or cause serious harm to the physical integrity or health of one or more people.

Art. 208-4. - The offenses listed in paragraphs 1st, 2nd and 11th to 15th of article 208-3 are punishable by the death penalty.

The offenses listed in 3rd and 10th of article 208-3 are punishable by imprisonment perpetuity. They are punishable by the death penalty if they result in the death of one or more people.

The offense referred to in the 8th of article 208-3 is punishable by imprisonment of fifteen to twenty years. The same offense as well as that referred to in 16th of the same article are punishable by imprisonment of fifteen to twenty years if they resulted either in an illness appearing incurable, or in permanent incapacity for work, or in the loss of employment. absolute use of an organ, i.e. serious mutilation. They are punished by imprisonment life sentence if they resulted in the death of one or more people.

The offenses listed in 4th to 7th and 17th of article 208.3 are punishable by imprisonment of fifteen to twenty years. In the case of aggravated circumstances provided for in the preceding paragraph, they are punished, depending on the case, with the penalties provided for in this paragraph.

The offenses listed in 18th to 20th of article 208.3 are punishable by imprisonment of fifteen to twenty years, subject to the application of more severe penal provisions punishing serious attacks on personal dignity.

The offense provided for in paragraph 9 of article 208.3 is punishable by imprisonment of fifteen to twenty years when it has caused serious consequences for public health.

Section 4: Common provisions Art. 208.5:

Participation in a group formed or in an agreement established with a view to the preparation characterized by one or more material facts of one of the crimes defined by articles 208.1 and 208.2 is punishable by the death penalty.

The attempt is punishable by the penalties provided for the offense committed.

Art. 208.6 - The author or co-perpetrator of a crime covered by this chapter cannot be exonerated from responsibility solely because he has performed an act prescribed or authorized by legislative provisions or an act ordered by the legitimate authority.

However, the court takes this circumstance into account when determining the sentence and sets its amount, without it being able to fall below 20 years.

No interest, no necessity of a political, military or national order, can justify the offenses, even as reprisals. provided for by articles 208.1, 208.2 and 208.3 without prejudice to the exceptions mentioned in the 9th and 13th of article 208.3.

Art. 208.7. - The immunity attached to the official capacity of a person does not prevent the application of the provisions of this chapter.

Art. 208.8. - Public action relating to the crime provided for in this chapter as well as the sentences imposed are imprescriptible.

The Nigerian courts have jurisdiction over the offenses provided for in this Chapter, regardless of the place where they were committed.

For offenses committed abroad, by a Nigerian against a foreigner, the complaint of the foreigner or his family or the official opinion of the authority of the country where the offense was committed is not required. TITLE III. -ATTACKS AGAINST PEOPLE

First chapter. -ALTERATION OF TRUTH AND DISCLOSURE

SECTION I- False testimony

Art. 209. - False testimony is the act of knowingly altering the truth in a statement given under oath before a trial court or before an investigating court.

Art. 210. - Whoever is guilty of false testimony, in simple police matters, either against the accused or in his favor, will be punished by imprisonment of one to three years and a fine of 10,000 to 100,000 francs or one of these two sentences only.

Art. 211. - The person guilty of false testimony, in criminal matters, either against the accused or the accused, either in their favor, will be punished with imprisonment of two to five years and a fine of 20,000 to 200,000 francs or with one of these two penalties only.

If, however, the accused was sentenced to more than five years of imprisonment, the false witness who testified against him will incur the same sentence.

Art. 212. - The person guilty of false testimony, in criminal matters, either against the accused or the accused, or in their favor, will be punished by imprisonment of two to five years and a fine of 50,000 to 300,000 francs.

If, however, the accused has been sentenced to a sentence equal to or greater than ten years' imprisonment, the false witness who testified against him will incur the same sentence.

Art. 213. - The person guilty of false testimony, in civil or administrative matters, will be punished with imprisonment of two to five years and a fine of 20,000 to 200,000 francs or with one of these two penalties only.

Art. 214. - The false witness, who has received money, any reward or promises, will be punished:

- in simple police matters: imprisonment of two to five years and a fine of 20,000 to 200,000 francs;

- in correctional, civil or administrative matters: imprisonment of five to less than ten years and a fine of 50,000 to 300,000 francs;

- in criminal matters: imprisonment of ten to twenty years.

In any case, what the false witness receives will be confiscated.

Art. 215. - The interpreter who, in civil, administrative, criminal, correctional or simple police matters, will have in bad faith distorted the substance of words or documents orally translated, will be punished with the penalties of false testimony according to the provisions contained in the sections 210, 211, 212, 213 and 214.

Art. 216. - In the cases provided for in articles 210, 211, 213 and 214, 1° and 2°, the guilty parties may, in accordance with the provisions of article 25, be deprived in whole or in part of the rights mentioned in article 21 .

SECTION II. - Witness tampering

Art. 217. - Whoever, in any matter, either during a procedure and in any event, or with a view to a request or defense in court, will have used promises, offers or gifts, pressure, threats, assaults, maneuvers or artifices to induce others to make or deliver or not to make or not to deliver a false statement, declaration or attestation will be, whether or not this subornation has produced its effect, punishable by 'imprisonment of two months to three years and a fine of 50,000 to 500,000 francs or one of these two penalties only, without prejudice to the stronger penalties provided for in the previous section, if he is an accomplice to 'false testimony qualified as a crime or misdemeanor.

Art. 218. - Interpreter subornation will be punished as witness subornation according to the provisions of the preceding article.

SECTION III- False oath

Art. 219. - Anyone to whom the oath has been taken or referred in civil matters, and who has made a false oath, will be punished by imprisonment of one to five years and a fine of 20,000 to 200,000 francs.

He may also, in accordance with the provisions of Article 25, be deprived, in whole or in part, of the rights mentioned in Article 21.

SECTION IV - Slanderous denunciation

Art. 220. - Anyone who, by any means whatsoever, makes a slanderous denunciation against one or more individuals to administrative or judicial police officers, or to any other authority having the power to follow it up or refer it to the competent authority, or even to the denounced's hierarchical superiors or employers, will be punished by imprisonment of six months to five years and a fine of 50,000 to 500,000 francs.

The court may, in addition, order the insertion of the judgment in full or in extract, in one or more newspapers, and at the expense of the convicted person.

If the fact reported is liable to criminal or disciplinary sanctions, proceedings may be initiated under this article, either after judgment or judgment of dismissal of the case, or after filing of the denunciation by the competent magistrate, civil servant, higher authority or employer. to give it the result it was likely to entail.

The court seized under this article will be required to stay its ruling if the proceedings concerning the fact reported are pending.

SECTION V - Revelation of secrets

Art. 221. - Doctors, surgeons, pharmacists, midwives, nurses and all other persons responsible, by status or profession or by temporary or permanent functions, of the secrets entrusted to them, who, except in the case where the law obliges them or authorizes them to act as informers, will have revealed secrets, will be punished by imprisonment of two months to one year and a fine of 10,000 to 200,000 francs or by one of these two penalties only.

However, the persons listed above, without being required to denounce abortions deemed by them to be criminal of which they became aware during the exercise of their profession, do not incur, if they denounce them, the penalties provided for in the previous paragraph; summoned to court for an abortion case, they remain free to provide their testimony to the courts without exposing themselves to any penalty.

Chapter II. - WILLFUL INJURY AND OTHER INTENTIONAL CRIMES AND OFFENSES

SECTION I- Voluntary assault and battery

Art. 222. - Any individual who voluntarily causes injury or strikes, or commits any other violence or assault, will be punished by imprisonment of three months to two years and a fine of 10,000 to 100,000 francs or one of these two penalties only.

If the blows, injuries or violence or assault took place with premeditation, ambush, or use of a weapon, the guilty party will be punished by imprisonment of six months to three years and a fine of 20,000 francs to 200,000 francs or one of these two penalties only.

If the facts specified in the preceding paragraph took place with premeditation, mutilation, amputation, or deprivation of the use of a limb, blindness, loss of an eye or other permanent infirmities, imprisonment of one to eight years will be pronounced.

If the facts specified in the preceding paragraph took place with premeditation, ambush or use of a weapon, the imprisonment will be two to less than ten years.

If the blows or injuries intentionally caused without the intention of causing death, nevertheless caused it, the guilty party will be punished with imprisonment of ten to twenty years.

If the facts specified in the preceding paragraph took place with premeditation, ambush or use of a weapon, the imprisonment will be fifteen to thirty years.

Art. 223. - In addition to firearms, all piercing, sharp or blunt objects and instruments are considered weapons within the meaning of this section.

Art. 224. - Premeditation consists of the design formed before the action, to attack the person of a specific individual or even of the one who will be found or encountered, even if this design would be dependent on some circumstance or condition.

Art. 225. - Ambush consists of waiting for more or less time, in one or various places, for an individual, either to carry out acts of violence on him or to kill him.

Art. 226. - When the blows, injuries or violence or assault specified in article 222 have been committed, either on the person of the legitimate, natural or adoptive father and mother of the author, or other legitimate ascendants, or on the person of a child under the age of thirteen, the penalties mentioned in article 222 will be increased as follows:

- in the cases provided for in paragraphs 1 and 2, the penalties will be doubled;

- in the case provided for in paragraph 3, the imprisonment will be from two to less than ten years;
- in the case provided for in paragraph 4, the imprisonment will be from three to less than ten years;
- in the case provided for in paragraph 5, the imprisonment will be thirty years;
- in the case provided for in paragraph 6, the imprisonment will be for life.

Art. 227. - Deprivation of food or care, likely to compromise the health of a child under the age of thirteen, is assimilated to the above-mentioned violence.

Art. 228. - In the cases provided for in paragraphs 3 and 4 of article 222 as well as in 2° and 3° of article 226, the provisions relating to extenuating circumstances and suspension cannot be applied.

Art. 229. - The culprit punished with a criminal penalty under the provisions of this section may be deprived, in whole or in part, of the rights mentioned in article 21.

A daytime ban may also be imposed in all cases.

SECTION II -Administration of harmful substances (Law 2003-25 of June 13, 2003) and endangering the lives of others

Art. 230. - Anyone who causes another person to suffer illness or incapacity for personal work by voluntarily administering to them, in any way whatsoever, substances which, without being likely to cause death, are harmful to health, will be punished imprisonment of six months to five years and a fine of 10,000 to 100,000 francs.

If the illness or incapacity for work lasted more than twenty days or if the offense specified above was committed against one of the ascendants, descendants or the spouse, the prison sentence will be two to five years.

The guilty party may be prohibited from staying and deprived, in accordance with the provisions of Article 25, in whole or in part, of the rights mentioned in Article 21. The court will not be able to apply the provisions relating to mitigating circumstances and suspended sentence.

(Law 2003-25 of June 13, 2003) Art. 230.1. - Directly exposing others to an immediate risk of death or injury likely to result in mutilation or infirmity

permanent, by manifestly deliberate violation of a particular obligation of safety or prudence imposed by law or regulation, is punishable by one year to two years of imprisonment and a fine of 20,000 to 200,000 francs.

Knowingly exposing others to the risk of acquired immunodeficiency syndrome (AIDS) is punishable by five years to less than 10 years of imprisonment and a fine of 50,000 to 500,000 francs.

The penalties provided for in the preceding paragraph are increased to the maximum when the perpetrator belongs to the medical or para-medical profession.

SECTION III. - Castration

Art. 231. - Castration is the voluntary removal or amputation of an organ necessary for generation.

Art. 232. - Any person guilty of the crime of castration will suffer the penalty of life imprisonment.

