

# DEMOCRATIC REPUBLIC OF TIMOR-LESTE

## GOVERNMENT LAW DECREE

19/2009

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Supplement

APPROVES THE PENAL CODE

Given the need to build the legal system, the preparation and approval of the Penal Code of Timor-Leste was raised by political leaders as one of the legislative priorities to guarantee the fundamental rights and freedoms enshrined in the Constitution of the Democratic Republic of East Timor.

This legal diploma is the result of the work carried out by a commission of Timorese and international technicians who acted under government guidance and in strict compliance with the limits and content established in the law on legislative authorization in criminal matters approved by the National Parliament.

The established normative solutions, in addition to respecting the specific social and cultural realities of the Timorese community, also embrace suggestions made by national and international organizations, contributions from various legal operators operating in Timor-Leste, as well as lessons learned from comparative law.

It should be noted that the Penal Code now approved, more than a definitive point of arrival, constitutes a fundamental stage in the construction of the Timorese legal system, always open to future improvements that, in the future, the evolution of international law, judicial practice and the teaching of law come to advise.

Like this,

Using the legislative authorization granted under articles 1 and 2 of Law no. 13/2008, of 13 October and in accordance with article 96 of the Constitution, the Government decrees, to be valid as law, the following :

### Article 1

#### Approval of the Penal Code

The Penal Code published in the annex and which forms an integral part of this diploma is approved.

### Article 2

#### Repealing rule

1. The Indonesian Penal Code, in force in the legal system, is revoked in accordance with the provisions of article 1 of Law 10/2003.

2. All legal provisions contained in separate legislation that:

- a) Prevent and punish acts incriminated by the Penal Code now approved;
- b) Enshrine solutions contrary to those adopted in the General Part of the Penal Code.

### Article 3

#### Implementation

This diploma and the Penal Code come into force on the 60th day following their publication.

Approved by the Council of Ministers on March 18, 2009.

The Prime Minister,

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(Kay Rala Xanana Gusmão)

The Minister of Justice,

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(Lucia MBF Lobato)

Enacted on 03/30/09

Get published.

The President of the Republic,

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(José Ramos Horta)

ATTACHMENT

## PENAL CODE

I - The restoration of independence and the approval of the Constitution of the Democratic Republic of Timor-Leste  
In 2002, they determined the need for the country to adopt its own, modern legal system, which enshrined the fundamental rights set out in constitutional precepts and reflected the country's social reality. Maintaining the Indonesian Penal Code in force was necessary to ensure the validity of the State's criminal law, but it proved to be inadequate to the country's new reality and, in several circumstances, determined legal solutions contrary to the constitutional principles now enshrined.

As the Timorese people have their own specificity and identity, there was a need to draw up their own Penal Code, with a philosophy that was intrinsic to them and guided by principles and values inherent to modern societies, which responded to current demands who are committed to the country.

A commission of Timorese and international technicians, created by the 1st Constitutional Government, prepared a Draft Penal Code which, despite the approval of the Legislative Authorization Law in criminal matters, was not promulgated at the end of the legislature

At the beginning of 2008, with a new executive, a new proposal for a Law of legislative authorization for the approval of the Penal Code was presented to the National Parliament and work on revising the preliminary draft of the Penal Code was resumed, with the diploma being subject to changes. and subject to broad public discussion.

After approval of the legislative authorization, it was up to the Council of Ministers of the IV Constitutional Government to approve the Penal Code.

II - The General Part constitutes Book I of the Penal Code, and integrates the fundamental principles of criminal law enshrined in the Constitution of the Democratic Republic of Timor-Leste in international conventions, treaties and agreements received in the Timorese internal legal order.

As it is a code based on a Democratic Rule of Law, the General Part enshrines the principle of human dignity, respect for the individual freedom of each citizen and the responsibility of the State to intervene only when there are unsustainable injuries to legal assets fundamental to life in society, and the State, in these circumstances, must assume the right to punish and the social duty of

reintegrate the agent into society.

Equally a reflection of a Rule of Law, they are also the principle of legality, the principle of guilt and the principle of humanity.

The consecration of the principle of legality, as a fundamental principle of Criminal Law, provided for in article 31 of the Constitution, determines that any action or omission can only be considered a crime and be punished as such, when provided for by law. Observance of this principle requires the prohibition of the application of analogy in terms of classifying crimes, as the Court cannot, through an analogical interpretation of the rules contained in the Penal Code, qualify a fact as a crime, define a state of danger or determine a penalty or measure of security.

The principle of non-retroactivity of criminal law, which prevents the retroactive application of criminal law, except when it is concretely more favorable to the defendant, is also a corollary of the principle of legality.

The principle of humanity, enshrined in articles 29 and 32 of the Constitution, is the guiding principle that underlies the prohibition of the application of the death penalty, as well as the determination of sentences or security measures with a perpetual or lasting nature. unlimited or indefinite.

Necessity, proportionality and adequacy are guiding principles of the normative options that form this Code and are underlying the application of each penalty or security measures, the purpose of which is always to protect legal assets essential to life in society. society and the social reintegration of the agent.

The principle of guilt is adhered to, as a presupposition for the application of the penalty, determining that there is no penalty without guilt (*nulla poena sine culpa*), this principle being a form of limiting the power of the State, since the measure of punishment can never exceed the measure of guilt. The principle of guilt is also reflected in the treatment given to the error regarding illegality, in the consecration of non-imputability due to age and in the verification of psychological anomalies, which eliminate the criminal responsibility of the agent due to lack of guilt.

Regarding the legal consequences of the punishable act, it is observed that the sentence must always be carried out in a pedagogical and resocializing manner, with this Code presenting different means of applying non-institutional sanctioning measures.

When, alternatively, a custodial or non-custodial sentence must be applied, the court is required to give a reasoned preference for a non-custodial sentence whenever it adequately and sufficiently achieves the purposes of the punishment and satisfies the requirements for reprobation. and crime prevention (article 62).

Therefore, the application of alternative penalties is privileged, especially in situations of small and medium crime, with particular emphasis on the fine and the penalty of work in favor of the community, which are recognized as ways of better ensuring the intended social reintegration of the offender.

The fine penalty is fixed in days, thus allowing better adaptation to the offender's guilt and his economic conditions, varying the value fixed for each day of fine depending on the economic and financial situation of the convicted person and the your personal expenses.

On the other hand, in order to differentiate the penalty of a fine, as the main penalty, from the fine that replaces the prison sentence, different rules are established for converting the fine into days of imprisonment, in the case of non-compliance with the payment of the fine.

In working in favor of the community, as a non-institutional sanctioning measure, the Code is concerned with clarifying and systematizing some fundamental aspects of its regime, leaving its development and concrete application to autonomous law.

The prison sentence should only be applied when all other sentences prove to be inadequate to achieve the objectives of prevention and reprobation. A minimum duration of 30 days and a maximum of 25 years is established for the prison sentence, with the maximum limit being able to be increased to 30 years in specially provided cases.

in the law.

A corollary of the offender's social reintegration is the suspension of the execution of the prison sentence, applicable in cases where the specific sentence does not exceed 3 years and the requirements for preventing future crimes do not impede its execution. The suspension of the execution of the prison sentence may be conditioned on compliance with duties or rules of conduct, or subject to monitoring by reintegration services.

Security measures of limited duration are enshrined for those who are not attributable due to a psychological anomaly, namely hospitalization, whenever reasons of danger suggest it. The application of measures of a perpetual nature is not permitted, and the mandatory cessation of security measures is established whenever the state of danger that legitimized them ends, admitting, in the case of foreigners, that the measures may be replaced by expulsion from the country.

The Penal Code, in defense of the values and legal assets fundamental to life in society, distinguishes crimes of a public nature, which must necessarily be protected by the State, from those that, less serious, are dependent on the exercise of the right to complaint by the holder of this right, as already enshrined in criminal procedural legislation. Thus, semi-public crimes are considered to be all those that, in the Special Part of the Penal Code, determine the obligation to file a complaint in the description of the respective legal type.

Regarding the extinction of criminal liability and its effects, the limitation periods for criminal proceedings, penalties, security measures and additional penalties are set out in the general section, as well as situations of suspension are defined. However, it was decided to make criminal proceedings and penalties imprescriptible when they relate to war crimes, crimes against peace, or crimes against humanity and freedom.

Finally, other cases of extinction of responsibility are regulated, such as the death of the agent, amnesty, and pardon.

III - It is recognized that the Special Part of the Penal Codes is the one that generates the greatest impact on public opinion, as it translates into the selection of goods, interests and values that in a given society and at a given historical moment justify being protected by criminal law being, consequently, elevated to the category of criminal legal assets. In the specific case of the Penal Code of Timor-Leste, the legislator sought to reflect in the normative solutions found the options that the Constitution had previously enshrined as the collective feeling of Timorese society.

The systematization adopted in this part follows the history of the country and reflects the interests and fundamental values that built this young nation.

It is not surprising, therefore, that the first title of this book protects, respectively, peace, humanity and freedom as primordial values of democratic societies, respecting the hierarchy of values that the Fundamental Law points out and taking into account the obligations international obligations assumed by the country when subscribing and ratifying the Statute of the International Criminal Court.

Title II enshrines crimes against people, in particular protecting eminently personal legal assets, highlighting the protection of life, physical integrity, personal freedom, sexual freedom, and the protection of private life.

It should be noted that the voluntary termination of pregnancy is a crime punishable under the terms of article 145 of this Code.

In this title and with regard to crimes against physical integrity, the introduction of crimes of child abuse and spousal abuse is of particular relevance, fundamental typifications for the affirmation of the Rule of Law and for the protection of human rights in Timorese society.

It is also worth highlighting the criminalization of slavery and human trafficking as a result of the humanist conception that guided the drafting of this Code.

Title III provides for crimes against life in democracy, highlighting crimes against

public tranquility, state security and life in society, as well as electoral crimes and crimes against public authority.

In this title, and within the scope of crimes against life in society, the prediction of specific types of crimes against the environment stands out, reflecting society's increasing concern in preserving natural resources and protecting the environment, punishing conduct that is unsustainably harmful to fauna, flora and natural habitats.

The protection of property is enshrined in Title IV of this Book, where a normative system is built based on the most common legal types of crime in the various criminal legislations such as theft, theft, abuse of trust and damage. These types are defined as simple or aggravated, considering the circumstances of the value, the nature of the appropriate thing, the means and forms of action, violence, as well as any other circumstances likely to significantly increase the guilt or illegality of the agent. .

Crimes against the implementation of Justice and crimes committed in the exercise of public functions are listed in Titles V and VI, which enshrine the punishment for false procedural acts, forms of obstruction of judicial activity, non-exercise as denial of justice, as well as acts of bribery, malfeasance by a magistrate or official and by a lawyer or public defender. Other activities of personal favor in the field of justice and the classic charges of slanderous denunciation, simulation of a crime and non-participation in a crime are also criminalized.

In the exercise of public functions, in general, the conduct of employees that subsume crimes of corruption, embezzlement, abuse of power or public force or economic participation in business by those who hold public positions or functions are criminalized. . In this field, the Penal Code expands the concept of public servant to include other similar situations such as an employee of international organizations, a foreign public servant who carries out activities in the country or a person who has been called upon to perform or participate in the performance of an activity included in the public administrative or jurisdictional function.

Title VII typifies the crimes of falsification of documents, technical notations, currency and stamped or stamped values, weights and measures, marks, stamps and seals, with the respective punishments varying according to their nature, the probative or fiduciary value and the public use or destination of counterfeit objects, foreseeing the possibility of seizure and loss of objects intended for their practice.