If death results, the death penalty will be imposed.

SECTION III BIS. - (Law 2003-25 of June 13, 2003). Female genital mutilation

Art. 232-1. - Female genital mutilation is defined as any attack on the female genital organ by total or partial removal of one or more of its elements, by excision, by infibulation, by insensitization or by any other means.

Art. 232-2. - Anyone who commits or attempts to commit female genital mutilation will be punished by imprisonment of 6 months to 3 years and a fine of 20,000 to 200,000 francs.

If female genital mutilation done voluntarily without the intention of causing death, nevertheless caused it, the culprit will be punished with imprisonment of 10 to 20 years.

The accomplice is punished with the same penalty as the main perpetrator.

Art. 232-3. - The penalties provided for in the preceding article are increased to the maximum when the perpetrator belongs to the medical or paramedical profession; a ban on practicing one's profession may be imposed for a period not exceeding 5 years.

SECTION IV - Threats

Art. 233. - Anyone who has threatened in anonymous or signed writing, image, symbol or emblem, with assassination, imprisonment or any other attack against persons which would be punishable by a criminal penalty, will, in the event that the threat would have been made with an order to deposit a sum of money in a specific place, or to fulfill any other condition, punishable by imprisonment of two to five years and a fine of 20,000 to 200,000 francs.

The guilty party may, in addition, in accordance with the provisions of article 25, be deprived, in whole or in part, of the rights mentioned in article 21.

The sentence of ban on residence may be imposed.

Art. 234. - If this threat was not accompanied by any order or condition, the prison sentence will be one to three years and the fine will be 10,000 to 100,000 francs.

The penalty of a residence ban may also be imposed.

Art. 235. - If the threat made with an order or condition was verbal, the guilty party will be punished with imprisonment of six months to two years and a fine of 10,000 to 100,000 francs or with one of these two penalties only. .

Art. 236. - Anyone who, by one of the means provided for in the preceding articles, threatens assault or violence not provided for in article 233, if the threat was made with order or under conditions, will be punished by imprisonment. of three to six months and a fine of 10,000 to 100,000 francs or one of these two penalties only.

Chapter III. - MURDERS AND OTHER CAPITAL CRIMES

Art. 237. - Homicide committed voluntarily is murder.

Art. 238. - Murder committed with premeditation or ambush is an assassination.

Art. 239. - The murder of the legitimate father and mother, natural or adoptive, or of any other legitimate ascendant, is parricide.

Art. 240. - The murder or assassination of a newborn is infanticide.

Art. 241. - Any attack on the life of a person by the effect of substances which can cause death more or less quickly, in whatever manner these substances have been employed or administered, and whatever the consequences, is qualified of poisoning.

Art. 242. - Anyone guilty of murder will be punished with life imprisonment.

However, murder will carry the death penalty:

- if it was preceded, accompanied or followed by another crime;
- if its purpose was either to prepare, facilitate or carry out a crime, or to encourage the escape or to ensure the impunity of the perpetrators or accomplices of this crime.

Art. 243. - Anyone guilty of assassination, parricide or imprisonment. will be punished by death. However, the mother, principal author or accomplice of the assassination or murder of her newborn child, will be punished with a prison sentence of ten to twenty years, but without this provision being able to apply to her co-perpetrators. or accomplices.

Art. 244. - Will be punished as guilty of assassination, any person who, in the execution of a crime, uses torture or commits barbaric acts.

Chapter IV.- EXCUSABLE CRIMES AND OFFENSES

Art. 245. - Murder as well as wounds and blows are excusable:

- if they were caused by serious beatings and violence against people;
- if they were committed by repelling, during the day, the climbing or break-in of fences, walls or entrance to a house or inhabited apartment, or their outbuildings.

(Law No. 2003-25 of June 13, 2003). However, parricide, genocide and crimes against humanity are never excusable.

Art. 246. - The murder committed by one spouse on the other, as well as on the accomplice, the moment he surprises them in the act of adultery in the marital home, is excusable.

Art. 247. - The crime of castration, if it was immediately provoked by a violent outrage against modesty is excusable.

Chapter V - CRIMES AND OFFENSES AGAINST CHILDREN AND THE FAMILY

SECTION I - Abduction, concealment, suppression, assumption and substitution of a child, non-representation of a child by the person responsible for his or her care

Art. 248. - Those guilty of kidnapping, concealment or suppression of a child, substitution of one child for another or of assuming a child to a woman who has not given birth, will be punished by imprisonment of two Eight years.

The attempt will be punished like the offense itself.

If it is not established that the child has lived, the prison sentence will be two months to two years.

If it is established that the child did not live, the prison sentence will be fifteen days to two months.

Art. 249. - Those who, being responsible for a child, do not represent it to persons who have the right to claim it will be punished with the penalty provided for in paragraph 1 of the preceding article.

Art. 250. - In the cases provided for in articles 248, paragraph 1 and 249, the guilty party may, in accordance with the provisions of article 25, be deprived, in whole or in part, of the rights mentioned in article 21.

SECTION II. - Failure to declare birth or hand over a newborn

Art. 251. - Any person having attended a birth and required by law to declare it, who has not made the declaration to the competent authority within the legal time limits, will be punished by imprisonment of two to six months and a fine of 10,000 to 100,000 francs or one of these two penalties only.

Art. 252. - Any person who, having found a newborn child, has not declared it to the competent authority, will be punished with the penalties provided for in the preceding article.

SECTION III. -Abandonment of a child or incapable person

Art. 253. - Those who have exposed or caused to be exposed, abandoned or caused to be abandoned, in any place, a child or an incapable person incapable of protecting himself because of his physical or mental state will, by this fact alone, be sentenced to imprisonment of three months to three years and a fine of 20,000 to 200,000 francs.

If an illness or non-permanent incapacity results from exposure or neglect, the prison sentence will be six months to five years.

If the child or incapable person remains mutilated or crippled, or if he or she remains permanently incapacitated, the prison sentence will be two to less than ten years.

When exposure or abandonment causes death, the penalty will be imprisonment for ten to thirty years.

Art. 254. - In the case provided for in paragraph 3 of the preceding article, the provisions relating to extenuating circumstances and suspension cannot be applied.

In the cases provided for in paragraphs 1, 2 and 3, the guilty party may, in accordance with the provisions of article 25, be deprived, in whole or in part, of the rights mentioned in article 21.

SECTION IV - Misappropriation of minors

Art. 255. - § 1 (Law no. 63-3 of February 1, 1963). Anyone who, by fraud or violence, kidnaps or causes to be kidnapped minors under 18 years of age, or has led, diverted or moved them, or has caused them to be dragged, diverted or moved from places where they were placed by those in authority or to whose management they were subject or entrusted, will be punished by imprisonment of two to less than ten years.

The attempt will be punished like the offense itself.

Art. 256. - If the culprit was paid or had the aim of being paid a ransom by the persons under whose authority or supervision the minor was placed, the penalty will be life imprisonment.

However, in the case provided for above, the penalty will be that of imprisonment of ten to thirty years if the minor is found alive before the sentence of conviction has been rendered.

Art. 257. - Kidnapping will carry the death penalty if it was followed by the death of the minor.

Art. 258. - § 1. (Law no. 63-3 of February 1, 1963). Anyone who, without fraud or violence, kidnaps or embezzles, or attempts to kidnap or embezzle, a minor under 18 years of age, will be punished by imprisonment of one to five years and a fine of 10,000 to 100,000 francs. or one of these two penalties only.

When a minor thus kidnapped or diverted has married her kidnapper, the latter can only be prosecuted on the complaint of persons who have the authority to request the annulment of the marriage and can only be sentenced after this annulment has been pronounced. .

SECTION V - Non-representation of a child whose custody has been ruled by court decision

Art. 259. - When it has been decided on the custody of a minor by a court decision, provisional or definitive, the father, the mother or any other person who will not represent this minor to those who have the right to claim it or who, even without fraud or violence, will remove it or divert it or cause it to be removed or diverted from the hands of those to whom its custody has been entrusted, or places where the latter have placed him, will be punished by imprisonment of two months to two years and a fine of 20,000 to 200,000 francs or one of these two penalties only.

SECTION VI. -Abandonment of family or home

Art. 260. - (Law No. 65-042 of September 9, 1965). Will be punished by imprisonment of one month to one year and a fine of 20,000 to 200,000 francs or one of these two penalties only:

1° the father or mother who abandons, without serious reason, the family residence for more than two months and evades all or part of the moral or material obligations resulting from paternal authority or from legal guardianship; the two-month period can only be interrupted by a return home implying the desire to definitively resume family life;

2° the husband who, without serious reason, voluntarily abandons his wife for more than six months, knowing she is pregnant;

3° the husband who, without serious reason, voluntarily abandons his wife for more than a year.

4° a woman who, without serious reason or outside the cases provided for by custom, voluntarily abandons the marital home for more than three months;

5° fathers and mothers, whether or not the forfeiture of paternal power is pronounced against them, who seriously compromise by mistreatment, by pernicious examples of habitual drunkenness or notorious misconduct, by a lack of care or by a lack of necessary direction, either the health, or the safety, or the morality of their children or of one or more of the latter.

With regard to the offenses provided for in 1°, 2°, 3° and 4° of this article, the prosecution will initially include an arrest, noted in the official report, of the offender, by a judicial police officer. He will be given a period of eight days to fulfill his obligations.

If the offender is on the run or if he has no known residence, the arrest will be replaced by sending a registered letter to the last known address.

In the same cases, during the marriage, prosecution will only be carried out upon complaint from the spouse remaining at home.

With regard to the offenses provided for in 1°, 2°, 3° and 4° of this article, the withdrawal of the spouse remaining at home puts an end to the prosecution. His forgiveness stops the effect of the condemnation.

Art. 261. - Any person who, in disregard of an order or a judgment having ordered her to pay alimony to her spouse, her ascendants or her descendants, will have voluntarily remained more than two months without providing all of the subsidies determined by the judge, nor paying the full amount of the alimony.

Failure to pay will be presumed voluntary unless proven otherwise; insolvency resulting from habitual misconduct, laziness or drunkenness will in no case be a valid excuse for the debtor.

Any person convicted of one of the offenses provided for in this article and the preceding article may, in addition, in accordance with the provisions of article 25, be deprived, in whole or in part, of the rights mentioned in article 21.

The competent court to hear the offenses referred to in this article will be that of the domicile or residence of the person who is to receive the pension or benefit from the subsidies.

SECTION VII. - Violations of burial laws

Art. 262. - Those who contravene, in any way, the laws and regulations relating to burials, will be punished by imprisonment of fifteen days to two months and a fine of 10,000 to 100,000 francs, or one of these two sentences only.

Art. 263. - Anyone who conceals or hides the corpse of a person who has committed homicide or died as a result of intentional assault and battery will be punished by imprisonment of three months to two years and a fine of 10,000 to 100,000 francs.

Art. 264. - Will be punished with imprisonment of three months to two years and a fine of 10,000 to 100,000 francs anyone who is guilty of violating tombs or burials.

The same penalties will apply to anyone who desecrates or mutilates a corpse, even if not buried.

In the cases provided for in the preceding paragraphs, the provisions relating to extenuating circumstances and suspension cannot be applied.

Chapter VI. ñ ATTACKS ON INDIVIDUAL FREEDOM

SECTION I. -Arbitrary arrests and kidnappings

Art. 265. - Will be punished with imprisonment of one to less than ten years those who, without order from the constituted authorities, and except in cases where the law orders the seizure of defendants, will have arrested, detained or sequestered any persons.

Anyone who provides a place to carry out the detention or sequestration will suffer the same penalty.