Finally, Title VIII defines crimes against the economy, criminalizing money laundering, in the wake of the most recent doctrine on the criminalization of uneconomic activities, tax fraud and situations smuggling and embezzlement, with regard to customs or border issues. The criminal punishment for disobedience to the requisition of goods ordered by the Government remains, as well as behavior likely to disrupt, harm or prevent the carrying out of some public acts such as public tenders or judicial auctions.

It should be noted that, throughout this Diploma, an attempt is made to find a balance for abstract criminal frameworks, taking into account the type of crime and its severity, the hierarchy of assets legally protected by each of the norms and the maximum limit consecrated to the prison sentence.

Also characterizing the legislative options adopted by the Penal Code is the different treatment given to the most serious crimes where, in general, the legal type of crime only provides for a prison sentence.

In the case of small and medium crime, as a rule, it follows from the provision of the norm that the court, depending on the case, can alternatively resort to the penalty of deprivation of liberty or the penalty of a fine, enshrining the political orientation criminal offense of recognizing the fine as an independent penalty instead of complementary to the main penalty.

The approval of this Code provides the Timorese State with another legal instrument, modern and suitable for the provision of a public-criminal service of higher quality and respect for the fundamental rights of citizens, requiring continuous training of magistrates, public defenders, lawyers, court officials and other judicial actors who, in their daily lives, use these legal diplomas as their working instruments, strengthening the national legal system and the rule of law

Democratic.

BOOK I

GENERAL PART

TITLE I

THE APPLICATION OF THE CRIMINAL LAW

SINGLE CHAPTER

GENERAL PRINCIPLES

Article 1

Principle of legality

1. No action or omission can be classified as a crime unless a law prior to its practice defines it as a crime and imposes the corresponding penalty.
2. Security measures can only be applied to dangerous states whose assumptions are defined in previous law.

Article 2

Prohibition of analogy

To classify an action or omission as a crime, define a state of danger or determine the respective legal consequences, the use of analogy is not permitted.

Article 3

Application of criminal law over time

1. No one can be punished for an act defined as a crime at the time of its commission if a subsequent law no longer considers it a crime.
2. In this case, if there has already been a conviction decision, even if it has become final, the execution and its criminal effects cease.
3. The law subsequent to the commission of the crime applies to previous conduct whenever it is concretely more favorable to the offender and, in cases of final and unappealable decision, if any advantage can still be taken advantage of.

Article 4

Exceptional or temporary law

The exceptional or temporary law continues to apply to acts carried out during its validity even if the period of duration has elapsed or the circumstances that determined it have ceased.

Article 5

Moment of the act

The act is considered committed at the time of the action or omission, regardless of the moment in which the typical result occurs.

Article 6

Place of practice

The act is considered to be committed in the place where, in any way, the action or omission occurred, in whole or in part, as well as where the typical result was produced or should have been produced.

Article 7

Principle of territoriality

Unless there is a treaty or international convention to the contrary and whatever the nationality of the perpetrator, Timorese criminal law is applicable to acts committed in the territory of Timor-Leste and on board ships or aircraft registered or flying the Timorese flag.

#### Article 8

##### Facts carried out outside the national territory

Unless there is a treaty or convention to the contrary, Timorese criminal law is applicable to acts committed outside the territory of Timor-Leste in the following cases:

- a) When they constitute the crimes provided for in articles 196 to 206, 229 to 242 and 307 to 313;
- b) When they constitute the crimes provided for in articles 123 to 135, 161 to 169 and 175 to 178, provided that the agent is found in Timor-Leste and cannot be extradited or his non-surrender is decided;
- c) When committed against Timorese, as long as the perpetrator habitually lives in Timor-Leste and is found here;
- d) When committed by Timorese or foreigners against Timorese, as long as the perpetrator is found in Timor-Leste, the acts are equally punishable by the legislation of the place where they were committed and constitute a crime that admits extradition and this cannot, in this case, be granted;
- e) If these are crimes that the Timorese State, by convention or international treaty, is obliged to prosecute.

#### Article 9

##### Restrictions on the application of Timorese law

1. Timorese criminal law is only applicable to acts committed outside the national territory when the offender has not been judged with a final decision in the place where the act was committed or, having been, he has evaded total or partial compliance with the sanction.
2. Even if, under the terms of the previous paragraph, Timorese criminal law is applicable, the act is judged according to the law of the country in which it was committed if this is concretely more favorable to the offender.
3. In the cases referred to in the previous paragraph, the applicable sanction is converted into that which corresponds to it in the Timorese criminal system or, in the absence of correspondence, into that which Timorese law provides for the fact.
4. If the offender is tried in Timor-Leste, having previously been tried in the place where the crime was committed, the sentence that has already been served abroad is taken into account.
5. The regime provided for in number 2 does not apply to the crimes identified in paragraphs a) and b) of the previous article.

#### Article 10

##### Subsidiary application

Unless otherwise specified, the rules of this Code are applicable to acts punishable by special legislation.

## TITLE II OF CRIME

### CHAPTER I GENERAL ASSUMPTIONS

#### Article 11

##### Action and omission

1. When a legal type of crime includes a certain result, the fact covers not only the appropriate action to produce it but also the omission of the appropriate action to avoid it, unless otherwise is the intention of the law.
2. The commission of a result by omission is only punishable when the omitted party has a legal duty that personally obliges him to avoid that result.
3. In the case provided for in the previous paragraph, the penalty may be extraordinarily reduced.

Article 12  
Criminal liability

1. Criminal liability for the offenses provided for in this Code lies with natural persons and is non-transferable.
2. Legal persons are only criminally liable for offenses provided for in this Code or in special legislation when and under the conditions that the law expressly establishes.

Article 13  
Liability for acting on behalf of others

Anyone who acts as the holder of a body of a legal person, or a mere de facto association, or as a representative of another, is punishable, even if the conditions, qualities or relationships provided for in the respective type of crime.

Article 14  
Subjective imputation

Only acts committed with intent, or in cases specifically provided for by law, with negligence, are punishable.