The provisions relating to mitigating circumstances and suspension cannot be applied to this article.

Art. 266. - The penalty will be imprisonment of ten to twenty years in each of the following cases:

- if the arrest took place under a false order from the public authority;
- if it was executed with a false costume;
- if the victim was arrested or detained with the threat of death.

Art. 267. - In the cases provided for in the preceding articles, if the persons arrested, detained or sequestered have been subjected to corporal torture, the penalty will be death.

Art. 268. - The penalty will be reduced to imprisonment of six months to five years if the culprits of the offenses mentioned in article 265, not yet prosecuted in fact, have released the person arrested, sequestered or detained, before the tenth day completed since that of the arrest, detention or confinement.

SECTION II - Alienation of the freedom of others

Art. 269. - Anyone who has pawned or received a person, whatever the reason, will be punished by imprisonment of two months to two years and a fine of 10,000 to 100,000 francs or one of these two penalties only.

The prison sentence may be increased to five years if the person pledged or received is under the age of thirteen.

The guilty parties may also, in all cases, be deprived, in accordance with the provisions of Article 25, of the rights mentioned in Article 21.

Art. 270. - Any person who has alienated, either gratuitously or for consideration, the freedom of any other person, will be punished by imprisonment of ten to thirty years.

If the person is under thirteen years of age, the penalty of life imprisonment will be incurred.

If the culprit has alienated the freedom of several people, he will be punished with the death penalty.

SECTION II BIS. - (Law 2003-25 of June 13, 2003) Slavery

Paragraph 1: The crime of slavery

Art. 270-1. - "Slavery" is the state or condition of an individual over whom the attributes of property rights or some of them are exercised;

"The slave" is the individual who has his status or this condition.

The "person of servile status" is one who is placed in the status or condition which results from one of the institutions or practices of slavery, in particular:

Servitude or any form of submission or absolute dependence on a master.

Any institution or practice under which:

- a) a woman is, without her having the right to refuse, promised or given in marriage in return for a consideration in cash or in kind paid to the master;
- b) the master of a woman considered to be a slave has the right to transfer her to a third party, for consideration or otherwise
- c) the master has the right to have sexual relations with the slave woman;
- d) any institution or practice under which a minor under 18 years of age is handed over, either by his parents, by his guardian, or by his master or the master of one or both parents, to a third party, against payment or not, with a view to exploiting the person or work of said minor.

Art. 270.2. - The act of reducing another to slavery or inciting others to alienate their freedom or dignity or that of a person in their charge, in order to be reduced to a slave, is punishable by a prison sentence of 10 to 30 years and a fine of 1,000,000 to 5,000,000 francs.

Is punished with the same penalty provided for in the preceding paragraph, the act for a master or his accomplice :

- to have sexual relations with a woman considered a slave or the wife of a man considered a slave;

- to make a woman considered a slave available to another person for the purpose of having sexual relations.

Complicity and attempt to commit the offenses provided for in the preceding articles are punishable by the penalty provided for in this article.

Paragraph 2: (Law No. 2003-25 of June 13, 2003). Of the crime of slavery

Art. 270.3. - Constitutes an offense of slavery:

Any attack on the physical or moral integrity of a person due to their servile condition, any degrading, inhuman or humiliating treatment exercised against this person.

The fact of a master receiving the fruits and income resulting from the prostitution of a woman of servile status or from the work of any person of "servile status";

Extortion of funds, blackmail exercised against a person of "servile status";

The act of a master collecting tribute from a person due to the right of ownership that he exercises on this person;

The kidnapping of children alleged to be slaves to place them in servitude;

Art. 270.4. - Any person found guilty of the offense of slavery will be punished by imprisonment of 5 to less than 10 years and a fine of 500,000 to 1,000,000 francs.

The attempt is punishable by the penalty provided for in the preceding paragraph.

Paragraph 3: Common system

Art. 270.5 - Any association regularly declared for at least 1 year on the date of the facts and having, by virtue of the statutes, the objective of combating slavery or similar practices is entitled to take civil action for compensation for damage caused by the offenses to the criminal law on slavery.

SECTION III.- Violation of home

Art. 271. - Any individual who enters, using threats or violence, into the home of a person, will be punished by imprisonment of three months to two years and a fine of 10,000 to 100,000 francs or one of these two penalties only.

Chapter VII.- HOMICIDE AND INVOLUNTARY INJURY, FLIGHT

SECTION I - Homicide and unintentional injuries

Art. 272. - Anyone who, through clumsiness, imprudence, inattention, negligence or non-compliance with regulations, involuntarily causes blows or causes injury or illness resulting in personal incapacity for work for more than ten days, will be punished by imprisonment for two months to one year and a fine of 20,000 to 200,000 francs or one of these two penalties only.

If death ensues, the imprisonment will be from three months to three years and the fine from 20,000 to 200,000 francs.

Art. 273. - If an unintentionally caused fire causes death or injury to one or more people, the penalties provided for in the preceding article will be applied according to the distinctions established therein.

SECTION II. - Hit and run

Art. 274. - Any driver of a vehicle who, knowing that this vehicle has just caused or occasioned an accident, has not stopped and thus attempted to escape liability civil or criminal that he may have incurred, will be, when the said accident results in homicide or injury to the person of one or more individuals, punishable by imprisonment of one to less than ten years and a fine. from 50,000 to 500,000 francs.

Chapter VIII. -MORAL OFFENSES

SECTION I. - Public outrage of modesty

Art. 275. - Constitutes a public outrage against modesty any material act contrary to good morals committed under conditions such that it has been seen or could have been seen by third parties whose modesty it was likely to offend.

Art. 276. - Any person who commits a public outrage against modesty will be punished by imprisonment of three months to three years and a fine of 10,000 to 100,000 francs.

SECTION II. -Indecent assaults

Art. 277. - Any immodest act carried out directly on a person of one or the other sex constitutes an indecent assault.

Art. 278. - Any indecent assault, committed or attempted without violence on the person of a child of either sex under thirteen years of age, will be punished by imprisonment of two to less than ten years. and a fine of 20,000 to 200,000 francs.

Art. 279. - The indecent assault committed by any ascendant on the person of a minor aged thirteen to twenty-one years, not emancipated by marriage, will be punished by the penalties mentioned in the preceding article.

Art. 280. - Anyone who commits an attack, committed or attempted with violence, against individuals of either sex, will be punished by imprisonment of two to less than ten years and a fine of 20,000. at 200,000 francs.

If the attack was committed on a child under the age of thirteen, the imprisonment will be ten to twenty years.

Art. 281. - In all the cases provided for in this section, the guilty parties may be, in accordance with the provisions of article 25, deprived of all or part of the rights mentioned in section 21.

A stay ban may also be imposed on the guilty parties.

SECTION II BIS: (Law No. 2003-25 of June 13, 2003). Sexual harassment

Art. 281.1. - "The fact of harassing others by using orders, threats or coercion with the aim of obtaining favors of a sexual nature is punishable by imprisonment of 3 to 6 months and a fine of 10,000 to 100,000 francs .

If the harassment is the work of a person abusing the authority given to them by their functions, the imprisonment will be 3 months to one year and the fine will be 20,000 to 200,000 francs.

SECTION III. - Immodest acts against minors of the same sex

Art. 282. - Anyone who commits an immodest or unnatural act with an individual of his sex, minor of twenty-one years, will be punished by imprisonment of six months to three years and a fine of 10,000 to 100,000 francs. SECTION IV. -Rape

Art. 283. - (Law No. 2003-25 of June 13, 2003). Any act of sexual penetration, of whatever nature, committed against another person by violence, coercion, threat or surprise is rape.

Art. 284. - Anyone who commits the crime of rape will be punished by imprisonment of ten to twenty years.

If the crime was committed against a child under the age of thirteen, the guilty party will be punished with imprisonment of fifteen to thirty years.

SECTION V. - Aggravated indecent assault and rape

Art. 285. - If those guilty of indecent assault or rape are ascendants of the person on whom the offense or crime was committed, if they are among those who have authority over them, if they are their teachers, if they are his servants, or servants of the persons named above, if they are civil servants or ministers of a religion, or if the culprit, whoever he may be, has been helped by one or more persons, the penalty will be that of imprisonment of ten to twenty years in the case provided for in article 278, and of life imprisonment in the cases provided for in articles 280 and 284.

SECTION VI.- Adultery

Art. 286. - Adultery by a married woman is the act of her having sexual relations with a man other than her husband.

Art. 287. - Adultery by a married man is the act of him having sexual relations with a woman other than his legitimate wife or wives.

Art. 288. - The wife's adultery can only be denounced by the husband.

The husband's adultery can only be denounced by the legitimate wife or wives.

Art. 289. - The person guilty of adultery will be punished with imprisonment of fifteen days to three months and a fine of 10,000 to 100,000 francs or with one of these two penalties only.

The withdrawal of the offended spouse puts an end to the suit. His forgiveness stops the effect of the condemnation.

SECTION VII - Marriage contracted outside the cases provided for by law or custom

Art. 290. - Whoever, being engaged in the bonds of marriage, contracts another outside the cases provided for by law or custom, will be punished by imprisonment of two months to one year and a fine from 50,000 to 500,000 francs, or one of these two penalties only

The public officer or officiant who knowingly lent their ministry to this marriage will be punished with the same penalty.

SECTION VIII - Pimping and incitement to debauchery

Art. 291. - The person who:

who in any way knowingly aids, assists or protects the prostitution of others or the solicitation for prostitution;

who, in any form, shares the proceeds of prostitution of others or receives subsidies from a person habitually engaging in prostitution;

who knowingly lives with a person habitually engaged in prostitution;

who, being in habitual relations with one or more people engaging in prostitution, cannot demonstrate resources corresponding to their lifestyle;

who hires, trains or maintains, even with their consent, a person, even an adult, with a view to prostitution, or delivers them to prostitution or debauchery;

who acts as an intermediary, in any capacity, between people engaging in prostitution or debauchery and individuals who exploit or pay for the prostitution or debauchery of others;

which, by threat, pressure, maneuver or by any other means, hinders the action of prevention, control, assistance or re-education, undertaken by qualified organizations in favor of people engaged in prostitution or in danger of prostitution.

Art. 292. - The penalty will be imprisonment of two to five years and a fine of 50,000 to 5,000,000 francs in the case where:

- 1) the offense was committed against a minor;
- 2) the offense was accompanied by threats, coercion, assault, abuse of authority or fraud;
- 3) the perpetrator was carrying an apparent or hidden weapon;
- 4) the perpetrator is the husband, father, mother or guardian of the victim or belongs to one of the categories listed in article 285;
- 5) the perpetrator is called upon to participate, through his functions, in the fight against prostitution, the protection of health, or the maintenance of public order;
- 6) the offense was committed against several people;
- 7) the victims of the crime were handed over or encouraged to engage in prostitution outside the territory of the Republic;

8) the victims of the crime were handed over or incited to engage in prostitution upon their arrival or within a period close to their arrival in the territory of the Republic;

9) the offense was committed by several perpetrators, co-perpetrators or accomplices.

Art. 293. - Will be punished with the penalties provided for in the preceding article anyone who commits an attack on the walls by habitually exciting, promoting or facilitating the debauchery or corruption of the youth of either sex, below the age of aged twenty-one or, even occasionally, minors aged thirteen.

The penalties provided for in articles 291 and 292 as well as in this article will be pronounced, while the various acts which are the constituent elements of the offenses will have been carried out in different countries.

Art. 294. - Will be punished by the penalties provided for in article 292 any individual who detains, directly or through an intermediary person, who manages, directs or operates a prostitution establishment or who habitually tolerates the presence of one or more people engaged in prostitution inside a hotel, furnished house, boarding house, drinking establishment, club, club, dance hall or performance venue or their annexes or any place open to the public or used by the public and of which he is the owner, the manager or attendant. The same penalties are applicable to any person who assists said holders, managers or employees. In the event of a new offense within ten years, the penalties incurred will be doubled.

In all cases where the incriminated facts occurred in an establishment referred to in the preceding paragraph, and whose holder, manager or employee is convicted by application of the two preceding articles or this article, the judgment will withdraw the license from which the convicted person would be the beneficiary and may, in addition, pronounce the definitive closure of the establishment.

Those guilty of one of the offenses or the attempt of one of the offenses mentioned in articles 291, 292, 293 and this article may be, in accordance with the provisions of article 25, deprived of all or part of the rights listed. in article 21.

In all cases, the culprits may be placed under a stay ban.

Movable property used directly or indirectly to commit an offense will be seized and confiscated, regardless of the person it belongs to.

Attempted offenses referred to in articles 291, 292, and 293 and in this article will be punished like the offenses themselves.

Chapter IX. -ABORTION

Art. 295. - Whoever, by food, drink, medicine, maneuvers, violence or by any other means, procures or attempts to procure the abortion of a pregnant or presumed pregnant woman, whether she has consented or not, will be punished imprisonment of one to five years and a fine of 50,000 to 500,000 francs.

(Law No. 2003-25 of June 13, 2003). The imprisonment will be from five to less than ten years if it is established that the culprit habitually engaged in the acts referred to in the preceding paragraph or if the victim is a minor under 16 years of age.

A woman who procures an abortion herself or attempts to obtain it or who consents to use the means indicated or administered for this purpose.

Art. 296. - Doctors, midwives, surgeons, dentists, pharmacies, as well as medical students, pharmacy students or employees, herbalists, bandagists, surgical instrument dealers, nurses, masseurs, who have indicated , favored or

practiced the means of procuring an abortion, will be sentenced to the penalties provided for in paragraphs 1 and 2 of the preceding article. Suspension for at least five years or incapacity absolute freedom from the exercise of their profession will, moreover, be pronounced against the guilty.

Anyone who contravenes the ban on exercising his profession pronounced under the preceding paragraph will be punished by imprisonment of six months to two years and a fine of 50,000 to 500,000 francs or one of these two penalties only.

Art. 297. - In the cases provided for in paragraphs 1 and 2 of article 295 and article 296, the guilty person may also be prohibited from staying.

Chapter X. - REGULATION OF TRADE AND CARRYING OF ARMS

Art. 298. - Except in cases provided for or authorized by regulations or those resulting from customary use, the carrying of daggers, stiletos, bayonets, sword canes, leaded canes, headlocks and all other secret or hidden offensive weapons as firearms, is prohibited on the territory of the Republic.

(Law No. 2003-25 of June 13, 2003). Any individual found carrying said weapons will be punished with imprisonment of two years to five years and a fine of 20,000 to 200,000 francs.

In addition, the confiscation of the weapons, the subject of the offense, will be ordered.

Under no circumstances may the provisions relating to mitigating circumstances or suspension be applied.

Art. 299. - (Law No. 2003-25 of June 13, 2003). The importation, sale, transport, possession and carrying of firearms or compressed air weapons, bullets, cartridges and powders of any kind, as well as any explosives, are prohibited throughout the territory of the Republic.

"Any person who has imported, sold, transferred, transported, detained or carried into the territory of the Republic the weapons, explosives or munitions listed above, will be punished by imprisonment of two to less than 10 years and "a fine of 20,000 to 200,000 francs."

In addition, the confiscation of weapons, explosives and ammunition, the object of the offense, will be ordered.

Attempted importation, sale or transfer is punished like importation, sale or transfer.

Under no circumstances may the provisions relating to mitigating circumstances and suspension be applied.

Art. 300. - Unless authorized by the public authority, the manufacture of explosives, firearms advanced firearms and firearms known as trafficking weapons, as well as spare parts for said weapons and ammunition, is prohibited throughout the territory of the Republic. The guilty parties will be punished with the penalties provided for in the preceding article and the confiscation of the explosives, weapons, parts and ammunition, the object of the offense, will be ordered.

Chapter XI. - PUBLIC DRUNKENNESS AND DRINK POLICE

SECTION I. - Public drunkenness

Art. 301. - Any person who is found in a state of obvious intoxication in the streets, paths, squares, cafes, cabarets, or other public places, will be immediately arrested and referred to the public prosecutor to be brought before the next criminal court the flagrante delicto procedure.

She will be punished by imprisonment of ten days to two months and a fine of 5,000 to 100,000 francs or one of these two penalties only.

In the event of a repeat offense, the offender may, in accordance with the provisions of Article 25, be deprived of all or part of the rights mentioned in Article 21.

SECTION II. - Drinking establishment police

Art. 302. - §§ 1 and 2 (Law no. 63-3 of February 1, 1963). Cafe owners, tavern owners and other vendors who give drinks to people will be punished with imprisonment of ten days to two months and a fine of 20,000 to 200,000 francs, or with one of these two penalties only. obviously drunk or who will have received them in their establishment, or will have served spirits and alcoholic beverages to minors under the age of 18.

However, in the event that the vendor is warned of having served spirits or alcoholic beverages to a minor under 18 years of age, he will be able to prove that he was misled about the age of the minor. If he proves this, no penalty will be applicable to him on this account.

Art. 303. - Anyone who sells at retail on credit, either by the glass or in a bottle, spirits and alcoholic beverages to be consumed on the premises or to be taken away, will be punished by imprisonment of ten days to two months and a fine of 20,000 to 200,000 francs or one of these two penalties only.

Art. 304. - § 1 (Law no. 2003-25 of June 13, 2003). "Any person who employs persons under 18 years of age to consume on-site in a drinking establishment will be punished by the penalties provided for in the preceding article."

Art. 305. - In the cases provided for in articles 302 and 304, the closure of the establishment may be ordered by the court for a minimum of five days and a maximum of thirty days.

TITLE IV.- CRIMES AND OFFENSES AGAINST PROPERTY

First chapter. - FLIGHT

SECTION I. – Simple theft

Art. 306. - Anyone who has fraudulently removed something that does not belong to him is guilty of theft.

Art. 307. - Simple theft will be punished by imprisonment of one to three years and a fine of 5,000 to 100,000 francs.

SECTION II. - Robbery

Art. 308. - Will be punished by imprisonment of two to seven years and a fine of 10,000 to 150,000 francs per theft committed:

- by the employee at his employer
- or by innkeepers, hoteliers, transporters, boatmen, or their employees, to the detriment of their customers.

Art. 309. - Will be punished by imprisonment of two to seven years and a fine of 10,000 to 150,000 francs for theft committed in one of the following circumstances:

- the night ;
- in a meeting of two or more people;
- with carrying weapons;
- in a home or its outbuildings, or in parks or enclosures, in public transport vehicles

- by break-in, escalation or use of false keys, in a home or its outbuildings, or taking false public titles, or use of false costumes or allegation of false orders from the authority;

- with use of a motorized vehicle, camel or horse.

If the theft specified above was committed with violence and if the violence left traces of injuries or bruises, the prison sentence will be two to less than ten years.

Art. 310. - When the theft has been committed with two of the circumstances mentioned in article 309, the imprisonment will be from two to less than ten years.

If violence was carried out before leaving traces of injuries or bruises, the imprisonment will be fifteen to thirty years.

(Law n°2003-25 of June 13, 2003). "When the theft is preceded or followed by rape, the death penalty will be incurred."

"In the case provided for in the preceding paragraph, the provisions relating to extenuating circumstances will not be applicable."

Art. 312. - When the theft has been committed with four or more circumstances mentioned in article 309, life imprisonment will be pronounced.

If violence was carried out that left traces of injuries or bruises, the death penalty will be incurred.

Art. 313. - Attempted theft will be punished like the theft itself.

Art. 314. - Any building, accommodation, lodge, cabin, even mobile, hut, hut, tent, which, without being currently inhabited, is intended to be considered a dwelling and outbuildings, the dwelling, and everything that depends on it such as courtyards, farmyards, barns, stables, buildings which are enclosed therein, whatever the use and even if they have a particular fence in the general fence or enclosure. rattle.

Art. 315. - Any land surrounded by ditches, stakes, racks, planks, live or dry hedges, or walls of any kind of material whatsoever, whatever the height or depth, is deemed to be a park or enclosure. , the obsolescence, the degradation of these various fences, even if there is no door locked or otherwise or when the door is clear and usually open.

Art. 316. - Mobile parks intended to contain in the countryside in whatever way they are made, are also deemed enclosed; even when they rely on mobile cabins or other shelters intended for guards, they are deemed dependent on a home.

Art. 317. - Any forcing, breaking, degradation, demolition, removal of walls, roofs, floors, doors, windows, locks, padlocks or other utensils or instruments used to close or prevent passage, and any whatever kind of closure it is.

Break-ins are exterior or interior.

External break-ins are those with which one can enter houses, courtyards, farmyards, enclosures or outbuildings, or into apartments or private dwellings.

Interior break-ins are those which, after entry into the places mentioned in paragraph above, are made of doors or interior fences as well as cupboards or other closed furniture.

Included in the class of internal break-ins is the simple removal of crates, boxes, bundles under canvas and rope, and other closed furniture which contains any effects, although the break-in was not carried out on the premises.

Art. 318. - Climbing is defined as any entry into houses, buildings, courtyards, farmyards, any buildings, gardens, parks or enclosures, carried out over walls, doors, roofs, or any other fence.

Entry through an underground cover other than that which was established to serve as an entrance is a circumstance of the same seriousness as climbing.

Art. 319. - Are considered false keys, all hooks, nightingales, master keys, imitated, counterfeit, altered keys or which have not been intended by the owners, tenants, innkeepers or landlords for the locks, padlocks or any closures to which the guilty would have used them.

Anyone who counterfeits or alters keys will be sentenced to imprisonment of three months to two years and a fine of 10,000 to 100,000 francs. If the culprit is a professional locksmith, he will be punished with imprisonment of two to five years and a fine of 20,000 to 200,000 francs.

Art. 320. - Are considered weapons, within the meaning of article 309, those defined in article 223.

SECTION III. - Cattle theft

(Law No. 2003-25 of June 13, 2003). Sections 322, 323, 326, 327, 328, 329, 330 and 331 are repealed.

Art. 321. - Anyone who steals or attempts to steal livestock will be punished by imprisonment of one to five years and a fine of 10,000 to 100,000 francs.

Art. 324. - When a theft has been committed by several people, the causes of aggravation retained with regard to one of the perpetrators will be common to all the co-perpetrators and accomplices.

When the theft is preceded or followed by rape, the kidnapping of women, children or any other person or the use of firearms, the death penalty will be incurred.

Art. 325. - The provisions relating to mitigating circumstances and suspended sentence are applicable to the defendant or the accused when he has returned the stolen animal or compensated indeed the victim.

SECTION IV - Provisions common to this chapter

Art. 332. - In all the cases provided for in this chapter, the guilty parties may be, in accordance with the provisions of article 25, deprived in whole or in part of the rights mentioned in article 21.

The court may, in all circumstances, order a stay ban.