Article 15  
Types of fraud

1. Anyone who acts with intent, representing a fact that fulfills a type of crime, acts with the intention of carrying it out.
2. Anyone who represents the carrying out of an act that qualifies as a type of crime as a necessary consequence of their conduct also acts with intent.
3. When the accomplishment of an act that fulfills a type of crime is represented as a possible consequence of the conduct, there is intent if the agent acts in accordance with that accomplishment.

Article 16  
Types of negligence

1. Anyone who acts negligently, by not exercising the care to which, according to the circumstances, they are obliged and capable:
  - a) Represent as possible the accomplishment of an act that fulfills a type of crime but act without conforming to that accomplishment; or
  - b) Does not even represent the possibility of the fact being realized.
2. The types of negligence referred to in the previous paragraph take the form of gross negligence whenever the circumstances show that the agent acted lightly or recklessly, not observing the elementary duties of prudence that were imposed in the case.

Article 17  
Error about circumstances

1. An error regarding the factual or legal elements of a legal type of crime, as well as an error regarding prohibitions whose knowledge is reasonably essential for the agent to be aware of the illegality, excludes intent.

2. The regime provided for in the previous paragraph includes the error regarding the existence of the presuppositions of a cause for exclusion of illegality or guilt.

3. The punishability of negligent conduct is reserved whenever the law provides for it and the respective assumptions are met.

#### Article 18

##### Error about illegality

1. Ignorance of the law does not exclude the illegality of conduct that violates it.

2. An error regarding the illegality of a fact, if unavoidable, excludes guilt.

3. If the error regarding illegality is avoidable, the penalty may be extraordinarily attenuated.

#### Article 19

##### Aggravation due to the result

When the penalty applicable to a fact is aggravated depending on the production of a result, the aggravation is always conditioned by the possibility of attributing that result to the agent, at least as a result of negligence.

#### Article 20

##### Imputability due to age

1. Minors under 16 years of age are not criminally liable.

2. For young people over 16 and under 21 years of age, the provisions of this diploma apply to everything that is omitted in autonomous legislation, regarding the application and execution of criminal sanctions.

#### Article 21

##### Imputability due to psychic anomaly

1. Anyone who, due to a mental anomaly, is incapable, at the time of the commission of the act, is incapable of assessing the illegality of the act or of determining themselves in accordance with that assessment.

2. Anyone who, due to a psychological anomaly, has a significantly reduced capacity to assess the illegality at the time of the commission of the act or to determine themselves in accordance with that assessment, may be declared non-imputable.

3. The proven inability of the agent to be influenced by the penalties may constitute an indication of the situation foreseen in the previous paragraph.

4. Imputability is not excluded when the mental anomaly was caused by the agent with the intention of carrying out the act.

## CHAPTER II

### FORMS OF CRIME

#### Article 22

##### Preparatory acts

Preparatory acts are not punishable, unless otherwise provided by law.

#### Article 23

##### Attempt

There is an attempt when the agent begins the execution of a crime he has decided to commit, carrying out part or all of the acts objectively appropriate to produce the result and this is not verified due to circumstances beyond his control.

#### Article 24

##### Punishment of the attempt

1. Attempt is only punishable in intentional crimes that carry a prison sentence with a maximum limit of more than 3 years and in other cases that the law expressly determines.
2. Unless otherwise provided, the attempt is punishable with the extraordinarily mitigated penalty corresponding to the consummated crime.

#### Article 25

##### Unpunishable attempt

The attempt is not punishable when the ineptitude of the means used by the agent or the non-existence of the essential object for the consummation of the crime are evident.

#### Article 26

##### Voluntary withdrawal

The attempt of anyone who voluntarily desists from continuing with the execution of the crime, prevents the consummation or verification of the result, or makes serious efforts to prevent one or the other, is not punishable.

#### Article 27

##### Participation cases

In the case of co-participation, the attempt is not punishable by anyone who voluntarily gives up continuing to carry out the crime, prevents the consummation or verification of the result, or makes a serious effort to prevent one or the other, even if the other co-participants continue to carry out the act or consume it.

#### Article 28

##### Later regret

In crimes without violence or serious threat against people, if the damage is repaired, the thing is returned or the situation is legalized before the report or complaint is reported or received, the penalty may be extraordinarily mitigated or, depending on the circumstances, the perpetrator exempt from penalty.

### CHAPTER III

#### CRIME AGENTS

#### Article 29

##### Agents

Participation in the commission of a crime may take the form of authorship, instigation or complicity and there may be several participants in the same act.

#### Article 30

##### Authorship

1. An author is the person who executes the act, by himself or through someone else, which he uses as an instrument.
2. They are co-perpetrators if, by tacit or express agreement, they take a direct part in the execution or act in conjunction with their efforts to commit the same crime.

Article 31  
Instigation

Anyone who directly and intentionally determines another person to commit a crime is punishable as an author, as long as the crime is carried out or begins to be carried out.

Article 32  
Complicity

1. Anyone who intentionally helps materially or morally helps another person to commit a crime is punishable as an accomplice.
2. The penalty corresponding to the type of offense, extraordinarily attenuated, is applicable to the accomplice.

Article 33  
Guilt in sharing

Each participant is punished according to his or her guilt, regardless of the punishment or degree of guilt of others.

Article 34  
Illegality in co-participation

1. If the illegality or degree of illegality of the act depends on certain qualities or special relationships of the agent, it is enough that these qualities or relationships occur in any of them, to make the respective penalty applicable to all participants, except if the intention of the incriminating norm is different.
2. Whenever, as a result of the rule provided for in the previous paragraph, one of the participants results in the imposition of a more serious penalty, this may, considering the circumstances of the case, be replaced by the one that would have taken place if such a rule had not intervened.

CHAPTER IV  
COMPETITIONS AND CONTINUED CRIMES

Article 35  
Crime contest

1. The number of crimes is determined by the number of types of crimes actually committed, or by the number of times the same type is fulfilled by the agent's conduct.
2. For the purposes of the following article, a case in which the offender, having committed a crime, commits another before being convicted by a final and unappealable decision, is considered a competition.