Chapter II. -SCAM

Art. 333. ñ Whoever, through any fraudulent maneuvers, has had himself handed over or delivered, or has attempted to have himself handed over or delivered, funds, movables or obligations, dispositions, notes, promises, receipts or discharges, and has thus defrauded or attempted to defraud all or part of the fortune of another, will be punished by imprisonment of one to five years and a fine of 20,000 to 200,000 francs.

Are considered as fraudulent maneuvers

the simple use of a false name or a false quality;

goods, artifices, staging, the intervention of a third party;

lies, even verbal, when they constitute deceptions that are difficult to verify and likely to deceive a normally prudent person or even when they emanate from

people who, because of their functions or social position, inspire respect, trust or fear

Art. 334. - The penalties provided for in the preceding article will be applicable to anyone who, in the case of a marriage to be celebrated according to custom, gives or promises in marriage a daughter of whom, according to custom, he could not or no longer dispose of and perceived or attempted to collect all or part of the dowry fixed by custom.

Art. 335. - When the fraud has been committed by a person having appealed to the public, with a view to the issue of shares, bonds, shares or securities of any kind, either of a company or of a commercial enterprise or industrial, the imprisonment will be from two to less than ten years and the fine from 100,000 to 5,000,000 francs.

Art. 336. - If the fraud was committed either by taking the title of civil servant or agent of the public authority, or by improperly wearing a uniform, costume or badge, or by alleging a false order from the authority public, the prison sentence will be two to less than ten years and a fine of 20,000 to 200,000 francs.

Art. 337. - In all the cases provided for in this chapter, the guilty parties may, in accordance with the provisions of article 25, be deprived in whole or in part of the rights mentioned in article 21.

The court may also order a stay ban.

Chapter III. - BREACH OF TRUST

SECTION I. - Breach of trust

Art. 338. - Anyone who has fraudulently misappropriated or dissipated tangible property or intangible value, which has been voluntarily given to him for any reason, on condition of returning it or making a specific use of it, will be punished with a penalty of imprisonment of two months to two years and a fine of 10,000 to 100,000 francs.

If the breach of trust was committed by a person appealing to the public, in order to obtain either on his own account, or as director, administrator or agent of a company or a commercial or industrial enterprise, the delivery of funds or securities, as a deposit, mandate or pledge, the penalty of imprisonment of two months to two years and a fine of 50,000. at 5,000,000 francs.

If the breach of trust provided for and punished by paragraph 1 was committed by a public or ministerial officer, or by an employee, the penalties will be imprisonment of two to less than ten years and a fine of 10,000 at 500,000 francs.

Art. 338-1. - (Law No. 2003-25 of June 13, 2003). Will be punished with imprisonment of 2 to less than 10 years and a fine of 100,000 to 100,000,000 francs of one of these two penalties only, the manager of the limited liability company, the directors, the chief executive officer, the general director, the general director or deputy general administrator of public limited companies, state companies and mixed economy companies which, in bad faith, make use of the company's property or credit, a use which they knew was contrary to the interest of the latter, for personal, material or moral purposes, or to favor another legal entity in which he was interested, directly or indirectly.

SECTION II. -Abuse of the needs of a minor

Art. 339. - Anyone who abuses the needs of a minor, the weaknesses or the passions of a minor to make him subscribe, to his detriment, to obligations, receipts or discharges, for the loan of money or movable things, or commercial instruments, or any other obligatory instruments, in whatever form this negotiation has been made or disguised, will be punished by imprisonment of six months to three years and a fine of 50,000 to 500,000 francs.

SECTION III. - Abuse of discretion

Art. 340. - Whoever, abusing a blank check which has been entrusted to him, will have fraudulently written above an obligation or discharge, or any other act which could compromise the person or the fortune of the signatory, will be punished by imprisonment of one to five years and a fine of 20,000 to 200,000 francs.

SECTION IV -Common provisions

Art. 341. - In all the cases provided for in this chapter, the guilty party, in accordance with the provisions of article 25, may be deprived in whole or in part of the rights mentioned in article 21; he may also be subject to a residence ban.

Chapter IV. -LEGAL IMMUNITY

Art. 342. - Can only give rise to civil reparations, crimes directly affecting property committed:

- by husbands to the detriment of their wives, by wives to the detriment of their husbands, by a widower or widow with regard to things which had belonged to the deceased husband;

- by children or other descendants to the detriment of their fathers or mothers or other ascendants, by fathers, mothers or other ascendants to the detriment of their children or other descendants.

With regard to all other individuals who have concealed or applied for their benefit all or part of the objects resulting from the offense, they will be punished as guilty of concealment, in accordance with section 354.

Chapter V. - EXTORTION OF FUNDS AND FRAMEWORK

SECTION I. - Extortion of securities or signature by violence

Art. 343. - Anyone who has extorted or attempted to extort by force, violence or constraint, the signature or delivery of a writing, an act, a title, any document containing or operating an obligation, provision or discharge, will be punished by imprisonment of two to less than ten years and a fine of 20,000 to 200,000 francs.

Under no circumstances may the provisions relating to mitigating circumstances and suspension be applied.

SECTION II. Blackmail

Art. 344. - Whoever, with the help of the threat, written or verbal, of revelations or defamatory imputations, will have extorted or attempted to extort, either the delivery of funds or values, or the signature or delivery of the writings listed to the preceding article, and is thus guilty of blackmail, will be punished by imprisonment of one to five years and a fine of 20,000 to 200,000 francs.

SECTION III. - Misappropriation and destruction of seized or pledged objects

Art. 345. - The seized person who destroys, diverts or attempts to destroy or divert objects seized from him and entrusted to his custody, will be punished by imprisonment of two months to two years and a fine of 20,000 to 500,000 francs .

The imprisonment will be from one to five years if custody of the objects seized, and which he destroyed or diverted, or attempted to destroy or divert, had been entrusted to a third party.

Art. 346. - Prison sentences of two months to five years and a fine of 10,000 to 500,000 francs will be applicable to any debtor, borrower or third party pledger who has destroyed, misappropriated or attempted to destroy or misappropriate objects given by him as pledge.

Art. 347. - The person who knowingly conceals the misappropriated objects, the spouse, the ascendants and descendants of the garnishee, the debtor, the borrower or third party pledger, who will have helped him in the destruction, misappropriation, or in the attempted destruction or misappropriation of these objects, will be punished with a penalty equal to that which he will have incurred.

SECTION IV. - Theft and fraud

Art. 348. - Whoever, knowing that he is absolutely unable to pay, will have consumed drinks or food or will have occupied one or more rooms, in establishments this intended, will be punished by imprisonment of six days to six months and a fine of 5,000 to 100,000 francs or one of these two penalties only.

Anyone who, knowing that it is absolutely impossible to pay, uses a means of public transport will be punished with the same penalties.

SECTION V. - Issuance of bad checks

Art. 349. - Will be punished by imprisonment of six months to five years and a fine of 10,000 to 200,000 francs:

anyone who, in bad faith, either issues a check without prior funds available or with a provision less than the amount of the check, or withdraws, after issuance, all or part of the provision, or prohibits the drawee from paying;

the one who, knowingly, agreed to receive a check issued under the conditions referred to in the preceding paragraph.

Art. 350. - Will be punished with the penalties provided for in article 355:

anyone who counterfeited or falsified a check;

one who, knowingly, agreed to receive a counterfeit or falsified check.

Art. 351. - In the cases provided for in articles 349 and 350, when there is a repeat offense, the culprit will be prohibited from drawing checks for a period of three to five years, which will be determined by the court, on any banking or similar establishment and on the administration of posts and telecommunications.

The offenses provided for in this section will be considered to be, from the point of view of recidivism, the same offense.

Art. 352. - On the occasion of criminal proceedings brought against the drawer, the beneficiary who has become a civil party is entitled to request, before the criminal courts, a sum equal to the amount of the check, without prejudice, where applicable, to any damages -interests.

He may nevertheless, if he prefers, take action to pay his debt before the ordinary court.

SECTION VI. - Common provisions

Art. 353. - In all the cases provided for in this chapter, the guilty party may be deprived, in accordance with the provisions of article 25, of all or part of the rights mentioned in article 21; a stay ban may also be imposed.

Chapter VI - RECEL

Art. 354. - Concealment is the act of knowingly possessing, for any reason, things obtained with the aid of a crime or misdemeanor.

The receiver will be punished with imprisonment of one to less than ten years and a fine of 20,000 to 200,000 francs.

(Law No. 2003-25 of June 13, 2003). "The provisions relating to mitigating circumstances and suspension will only be applicable to receivers of a stolen animal only under the conditions provided for in article 325 above.

Art. 355. - In the case where an afflictive and infamous penalty is applicable to the act which caused the things concealed, the receiver will be punished by the penalty attached by the law to the crime and to the circumstances of the crime of which he became aware at the time of the concealment.

However, the death penalty will be replaced with life imprisonment for fences.

Chapter III - GAMBLING HOMES, GAMES OF CHANCE, LOTTERIES, Pawnbroking HOUSE AND THE OFFENSE OF USURY

SECTION I. - Gaming houses

Art. 356. - Those who, without authorization from the public authority, have run a gaming house, and have admitted the public there, either freely, or upon presentation of those interested or affiliated, the employees and agents of this house, will be punished with imprisonment of one to five years and a fine of 50,000 to 5,000,000 francs.

The players will be punished with imprisonment of three months to two years and a fine of 5,000 to 100,000 francs.

Art. 357. - Visits, searches and seizures may be carried out at any time of the day or night with a view to establishing the offenses provided for in the preceding article, inside any hotel, furnished house, guesthouse, drinking establishment, club, circle and their annexes and any other place open to the public or used by the public, when it is found that people engaging in games of chance are usually received there.

SECTION II - Games of chance on public roads or in a public place

Art. 358. - Those who, on the public highway, or in a public place, will have established or held games of chance, involving winnings or losses of funds or effects, will be punished by imprisonment of ten days to two month and a fine of 20,000 to 200,000 francs or one of only two penalties.

The players will be punished with the same penalties.

Art. 359. - Persons who have contravened the provisions of the preceding article will be immediately arrested and brought before the public prosecutor to be brought before the criminal court following the flagrante delicto procedure.

SECTION III. - Lotteries

Art. 360. - Those who, without authorization from the public authority, have established or held lotteries or raffles, will be punished by imprisonment of six months to two years and a fine of 20,000 to 200,000 francs or one of these two only.

SECTION IV - Pawnshops

Art. 361. - Will be punished by imprisonment of one to five years and a fine of 20,000 to 200,000 francs those who have established or maintained a pawnbroker or pledge house, without legal authorization, or who, having authorization, have not kept a register in accordance with the regulations containing immediately, without any blank or spacing, the sums or the objects loaned, the names, domicile and profession of the borrowers, the nature, quality and value of the objects pledged.

SECTION V.- Common provisions

Art. 362. - In all the cases provided for in sections I, II, III and IV of this chapter, the guilty parties may, in accordance with the provisions of article 25, be deprived of all or part of the rights mentioned in article 21, they may also be subject to a residence ban.

Art. 363. - In the cases provided for in sections I, II and III of this chapter, all funds or effects which have been found exposed to gambling or put into a lottery, furniture, instruments, utensils, devices used or intended will be confiscated. In the service of games or lotteries, the furniture and household effects with which the premises will be furnished or decorated.

SECTION VI. - Tort of usury

Art. 364. (Law No. 2003-25 of June 13, 2003)

Art. 364-1. - Constitutes a usurious loan, any loan or any agreement concealing a loan of money granted, in any matter, at an overall effective rate exceeding the rate of usury on the date of its stipulation.

The rate of usury is determined by the council of ministers of the West African Economic and Monetary Union (UEMOA), it is published in the official journal or in a legal newspaper at the initiative of the minister responsible for Finance.

Art. 364-2. - Will be punished by imprisonment of 2 months to 2 years and a fine of 100,000 to 5,000,000 CFA francs or only one of its two penalties, anyone who has granted to another a usurious loan or knowingly provided, for any reason and in any manner whatsoever, directly or indirectly, his or her assistance in obtaining or to the granting of a usurious loan.

In the event of a repeat offense, the maximum penalty will be increased to 5 years' imprisonment and a fine of fifteen million CFA francs.

Art. 364-3. - In addition to the penalties set by the preceding articles, the Court may order:

The publication of his decision at the expense of the convicted person in the newspapers he designates as well as any form he wishes;

The temporary or permanent closure of the company which has engaged or whose directors have engaged in usurious transactions, accompanied by the appointment of an administrator or liquidator.

In the event of temporary closure, the offender or the company must continue to pay its staff salaries and compensation of all kinds to which they are entitled. This duration cannot exceed 3 months.

In the event of a recurrence, permanent closure will be ordered.

Art. 364.4.- Are liable to the penalties provided for in article 364.3 and possibly the measures set out in article 364.3, those who, responsible in any capacity for the management or administration of a company, company, association, cooperative, or other legal entity knowingly allows any person subject to their authority or control to contravene the provisions of this section.

Art. 364.5. - The statute of limitations for the offense of usury runs from the day of the last collection of either the interest or the capital, or the last delivery of things relating to the usurious transaction.

Chapter VIII. - BANKRUPTCY

Art. 365. - Those who are declared guilty of bankruptcy will be punished:

- simple bankrupts, with imprisonment of one month to two years;
- fraudulent bankrupts, with imprisonment of one to five years.

In addition, fraudulent bankrupts may be deprived, in accordance with the provisions of Article 25, in whole or in part, of the rights mentioned in Article 21.

Art. 366. - Accomplices in bankruptcy, simple or fraudulent, incur the penalties provided for in the preceding article, even if they do not have the status of merchant.

Chapter IX. - VIOLATION OF TRADE REGULATIONS

SECTION I. - Obstacles to freedom of auction

Art. 367. - Those who, in public adjudications, have hindered or disturbed, attempted to obstruct or disturb the freedom of auctions or submissions, by assault, violence or threats, either before or during the auctions or submissions, will be punished by imprisonment of fifteen days to three months and a fine of 50,000 to 500,000 francs, or one of these two penalties only.

The same penalties will be incurred by those who, through donations, promises or fraudulent agreements, have excluded or attempted to exclude bidders, limited or attempted to limit auctions or submissions, as well as by those who have received these donations or accepted these promises. .

The same penalties will apply to all those who, after a public auction, proceed or participate in a re-auction without the assistance of a competent ministerial officer. SECTION II. - Obstacles to freedom of work

Art. 368. - Will be punished by imprisonment of fifteen days to three years and a fine of 10,000 to 100,000 francs or one of these two penalties only, anyone, using violence, assault, threats or fraudulent maneuvers, will have brought or maintained, attempted to bring about or maintain a concerted cessation of work.

A stay ban may also be imposed against the guilty party(ies).

SECTION III. - Revelation of trade secrets

Art. 369. - Any director, agent or employee of a factory, who communicates or attempts to communicate to foreigners or Nigeriens residing in a foreign country, the secrets of the factory where he is employed, will be punished with imprisonment. of two to five years and a fine of 50,000 to 500,000 francs.

The guilty party may also be deprived, in accordance with the provisions of Article 25, in whole or in part of the rights mentioned in Article 21.

If these secrets were communicated to Nigeriens residing in Niger, the penalty will be imprisonment of three months to two years and a fine of 20,000 to 200,000 francs.

SECTION IV. - Illicit actions on the market

Art. 370. - All those:

who, by false or slanderous facts knowingly sown among the public, by offers placed on the market with the intention of disturbing prices, by overbids made at the price asked by the sellers themselves, by any fraudulent means or ways,

or who, by exercising or attempting to exercise, either individually, or by assembly or coalition, an action on the market, with the aim of obtaining a gain which would not be the result of the natural interplay of supply and request.

Will, directly or through an intermediary, cause or attempt to cause an artificial increase or decrease in the price of foodstuffs or goods, or public or private effects, will be punished by imprisonment of two months to two years and a fine of 100,000 to 1,000,000 francs or one of these two penalties only.

The court may, in addition, impose the penalty of ban on residence on the guilty parties.

Art. 371. - In the case provided for in the preceding article, the court will order that the judgment of conviction be published in full or in extracts in the newspapers it will designate and posted in the places it will indicate.

The court will set the time during which this display must be maintained without the duration exceeding fifteen days.

SECTION V. - Counterfeiting of patents and works

Art. 372. - Constitutes the offense of counterfeiting, any edition of writings, musical compositions, drawings, paintings or any other production, printed or engraved in whole or in part, in disregard of the laws and regulations relating to the ownership of authors.

Counterfeiting, on Nigerien territory, of works published in Niger or abroad, is punishable by imprisonment of fifteen days to six months and a fine of 50,000 to 500,000 francs or one of these two penalties only.

The sale, export and import of counterfeit works will be punished with the same penalties.

Art. 373. - Any reproduction, representation or distribution, by any means whatsoever, of an intellectual work, in violation of the author's rights, as defined and regulated by the law.

Art. 374. - Any infringement of the right of the beneficiary of a patent of invention, either by the manufacture of products, or by the use of means which are the subject of his patent, constitutes the offense of counterfeiting and will be punished by the penalties provided for in article 372.

Art. 375. - The prison sentence will be from three months to two years, if it is established that the culprit has habitually engaged in the acts referred to in the three preceding articles.

In the event of a repeat offense, after conviction pronounced under the preceding paragraph, the temporary or permanent closure of establishments operated by the habitual infringer, or his accomplices, may be pronounced. When this closure measure has been pronounced, staff must receive compensation equal to their salary, increased by all benefits in kind, for the duration of the closure and at most for six months. If collective or specific agreements provide for higher compensation after dismissal, this will be due.

Any violation of the provisions of the two preceding paragraphs will be punished by imprisonment of one to six months and a fine of 10,000 to 100,000 francs.

Art. 376. - In all cases provided for by articles 372, 373, 374 and 375, the guilty parties will, in addition, be sentenced to the confiscation of sums equal to the amount of the shares of revenue produced by the reproduction, representation and illicit distribution as well as the confiscation of any equipment specially installed for illicit reproduction and of all counterfeit copies and objects.

The court may order, at the request of the civil party, the publication of the judgments of conviction, in full or in extracts, in the newspapers it will designate and the posting of said judgments in the places it will indicate.

The counterfeit material or copies, as well as the receipts or shares of receipts which gave rise to confiscation, will be returned to the injured party or their beneficiaries to compensate them for as much damage as they have suffered; the surplus of their compensation or

full compensation if there has been no confiscation of material, counterfeit objects or receipts, will be paid through ordinary channels.

Art. 377. - In all cases provided for in this chapter, the public prosecutor may only act on the complaint of the injured party.

TITLE V DESTRUCTIONS AND DEGRADATION

First chapter. - INTENTIONAL FIRE AND DESTRUCTION

Art. 378. - Anyone who willfully sets fire to buildings, stores, construction sites, public transport vehicles, land, river and air, and generally to places inhabited or used for habitation, whether or not they belong to the perpetrator of the crime, will be punished with imprisonment of ten to twenty years.

Art. 379. - Anyone who voluntarily sets fire or attempts to set fire to buildings, stores, construction sites, when they are neither inhabited nor used for habitation, or to forests, woods, copses or crops on foot, when they do not belong to him, will be punished by imprisonment of two to less than ten years and a fine of 10,000 to 200,000 francs.

Art. 380. - Anyone who, by setting or causing to be set on fire, or by attempting to set it on fire, one of the objects listed in the preceding article, and belonging to himself, willfully causes any harm to another, will be punished by imprisonment of one to five years and a fine of 10,000 to 100,000 francs.

Anyone who sets a fire on the owner's orders will be punished with the same penalties.

Art. 381. - Anyone who willfully sets fire, or attempts to set it, either to straw or crops in piles or stacks, or to wood placed in piles or stacks, or to vehicles, which do not belong to him, will be punished by imprisonment of one to five years and a fine of 10,000 to 100,000 francs.

Art. 382. - Anyone who, by setting or causing to be set on fire, or by attempting to set it on fire, one of the objects listed in the preceding article and belonging to himself, willfully causes any harm to another, will be punishable by imprisonment of six months to three years and a fine of 10,000 to 100,000 francs.

Anyone who sets a fire on the owner's orders will be punished with the same penalties.

Art. 383. - Anyone who causes fire to one of the objects listed in the preceding articles, by voluntarily setting or attempting to set fire to any objects belonging either to him or to others and placed in such a way as to communicate the said fire, will be punished with the same penalty as if he had set fire directly to one of the said objects.

Art. 384. - In all cases where the deliberately caused fire results in the death of one or more people, the penalty will be life imprisonment.

If this results in amputation, mutilation, deprivation of the use of a limb, blindness or loss of an eye, or other permanent disabilities, the penalty will be imprisonment of ten to thirty years.

Art. 385. - § 2 (Law no. 63-3 of February 1, 1963). The penalties will be the same, following the distinctions made in the preceding articles, against those who, voluntarily, have destroyed in whole or in part, or attempted to destroy by the effect of any explosive substances, buildings, dwellings, stores or construction sites or their outbuildings, dikes, bridges, private or public roads, vehicles of all kinds and generally all movable or immovable objects of whatever nature.

The placement with criminal intent, on public or private roads, of an explosive device is punishable by imprisonment of ten to twenty years.

Art. 386. - The threat of setting fire or destroying by the effect of any explosive substances the objects included in the enumeration of the preceding article, will be punished by the penalties decreed for threats against persons and according to the distinctions established by articles 233, 234, 235 and 236.

Art. 387. - In all the cases provided for in this chapter, the ban on residence will be pronounced, and the culprit may be deprived in whole or in part of the rights mentioned in section 21.

Chapter II. - INVOLUNTARY FIRE OF A HOUSE INHABITED OR USED FOR RESIDENCE

Art. 388. - Anyone who, through clumsiness, imprudence, negligence, non-observance of regulations, involuntarily causes the fire of a house inhabited or used for habitation or of its outbuildings, belonging to others, will be punished by imprisonment for fifteen days. has two months and a fine of 5,000 to 100,000 francs or one of these two penalties only.

Chapter III. -DESTRUCTION OF BUILDINGS AND DAMAGE TO PUBLIC DEMONUMENTS

Art. 389. - Anyone who willfully destroys or overthrows, or attempts to destroy or overthrow, by any means whatsoever in whole or in part, buildings, bridges, dikes, public or private roads or other constructions which he knows belong to others, will be punished by imprisonment of two to less than ten years and a fine of 10,000 to 100,000 francs; the stay ban will also be pronounced.

The guilty party may be deprived, in accordance with the provisions of article 25, in whole or in part, of the rights mentioned in article 21.

If the destruction or overthrow resulted in the death of a person, the culprit will be punished with life imprisonment; if this results in amputation, mutilation, deprivation of the use of a limb, blindness or loss of an eye or other permanent infirmities, the penalty will be that of imprisonment of ten to thirty years.

Chapter IV. - DEGRADATION OF VEHICLES

Art. 391. - Anyone who voluntarily damages, by any means, in whole or in part, any vehicle whatsoever, belonging to another, will be punished by imprisonment of one to five years and a fine of 10,000 to 100,000 francs, without prejudice to the provisions relating to articles 378, 381 and 385, if applicable.