Article 36  
Punishment in case of competition

1. In the case of a combination of crimes, a single penalty is applied, the minimum limit of which corresponds to the highest of the penalties actually applied to the various crimes and the maximum limit to the material sum of the various partial penalties.
2. The maximum limit of the competition framework cannot exceed 600 days for the fine or 30 years for imprisonment, even in cases where the material sum of the partial penalties exceeds this legal limit.
3. When determining the single penalty, the court considers, together, the facts and the personality of the offender.

Article 37  
Sanctions contest

1. If the penalties imposed include fines and others imprisonment, their different natures remain.
2. Additional penalties and security measures, even if provided for by just one of the applicable laws or in just one of the previous decisions, remain unchanged.

#### Article 38

##### Prison sentence with suspended execution in legal terms

A suspended prison sentence can only be legally combined with other prison sentences when:

- a) They are also prison sentences suspended during their execution and the aforementioned cumulation does not prevent the continuation of the single sentence suspension regime;
- b) In the case of cumulation of effective prison sentences, there are circumstances that determine the revocation of the suspension of the execution of the sentence, regardless of the cumulation of sentences;
- c) The suspended sentences to be accumulated have different suspension periods or, if they are the same, are in different phases of fulfillment and the court establishes a single suspension period according to the prevention needs and the circumstances of the case.

#### Article 39

##### Supervening knowledge of the competition

If, after a final decision, but before the respective sentence is served, prescribed or extinguished, it is known that the agent was in one of the situations described in the previous articles, the rules enshrined therein apply.

#### Article 40

##### Crime and other offense

If the same act constitutes both a crime and a misdemeanor, the agent is punished as a crime, without prejudice to the application of additional sanctions provided for other infractions.

#### Article 41

##### Continued crime

1. Except in the case of crimes that protect eminently personal property, a single continuous crime constitutes the multiple commission of the same type of crime or several types of crime that fundamentally protect the same legal asset, carried out in an essentially homogeneous manner and in the framework of request for the same external situation that considerably reduces the agent's guilt.
2. The continued crime is punishable by the penalty applicable to the most serious conduct that forms part of the continuation.

#### Article 42

##### Standards competition

To the fact capable of being classified as a crime, in whole or in part, by more than one legal provision, not dealing with the situations described in the previous articles, a single incriminating norm is applied in accordance with the following rules:

- a) The special rule applies to the detriment of the general rule;
- b) The subsidiary standard prefers the main standard;
- c) The broadest and most complex norm consumes the one that provides subsumable facts in its prediction.

## CHAPTER V

### CAUSES FOR EXCLUSION

SECTION I  
CAUSES FOR EXCLUSION OF ILLEGALITY

Article 43  
Exclusion of illegality

1. The act is not criminally punishable when its illegality is excluded by the legal order considered in its entirety.
2. In particular, an act carried out in the exercise of a right or in the fulfillment of a duty, in self-defence, in a state of justifying necessity or through consent, is not unlawful.

Article 44  
Self-defense

Self-defense is considered to be the agent's action necessary to ward off an illicit, imminent or current attack on any legally protected interests of the agent or third party.

Article 45  
State of need

It is not illegal to act as an appropriate means to ward off a current danger that threatens the legally protected interests of the agent or third party, when the following requirements are met:

- a) There is a significant superiority of the interest to be safeguarded in relation to the interest sacrificed; It is
- b) It is reasonable to require the injured party to sacrifice his interest in consideration of the nature or value of the interest in danger.

Article 46  
Conflict of duties

1. The conduct of anyone who, in the event of a conflict in the fulfillment of legal duties or legitimate orders from the authority, fulfills a duty or order of equal or greater value to the duty or order they sacrifice, is not unlawful.
2. The duty of hierarchical obedience ceases when it leads to the commission of a crime.

Article 47  
Consent

1. In addition to cases specifically provided for by law, consent excludes the illegality of the act when it refers to freely available legal interests and the act does not offend good customs.
2. Consent may be expressed by any means that reflects a serious, free and informed will of the holder of the legally protected interest, and may be freely revoked until the act is carried out.
3. Consent is only effective if it is given by someone who is over 16 years old and has the necessary discernment to evaluate its meaning and scope at the time they provide it.
4. If the consent is not known to the agent, the agent is punishable by the penalty applicable to the attempt.
5. Effective consent is equated with presumed consent, which occurs when the situation in which the agent acts reasonably allows the assumption that the holder of the legally protected interest would have effectively consented to the fact, if he had known the circumstances in which it was carried out.

SECTION II

## CAUSES FOR EXCLUSION OF GUILT

### Article 48

#### Excessive self-defense

1. Means that, due to their type or degree of use, are excessive for the agent's defensive action may determine the extraordinary mitigation of the penalty that would be applicable to the crime.
2. Excessive means used in self-defense due to disturbance, fear or fright, which are not objectionable, excludes the guilt of the agent.

### Article 49

#### State of excusing need

1. Anyone who commits an unlawful act appropriate to ward off a current danger, and not removable in any other way, that threatens the life, physical integrity, honor or freedom of the agent or a third party, when it is not reasonable, acts without guilt. require him, depending on the circumstances of the case, to behave differently.
2. If the danger threatens legal interests other than those referred to in the previous paragraph, and the remaining assumptions mentioned therein are met, the penalty may be extraordinarily mitigated or, exceptionally, the offender may be exempt from the penalty.

### Article 50

#### Excusing undue obedience

An employee who carries out an order without knowing that it leads to the commission of a crime acts without guilt, this being not evident in the context of the circumstances represented by him.

## TITLE III

### OF THE CIRCUMSTANCES

#### SINGLE CHAPTER

#### GENERAL RULES

### Article 51

#### Determination of the measure of the penalty

1. The determination of the measure of the penalty, within the limits defined by law, is made according to the guilt of the agent and the prevention requirements.
2. When specifically determining the penalty, the court takes into account all circumstances that, not being part of the type of crime, testify in favor of the agent or against him.
3. The sentence expressly mentions the grounds for the punishment.

### Article 52

#### General aggravating circumstances

1. General aggravating circumstances of the agent's responsibility are considered to be all circumstances prior, contemporary or subsequent to the crime, which, while not being part of the legal type, reveal a greater degree of illegality of the facts, conduct or agent's fault, increasing the need for punishment.
2. The following are likely to constitute general aggravating circumstances, among others:
  - a) Execution of the crime with disloyalty, understanding that this happens in cases of betrayal, ambush, waiting, disguise
  - b) The crime is committed against people using means, methods or forms that directly or indirectly

aim to guarantee execution without the danger that could result from the possible defense of the offended party;

c) The crime is committed through fraud, deceit, excess of power or authority or taking advantage of circumstances of place, time

d) The crime is committed through the payment or receipt of an amount or reward;

e) The crime is motivated by racist reasons or any other discriminatory feeling due to the victim's gender, ideology, religion or beliefs, ethnicity, nationality, gender or sexual orientation, or illness or physical impairment from which you suffer;

f) The agent has a special duty not to commit the crime, to prevent its commission or to contribute to its punishment or to prevail, to commit the crime, on public authority that he holds or invokes;

g) In the absence of a repeat offense, the offender has committed one or more crimes of the same nature in the 3 years prior to the commission of the crime for which he is being tried, regardless of the time of conviction;

h) The crime is committed on the same occasion as another crime as a means of facilitating the carrying out of another crime or crimes;

i) The execution of the crime is facilitated by the fact that the agent enters or attempts to enter the residence of the offended party or uses poison, flood, fire, explosion, wreck or damage to a boat or weapon

j) The commission of the crime or the taking advantage of its consequences is facilitated by the collaboration of two or more people;

k) Intentionally and inhumanely increase the suffering of the victim, causing suffering unnecessary to the consummation or any other acts of spoliation, cruelty or destruction also unnecessary to the execution of the crime;

l) The offended party is or has been a spouse or is in an identical situation, or is an ascendant, descendant, sibling, adoptee or adopter of the offender;

m) The offended party is a particularly vulnerable person due to age, illness or physical or mental disability, whenever such circumstance is not part of the legal type.

#### Article 53 Recidivism

1. Anyone who, alone or in any form of co-operation, commits an intentional crime that must be punished with an effective prison term of more than 6 months, after having been convicted by a final sentence of a higher effective prison sentence, is punished as a repeat offender. to 6 months for another intentional crime, if, according to the circumstances of the case, the offender should be censured because the previous conviction or convictions did not serve as sufficient warning against the crime.

2. If there is more than four years between the commission of one crime and another, there is no recurrence, and the time in which the offender has served a procedural measure, sentence or security measure depriving him of liberty is not included in the said period.

3. In the event of a repeat offense, the minimum limit of the penalty applicable to the crime is increased by one third and the maximum limit remains unchanged, with the aggravation not being able to exceed the measure of the most serious penalty applied in previous convictions.

#### Article 54 Criminal habituality

1. When the offender commits an intentional crime to which an effective prison sentence of more than 1 year must be applied, cumulatively, the following requirements are met:

- a) The agent has previously committed three or more intentional crimes for which an effective prison sentence has been imposed;
- b) Less than three years have passed between each of the crimes and the next;
- c) The joint assessment of the facts and the agent's personality reveals a strong or dangerous tendency towards crime;

the applicable penalty is that of the crime committed, increasing the minimum and maximum limits by one third.

2. The provisions of this precept prevail over the rules specific to the punishment of recidivism.

#### Article 55

##### General extenuating circumstances

1. General mitigating circumstances of the agent's responsibility are considered to be circumstances that precede, accompany or occur after the commission of the crime and that testify in favor of the agent.
2. The following are likely to constitute general mitigating circumstances, among others:
  - a) The causes of exclusion referred to in the previous chapter, whenever all the requirements foreseen for the cause of exclusion to take effect are not met;
  - b) The agent acts as a result of facts that cause violent emotion, obsession or other passionate state of the same nature or reacts immediately to the provocation;
  - c) The agent voluntarily presents himself to the authorities before becoming aware of the existence of criminal proceedings against him;
  - d) The agent spontaneously confesses to committing the crime or contributes decisively to the investigation of the circumstances in which the criminal action occurred;
  - e) The existence of acts demonstrating the agent's sincere repentance;
  - f) The low intensity of intent or negligence;
  - g) Reconciliation between the victim and the perpetrator.

#### Article 56

##### Extraordinary mitigating circumstances

1. In addition to the cases expressly provided for by law, the penalty provided for in the legal type of crime is extraordinarily mitigated whenever there are circumstances prior, contemporary or subsequent to the crime that jointly or individually significantly reduce the illegality of the conduct, the guilt of the agent or the need for punishment:
2. For the purposes of the provisions of the previous paragraph, the following circumstances are considered, among others:
  - a) The agent acted under the influence of a serious threat or under the ascendancy of a person he or she depends on or the who owes obedience;
  - b) The agent's conduct is determined by an honorable reason, by a strong request or temptation from the victim himself or by unfair provocation or undeserved offense;
  - c) The agent repairs the damage caused or reduces its effects, at any time during the process but before the trial hearing begins;
  - d) A lot of time has passed since the crime was committed, with the agent maintaining good conduct;

e) Be the agent with significantly reduced attribution.

#### Article 57

##### Extraordinary attenuation degrees

1. Whenever there is room for extraordinary mitigation of the sentence, the following is observed regarding the limits of the applicable sentence:

a) Maximum prison sentence is reduced by one third;

b) The minimum prison sentence is reduced to one fifth if it is equal to or greater than 3 years and to the legal minimum if it is less;

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

d) If the maximum prison sentence does not exceed 3 years, it may be replaced by a fine, within the general limits.