Attempting the offense provided for in this article will be punished as the offense itself.

Chapter VI. - DESTRUCTIONS OF TITLES

Art. 392. - Anyone who willfully burns or destroys, in any way, registers, minutes or original acts of public authority, of securities, notes, bills of exchange, commercial or bank instruments, containing or operating obligation, disposal or discharge,

Anyone who knowingly destroys, removes, conceals, conceals or alters a public or private document likely to facilitate the search for crimes or misdemeanors, the discovery of evidence, or the punishment of their author, will be, without prejudice to the more serious penalties provided for by the law, punished as follows:

- if the destroyed documents are acts of public authority or commercial or bank instruments, the penalty will be imprisonment of two to less than ten years, and a fine of 20,000 to 200,000 francs;

- if it concerns any other document, the culprit will be punished by imprisonment of one to five years and a fine of 10,000 to 100,000 francs.

In the case provided for in paragraph 3 of this article, the guilty party may be deprived, in accordance with the provisions of article 25, in whole or in part, of the rights mentioned in article 21. A stay ban may be imposed.

Chapter VII. -DESTRUCTION OF MOVABLE OBJECTS AND CROPS

Art. 393. - Any looting, any damage to movable objects, effects, foodstuffs or merchandise, grain, flour and all other food substances, wines or other drinks, will be punished by imprisonment of six months to two years, and a fine of 5,000 to 10,000 francs.

If the looting or damage was committed in a meeting or in a gang and with open force, the prison sentence will be two to less than ten years. However, those who prove to have been led by provocations or solicitations to take part in violence, may only be punished by imprisonment of one to five years, and a fine of 5,000 to 100,000 francs.

Art. 394. - Whoever, using a liquor or corrosive substance, or by any other means, willfully damages any goods, materials or instruments used in the manufacturing or resulting from the manufacturing, will be punished with imprisonment of three months to two years and a fine of 50,000 to 500,000 francs

If the offense was committed by a factory worker or an employee of the business house, the imprisonment will be two to five years.

Art. 395. - Anyone who has devastated standing crops or plants grown naturally or made by human hands will be punished by imprisonment of one to five years and a fine of 10,000 to 100,000 francs.

Anyone who cuts grain or fodder that they know belongs to someone else will be punished by imprisonment of three to six months and a fine of 10,000 to 100,000 francs.

The imprisonment will be from six months to one year if he cut green grain or if the fact was committed at night.

Art. 396. - Any breakage, any destruction of agricultural implements, stockyards, caretaker's cabins, will be punished by imprisonment of two months to two years and a fine of 10,000 to 100,000 francs.

Chapter VIII. -ARBITRATION AND TREE MUTILATION

Art. 397. - Anyone who has felled, burned, mutilated, cut or debarked in such a way as to cause them to perish one or more trees that he knew belonged to others, will be punished by imprisonment of three months to one year and a fine. from 10,000 to 100,000 francs or one of these two penalties only.

If the tree(s) were planted on squares, roads, paths, streets or public thoroughfares, the prison sentence will be six months to two years.

Chapter IX.- DAMAGE TO ANIMALS

Art. 398. - Anyone who willfully poisons horses or other beasts of carriage, mount or load, horned cattle, sheep, goats or pigs or fish in ponds, fishponds or reservoirs, will be punished by imprisonment of one to five years and a fine of 5,000 to 100,000 francs, or one of these two penalties only.

Art. 399. - Those who have, without necessity, in any place whatsoever, killed horses or other animals of carriage, mount or load, horned cattle, sheep, goats or pigs or fish in ponds, fishponds or reservoirs, belonging to others;

Those who have, without necessity, killed a domestic animal in a place where the person to whom this animal belongs is the owner, tenant or farmer; will be punished with imprisonment of fifteen days to six months and a fine of 5,000 to 100,000 francs or with one of these two penalties only.

TITLE VI. - HISTORY OF AIRCRAFT

Art. 399.1 - (Law No. 2003-25 of June 13, 2003). Any person who, by violence or threat of violence, seizes or exercises control of an aircraft will be punished by imprisonment of ten to twenty years.

If injuries or illnesses result from these acts, the penalty will be twenty to thirty years.

If this results in the death of one or more people, the death penalty will be imposed.

In the case provided for in the first paragraph, the penalty will be reduced to imprisonment of five to less than ten years, if the culprit spontaneously returns control of the aircraft to its commander or to the legitimate authorities.

Art. 399.2 - Is punished by imprisonment of two months to 1 year and a fine of 50,000 to 300,000 francs or one of its two penalties only anyone who fraudulently accesses or remains in any other part of an automated data processing system.

BOOK III OF PENALTIES IN MATTER OF SIMPLE POLICE AND THEIR EFFECTS

Art. 400. - The simple police penalties are:

- imprisonment for a period of one to thirty days;
- the fine of 500 francs to less than 100,000 francs.

Art. 401. - The provisions of articles 34, 35, 36 and 37 are applicable to simple police matters.

Art. 402. - The simple police courts may, in the cases provided for by the regulations, pronounce the confiscation, either of things seized in contravention, or of things produced by the contravention, or of materials or instruments which have been used or were intended to commit it.

Art. 403. - In specially provided cases, the police courts may order that their decision be displayed in very visible characters in the places they indicate at the expense of the convicted person.

This display will be issued for a period which cannot exceed fifteen days.

The removal, concealment, and total or partial laceration of posters posted in accordance with this article, carried out voluntarily, will be punished by a fine of 10,000 to 100,000 francs and imprisonment of one to six months or one of these two penalties only; it will be preceded again by the full execution of the display at the expense of the convicted person.

Art. 404. - If the circumstances appear attenuating, the police courts are authorized, even in the event of a repeat offense, to reduce the imprisonment and the fine without being able, however, to impose sentences of less than 500 francs fine and one day of imprisonment.

They may also impose one or the other of these penalties separately and even substitute a fine for imprisonment without in any case the fine being less than 500 francs.

Art. 405. - In the event of conviction of a simple police penalty of more than ten days' imprisonment or a fine of 50,000 francs, suspension may be ordered.

Art. 406. - There is a repeat offense in matters of simple police contravention when a first judgment has been rendered against the offender, in the preceding twelve months, which has become final for a contravention committed within the jurisdiction of the same court.

TITLE VI. – TERRORISM AND THE FINANCING OF TERRORISM

Chapter I – Hijacking of aircraft, ships, fixed platforms or vehicles.

Art. 399.1 - (Law No. 2003-25 of June 13, 2003). Any person who, by violence or threat of violence, seizes or exercises control of an aircraft, vessel, fixed platform or vehicle will be punished by imprisonment of ten to twenty years.

If these acts result in injury or illness, life imprisonment will be imposed.

If this results in the death of one or more people, the death penalty will be imposed.

In the case provided for in the first paragraph, the penalty will be reduced to imprisonment of five to less than ten years, if the offender spontaneously restores control of the aircraft or ship to its commander, the vehicle to its owner or to the legitimate authorities.

Art. 399.2 - Will be punished by imprisonment of two to seven years and a fine of 500,000 to 5,000,000 CFA francs any person who, illicitly and intentionally: a) commits an act

of violence against a person on board an aircraft in flight or on the ground, airport services if this act is likely to compromise the safety of this aircraft;

b) commits an act of violence against a person on board a land or water vehicle;

c) communicates information that it knows to be false, and therefore compromises security of an aircraft in flight.

Art. 399.3- Any person who, illicitly and intentionally: a) destroys or causes damage to an aircraft, which it whether in service or not, which render it unfit for flight or which are likely to compromise its safety in flight;

(b) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substances capable of destroying the said aircraft or causing damage to it which renders it unfit to fly or which is likely to compromise its safety in flight;

(c) destroys or damages air navigation facilities or services, or disrupts their operation if any of these acts is likely to compromise the safety of an aircraft in flight;

d) destroys or causes damage to a land or water vehicle, whether in service or not, which renders it unfit for the use for which it is intended or which is likely to compromise its security;

e) places or causes to be placed on a vehicle, by any means whatsoever, a device or substances capable of destroying the said vehicle or causing damage to it which renders it unfit for the use for which it is intended or which is of a nature to compromise the safety of people or property;

f) destroys or damages public or private installations or equipment or disrupts their operation.

If these acts result in injury or illness or permanent disability, the penalty will be ten to less than twenty years and a fine of 2,500,000 to 10,000,000 CFA francs.

If this results in the death of one or more people, the death penalty will be imposed.

Art. 399.4- Any person who, illicitly and intentionally, using a device, a substance or a weapon, commits acts against another person, in an airport serving international civil aviation or any other public or private installation, to an act of violence which causes or is likely to cause serious injury or death, will be punishable by the death penalty if this act is likely to compromise security in this airport or in this installation.

Art. 399.5- Any person who, unlawfully and intentionally, using a device, substance or weapon destroys or seriously damages the facilities of an airport serving international civil aviation or interrupts services will be punished from 15 to 30 years of imprisonment if this act is likely to compromise security at this airport.

Art. 399.6- Any person who, illicitly and intentionally, using a device, substance or weapon destroys or seriously damages public or private installations or equipment or interrupts their services will be punished 15 to 30 d 'imprisonment.

Chapter III – Offenses against the safety of ships and fixed platforms

Art. 399-7- Will be punished by imprisonment of 2 to 7 and a fine of 1,000,000 to 2,000,000 CFA francs any person who illicitly and intentionally:

(a) commits an act of violence against a person on board a ship or a fixed platform, if this act is likely to compromise the safe navigation of the ship or from the platform; (b) destroys or causes damage to a

ship, its cargo or a platform which is of a nature to compromise the safe navigation of the ship or fixed platform;

(c) places or causes to be placed on a ship or fixed platform, by any means whatsoever, a device or substance likely to destroy the ship or fixed platform or to cause damage to the ship or its cargo damage which compromises or is likely to compromise the safe navigation of the vessel;

(d) destroys or seriously damages maritime navigation facilities or services or seriously disrupts their operation if any of these acts is likely to compromise the safe navigation of the ship;

e) communicates information that it knows to be false, and therefore compromises the safety of the navigation of the vessel.

If these acts result in injury, illness or permanent injury, the penalty will be 2 to less than 10 years and a fine of 2,000,000 to 5,000,000 CFA francs.

If this results in the death of one or more people, the death penalty will be imposed.

Art. 399-8- Any person who threatens to commit any of the offenses provided for in paragraphs a), b) and d) of Art. 399.7 will be punished by imprisonment of 2 to 7 years and a fine of 500,000 to 2,000,000 CFA francs if this threat is likely to compromise the safe navigation of the vessel or fixed platform/platform.

Art. 399.9- Any person who, illicitly and intentionally:

(a) uses, against or on board a ship or fixed platform, or discharges from a ship or fixed platform, explosives, radioactive material or biological weapons, chemical or nuclear (BCN)

(b) discharges, from a ship or fixed platform, oil, liquefied natural gas, or other noxious or potentially dangerous substances, which are not referred to in paragraph (a), in quantities or concentrations which cause or risk causing serious bodily harm or property damage;

(c) uses a vessel in such a way as to cause death or serious injury or damage to property;

d) threatens to commit any of the offenses referred to in this Art.

When this act, by its nature or context, aims to intimidate a population or to compel a government or an international organization to do or refrain from doing any act.

If these acts result in injury, illness or permanent disability, the penalty will be life imprisonment.

If this results in the death of one or more people, the death penalty will be imposed.