2. The extraordinarily attenuated sentence that has been specifically set is subject to replacement, including suspension, under general terms.

#### Article 58

##### Contest of circumstances

1. The occurrence of a circumstance that modifies the abstract framework of the legal type determines the application of the extraordinary mitigation regime provided for in the previous article.

2. In the case of two or more circumstances that modify the abstract framework of the legal type, only one is considered under the terms of the previous article, with the rest functioning as circumstances of a general nature in determining the measure of the penalty.

### TITLE IV

#### THE LEGAL CONSEQUENCES OF THE CRIME

#### CHAPTER I

##### GENERAL PROVISIONS

#### Article 59

##### Penalties and security measures

1. The application of the death penalty or deprivation of liberty or security measure of perpetual nature or of unlimited or indefinite duration is not permitted.

2. The simultaneous application of a penalty and a security measure depriving one of liberty for committing the same act is not permitted.

#### Article 60

##### Limit on penalties and security measures

1. The concrete penalty can never exceed the measure of guilt.

2. The security measure is based on the dangerousness of the agent committing an act considered a crime and lasts until it is verified that the state of criminal danger that gave rise to it has ceased, and cannot last longer than the maximum limit of the sentence corresponding to the crime referred to.

#### Article 61

##### Purpose of penalties and security measures

The application of penalties and security measures aims to protect legal assets essential to life in society and the reintegration of the agent into it.

#### Article 62

##### Choice of penalty and security measure

1. If a custodial and non-custodial sentence is applicable to the crime as an alternative, the court gives preference to the second whenever it adequately and sufficiently achieves the purposes of the punishment.
2. When choosing the type of security measure to be applied to the agent whose danger is shown to be procedurally acquired, the person's personality and the appropriate method of treatment for the case are taken into account.

#### Article 63

##### Effects of penalties and security measures

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

#### Article 64

##### Execution of sentences or measures depriving liberty

1. An officer sentenced to an effective prison sentence or subject to confinement may benefit from the granting of parole or probation.
2. Unless otherwise specified, after five-sixths of the sentence has been served, the convicted person must be released on parole.
3. The granting of parole requires the convict's consent, except in the circumstances described in the previous paragraph.
4. The presuppositions and conditions for granting parole are enshrined in specific legislation, as well as the rights and duties of prisoners and the presuppositions and conditions under which the effective prison sentence can be executed in an open regime.

#### Article 65

##### Contest of sentences and measures depriving liberty

1. When the same agent has been sentenced to an effective prison sentence and is subject to a confinement measure, this is executed before the prison sentence and is deducted from it.
2. As soon as the confinement measure ends, the court places the agent on probation if the time corresponding to half of the sentence has been completed and release proves compatible with the defense of the legal order and social peace.

## CHAPTER II

### PRISON PENALTY

#### Article 66

##### Duration of prison sentence

1. The prison sentence lasts for a minimum of 30 days and a maximum of 25 years.
2. In cases specifically provided for by law, the prison sentence limit is 30 years.
3. The maximum penalty limit referred to in the previous paragraph can never be exceeded.

#### Article 67

#### Replacement of prison with fine

1. The prison sentence applied in a measure not exceeding 1 year is replaced by an equal period of fine, up to the maximum legal limit, whenever the requirements for preventing future crimes do not impose imprisonment and, given the circumstances of the case, the court understands that it should not suspend the execution.
2. Unjustified non-payment of the substitute fine or any installment, implies immediate compliance with the prison sentence initially set, which can be suspended by the immediate payment of the entire fine or by the indication of assets as collateral, always deducting the benefits that have been paid.
3. The court must give reasons for the decision because it does not make the substitution whenever the penalty applied allows it.

#### Article 68

##### Suspension of prison execution

1. Whenever the prison sentence imposed does not exceed 3 years, the court may suspend its execution for a period to be set between 1 and 5 years, counting from the final judgment of the decision.
2. The decision must contain the grounds that determine the suspension, namely, the personality of the agent, the circumstances in which the crime was committed, the previous behavior, his living conditions and, very especially, the predictability of their future conduct.
3. The court must give reasons for the decision because it does not suspend whenever the sentence imposed allows it.

#### Article 69

##### Suspension of prison conditional on duties

1. The court may condition the suspension of the execution of the prison sentence on the fulfillment of certain non-humiliating duties intended to repair the harm caused by the crime.
2. The following obligations may condition the suspension:
  - a) Repair or guarantee of repair of damages caused by the crime within a specified period;
  - b) Public presentation of apologies to the offended party;
  - c) Performance of certain tasks related to the crime committed;
  - d) Delivery of an amount to the State or charitable institution with significance in the reinsertion of the convicted person.
3. The duties imposed may in no case represent obligations for the convicted person whose fulfillment is not reasonably required of him
4. The duties imposed may be modified until the end of the suspension period whenever relevant circumstances arise or of which the court only becomes aware later
5. The provisions of paragraph 2 of the previous article are correspondingly applicable.

#### Article 70

##### Rules of conduct

1. The court may require the convicted person to comply, for the duration of the suspension, with rules of conduct designed to facilitate their reintegration into society, namely:
  - a) Not exercising certain professions;

- b) Do not frequent certain environments or places;
- c) Do not reside in certain places or regions;
- d) Not accompanying, hosting or receiving certain people;
- e) Not attending certain associations or not participating in certain meetings;
- f) Not have in their possession objects capable of facilitating the commission of crimes;
- g) Periodically appear before the court, the social reintegration technician or non-police entities.

2. The court may also, having obtained the prior consent of the convicted person, order that he or she be subject to medical treatment or cure in an appropriate institution.

3. The provisions of paragraphs 3 to 5 of the previous article are correspondingly applicable.

#### Article 71

##### Suspension of prison with monitoring

1. When the simple or conditioned suspension of prison is insufficient to guarantee the recovery of the offender and his separation from criminal activities, the court may order the suspension subjecting the convicted person to monitoring by social reintegration services for the duration of the period of suspension, obtaining Whenever possible, the convict's agreement should be made.