Art. 399.10: Any person who, unlawfully and intentionally, transports on board a ship or vehicle:

a) explosives or radioactive materials, knowing that these are intended to cause or threaten to cause death, serious bodily harm or property damage;

b) any BCN weapon, knowing that it is a BCN weapon within the meaning of Art. first ;

(c) source materials or special fissile products, equipment or materials specially designed or prepared for the processing, use or production of special fissile products, knowing that these materials, products or equipment are intended for an activity nuclear explosive or any other nuclear activity not subject to safeguards under a comprehensive safeguards agreement of the International Atomic Energy Agency (IAEA);

(d) equipment, materials or software or related technologies that contribute significantly to the design, manufacture or launch of a BCN weapon, with the intention of using them for that purpose.

If these acts result in injury, illness or permanent disability, the penalty will be life imprisonment.

If this results in the death of one or more people, the death penalty will be imposed.

Art. 399.11: Will be punished with the same penalty, any person who transports on board a ship or vehicle another person, knowing that he has committed an act which constitutes an offense under this title, with the intention of helping that person to escape criminal proceedings.

The exceptions provided for in paragraph 2 of Art. 206 of the penal code are applicable in this case.

Chapter IV: Hostage-taking

Art. 399.12: The facts provided for in paragraph 1 of Art. 265 of the Penal Code will be punished by imprisonment of ten (10) to thirty (30) years when they were committed in order to coerce a third party, namely a State, an international, intergovernmental organization, a natural or legal person or a group of persons, to perform or refrain from any act as an explicit or implicit condition for the release of the hostage.

If the people arrested, detained or kidnapped have suffered bodily torture, life imprisonment will be imposed.

Chapter V: Offenses against persons enjoying international protection

Art. 399.13: Any person who intentionally commits the murder of a person enjoying international protection will be punished with the death penalty.

Art. 399.14: Any person who intentionally:

(a) commits a kidnapping or an act detrimental to the physical integrity or freedom of a person enjoying international protection;

(b) commits, by resorting to violence, against the official premises, private accommodation or means of transport of a person enjoying international protection, an attack likely to endanger his person or freedom;

(c) threatens to commit such an attack.

Chapter VI: Terrorist bomb attacks

Art. 399.15: Those who deliver, install, detonate or detonate in a public place or against a government installation or another public or private installation, a system of public or private transport or infrastructure:

(a) a weapon or explosive or incendiary device designed or having the capacity to cause death, serious bodily injury or significant property damage;

(b) a weapon or device designed or capable of causing death, serious bodily injury or significant property damage, through the release, dissemination or impact of toxic chemicals, biological agents, toxins or similar substances or radiation or radioactive materials;

(c) any other lethal weapon or device, with the intent to cause death or serious bodily harm, or with the intent to cause mass destruction of that place, installation, system or infrastructure, when such destruction results or risks causing considerable economic losses.

If the acts thus committed result in injury or permanent illness or disability, the penalty will be life imprisonment.

If the acts thus committed resulted in the death of a person or considerable economic losses, the death penalty will be imposed.

Chapter VII: Nuclear terrorism

Art. 399.16: Any person who, unlawfully and intentionally:

(a) possesses radioactive material, manufactures or possesses a device with intent to cause death or serious bodily harm to any person, or with intent to cause substantial damage to property or the environment ;

(b) in any manner uses radioactive materials or devices, or uses or damages a nuclear installation so as to release or risk the release of radioactive materials with the intention of causing the death of any person or cause him serious bodily harm, cause substantial damage to property or the environment or to compel a natural or legal person, an international organization or a government to perform an act or to refrain from doing so.

If the acts thus committed resulted in the death of a person or considerable economic losses, the death penalty will be imposed.

The same penalty is applicable to any person who:

(a) threatens, in circumstances which make the threat credible, to commit an offense referred to in paragraph (b) of this Art. ;

(b) unlawfully and intentionally demands the surrender of radioactive materials or devices or nuclear facilities by threat, in circumstances which make it credible, or by the use of force.

Chapter 7-1: Offenses relating to dangerous materials

Art. 399-16-1: Intentionally committing any of the following acts:

a) the concealment, possession, use, transfer, alteration, assignment, or dispersion of nuclear materials, without the required authorization, and resulting or likely to result in death or serious injury to others or substantial damage to property or the environment;

(b) simple theft or qualified theft of nuclear materials;

(c) the diversion or other improper appropriation of nuclear materials;

(d) an act of transporting, sending or moving nuclear material to or from a State without the required authorization;

(e) an act directed against a nuclear installation, or an act disrupting the operation of a nuclear installation, by which the perpetrator intentionally causes or knows that he may cause death or serious injury to another person or substantial damage to property or the environment as a result of exposure to radiation or the release of radioactive substances, unless such act is undertaken in accordance with the national law of the State Party in whose territory the nuclear installation is located ;

(f) demanding nuclear material by threat, use of force or any other form of intimidation;

g) the threat:

(a) use nuclear material for the purpose of causing death or serious injury to others or substantial damage to property or the environment or to commit the offense described in paragraph (e); Or

b) to commit one of the offenses described in paragraph b) and e) with the aim of forcing a natural or legal person, an international organization or a State to do or refrain from doing an act;

h) Attempting to commit any of the offenses described in paragraphs a) to e);

i) Participating in any of the offenses described in paragraphs (a) to (h);

j) The fact of a person organizing the commission of an offense referred to in paragraphs a) to (h) or order other persons to commit it,

The act of committing an act which contributes to the commission of one of the offenses described in paragraphs (a) to (h) by a group of persons acting in concert. Such an act is intentional

And:

- either aims to facilitate criminal activity or to serve the criminal aim of the group, when this activity or this aim presupposes the commission of one of the offenses referred to in paragraphs a) to g)

- or is done knowing that the group intends to commit an offense referred to in paragraphs a) to g)

is punishable by a penalty of (penalty taking into account the seriousness of the offense)

Chapter 7-2: Acts of support, provision of weapons and incitement

Art. 339-16-2:

1) Any person who participates in the organization, preparation or commission of one or more offenses provided for by Title VI of Law 61-27 of July 15, 1961 establishing the penal code or who brings any form of support whether active or passive, with the intention or knowledge that the aim of such participation or support is to participate in the commission of one or more offenses provided for by this law, will be punished by (penalty taking into account the seriousness of the offense);

2) Any person who supplies weapons with the intention or knowledge that such weapons may be used for the commission of any of the offenses shall be punished by (penalty taking into account the seriousness of the offense);

3) Any person who distributes or makes available to the public a message, with the intention or knowledge that the message may incite the commission of the offenses provided for in this title, when such act exposes a danger that the one or more offenses may be committed, will be punished by (penalty taking into account the seriousness of the offense).

Chapter 7-3: Organizing acts of terrorism: contributing to the commission of acts of terrorism

Art. 399-16-3:

(1) Any person who organizes the commission of an offense under this Law or gives orders to other persons to commit it shall be punished with (penalty taking into account the seriousness of the offense).

2) Any person who contributes to the commission of one or more of the offenses provided for in this Act by a group of persons acting in concert, if he does so deliberately and either to facilitate the general criminal activity of the group or to serve the aims of the latter, or by knowing the intention of the group to commit such an offense.

Art. 399-17: Any person who, by any means whatsoever, directly or indirectly, illicitly and deliberately, provides or collects funds with the intention of seeing them used or knowing that they will be used, in whole or in part, with a view to committing:

(a) an act constituting an offense under this Title;

b) any other act intended to kill or seriously injure a civilian, or any other person not directly participating in hostilities in a situation of armed conflict, when, by its nature or context, this act aims to intimidate a population or to compel a government or international organization to do or refrain from doing any act.

The confiscation of the funds thus collected will be pronounced for the benefit of the Public Treasury.

The offense is committed even if the funds collected were not actually used in the commission of the offense.

The term "funds" means property of any nature, tangible or intangible, movable or immovable, acquired by any means, and legal documents or instruments in any form, including electronic or digital, which evidence a right of ownership or an interest in these goods, and in particular bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts and letters of credit, without this list being exhaustive.

Chapter IX: Recruitment

Art. 399.18: Anyone who recruits a person to commit or participate in the commission of one or more of the offenses provided for in this title, with the intention or knowledge that the purpose of this recruitment or this request is to participate in the commission of one or more offenses provided for in this title, will be punished by imprisonment of five (5) to less than ten (10) years and a fine of two (2) million to twenty (20) million CFA francs.

Chapter X: On the attempt

Art. 399.19: Attempting to commit one of the offenses or crimes provided for in this title is punishable as the offense or crime itself.

Chapter 10-1: Responsibility of legal entities

Art. 399-10-1:

When the person responsible for the management or control of a legal entity incorporated in the territory of the Republic of Niger or governed by its legislation has, in this capacity, committed an offense (of financing terrorism) (or against the security of maritime navigation or fixed platforms), this legal entity will be punished with (appropriate criminal, administrative or civil sanctions).

Chapter 10-2: Specific provisions regarding international cooperation in criminal matters

Art. 399-10-2:

a) Extradite or prosecute

1) the courts of the Republic of Niger are competent to judge the perpetrators of the offenses provided for by this law in cases where the alleged perpetrator of one of these offenses is in the territory of the Republic of Niger and independently of the nationality of the alleged perpetrator or his stateless status.

2) To this end, the matter must be submitted "to the competent authorities" for them to initiate criminal proceedings, without undue delay and without any exception, regardless of whether the offense has been or not committed on its territory unless a decision has been taken by "the authority competent" to extradite this person.

b) Offense not considered to be of a political or fiscal nature

For the need for extradition or mutual legal assistance:

a) the offenses provided for in this Law are not considered to be political offenses, such as offenses related to

(b) political offenses or offenses inspired by political motives;

(c) the offense of financing terrorism should not be considered a tax offense.

c) Non-discrimination clause

No provision of Title VI of Law 61-27 of July 15, 1961 establishing the penal code must be interpreted as stating an obligation of extradition or mutual legal assistance if there are serious reasons to believe that the request for extradition or the request for mutual assistance concerning one of the offenses provided for by this law, has been presented for the purpose of prosecuting or punishing a person for reasons relating to his race, his religion, his nationality, his ethnic origin or their political opinions, or that granting the request would be detrimental to that person's situation for any of these reasons.

Chapter XI: Mitigating circumstances and relieve

Art. 399.20: The provisions relating to extenuating circumstances and suspension cannot be applied.

Chapter XII: The stay ban

Art. 399.21: A stay ban may be imposed.

Chapter XIII: Prescription

Art. 399-22: The offense is prescribed by 10 years and the crime by twenty years.

The penalties imposed by a criminal judgment in matters of terrorism are prescribed by thirty (30) years from the date on which this judgment is final.

The penalties imposed by a judgment or correctional judgment in matters of terrorism are prescribed by 15 years, from the date on which this judgment or judgment became final.

Chapter XIV: Special procedural provisions

Art. 339-23: The offenses provided for in this title are within the jurisdiction of the high court of Niamey for misdemeanors and the Assize Court of Niamey for crimes.

The opening of a judicial investigation is obligatory. The senior investigating judge of the Niamey Hors Classe court will be responsible for doing so.

The preliminary investigation remains the exclusive responsibility of officials of the Niamey judicial police throughout the national territory under the control of the Public Prosecutor.

Art. 399.24: The period of police custody is seventy-two (72) hours, renewable once.

Art. 399.25: Searches can be carried out at any time and in any place.

Art. 399.26: The freezing of assets, funds, values or property will be carried out as soon as the procedure is initiated.