2. It is the responsibility of the social reintegration services, together with the Public Prosecutor's Office and the sentencing judge, after hearing the convicted person, to draw up the social reintegration plan which, approved by the court, will be implemented with the assistance of the aforementioned employee or reintegration service.

3. The readaptation plan must contain all the duties to which the convicted person is subject, and the court may impose the duties and rules of conduct referred to in articles 69 and 70 or other obligations that are relevant to the readaptation plan, namely:

- a) Obtain treatment or hospitalization in an appropriate establishment, whenever circumstances require it
- b) Respond to calls from the magistrate responsible for execution and the social reintegration technician
- c) Receive visits from the social reintegration technician and inform him about his means of subsistence
- d) Inform the social reintegration technician about changes of residence and employment, as well as any move from residence lasting more than 8 days
- e) Obtain prior authorization from the magistrate responsible for execution to travel abroad

4. The provisions of paragraph 2 of article 68 are correspondingly applicable.

#### Article 72

##### Modification of the suspension regime

If, during the period of suspension of the execution of the prison sentence, the convicted person does not comply with the imposed duties or is tried and convicted of another crime, the court, taking into account the circumstances, may change the suspension of the execution of the prison sentence, initially fixed, modify the duties or solemnly warn the condemned person, depending on the circumstances of the case.

#### Article 73

##### Revocation of suspension

1. If, during the period of suspension of the execution of the prison sentence, the convict is tried and convicted of another crime or intentionally repeats non-compliance with the rules or duties imposed and it is not possible or proves insufficient to modify the suspension regime, the court revokes the suspension.

2. The suspension of the execution of the prison sentence is always revoked if, during the respective period, the convicted person commits an intentional crime for which he will be punished with an effective prison sentence.

3. The revocation of the suspension does not give the convicted person the right to demand the restitution of payments made during and because of the suspension.

#### Article 74

##### Extinction of prison sentence

Failure to revoke the suspension of the execution of the prison sentence determines the extinction of the sentence and its effects, after the suspension period has elapsed.

### CHAPTER III

#### FINE PENALTY

#### Article 75

##### Duration of the fine sentence

1. The fine penalty is set at a minimum of 10 and a maximum of 360 days, unless otherwise provided by law.

2. Each day's fine corresponds to an amount between half a dollar and 200 US dollars, which the court sets depending on the economic and financial situation of the convicted person and their personal expenses.

3. Whenever the circumstances of the case justify it, the court may authorize payment of the fine within a period of 1 year, or allow payment in installments, with the last installment not exceeding the limit of 2 years after the date of transit in judgment of conviction.

#### Article 76

##### Alternative prison sentence to fine

The decision that directly imposes a fine sentence sets imprisonment instead, for the time corresponding to the fine, reduced by two thirds.

#### Article 77

##### Reduction or exemption from the fine penalty

1. If the person sentenced to a fine does not serve the sentence due to circumstances, subsequent to the conviction, that make it impossible or difficult to comply with it and are not attributable to him, the court may order the reduction or exemption of the sentence.

2. The provisions of the previous paragraph are applicable to the penalty of a fine that replaces imprisonment.

### CHAPTER IV

#### WORK PENALTY IN FAVOR OF THE COMMUNITY

#### Article 78

##### Work in favor of the community

1. The penalty of work in favor of the community consists of the provision of free work in a public body or other entities that the court considers to be of community interest, provided that the consent of the convicted person is obtained.

2. The duration of work that the convicted person must perform is established by the court, replacing each day of imprisonment fixed in the sentence with one hour of work, never exceeding 240 hours.

3. Work may be performed during or outside normal working hours, continuously or not, without exceeding per day what is permitted under the overtime regime and always in such a way that the survival of the employee is not affected. convicted person or their family members.

4. Unjustified non-compliance with the provision of work in favor of the community requires compliance with the penalty initially applied, minus the days of work already performed, in accordance with paragraph 2.

#### Article 79

##### Requirements

1. The penalty of work in favor of the community is applicable by the court in lieu of a prison sentence of no more than 1 year or a fine, whenever it concludes that by this means the tasks are carried out in an adequate and sufficient manner. purposes of the punishment and, in the case of imprisonment, there are reasons of criminal prevention that make it inadvisable to suspend the execution or replace it with a fine.

2. The application of work in favor of the community always depends on the convict's consent and, in the case of a fine substitute, it may be ordered in the sentence or in a subsequent order, as long as a request is presented by the convict before the seizure is ordered in the process. enforcement action initiated due to non-payment of the fine.

3. The provisions of paragraph 3 of article 67 are correspondingly applicable.

#### Article 80

##### Suspension, reduction or exemption of sentence

If the convict does not complete the work due to circumstances, subsequent to its decree, that make it impossible or difficult to do so, which are not attributable to him, the regime provided for in article 77 applies.

#### Article 81

##### Complementary legislation

The other conditions for applying the penalty for providing work in favor of the community and for the operation of services for carrying out work in favor of the community are the subject of a special diploma.

## CHAPTER V

### WARNING PENALTY

#### Article 82

##### Admonition

If the offender is found guilty of committing a crime that corresponds in abstract to a prison sentence of not more than 3 years or a fine, the court may limit itself to admonishing him provided that, cumulatively:

- a) The damage caused by the criminal conduct has been repaired;
- b) He is a first-time offender;
- c) Criminal prevention and the recovery of the offender are sufficient with admonishment.

#### Article 83

##### Execution of the admonishment sentence

The admonition consists of a solemn and appropriate oral reprimand to the convicted person, carried out by the court in a public hearing, after the decision to be applied has become final.

## CHAPTER VI

### ACCESSORY FEATHERS

#### Article 84

##### General principle

1. The law may make certain crimes correspond to the prohibition of exercising certain rights or professions.
2. Additional penalties are cumulative and can only be applied simultaneously with a main penalty, and their duration must be fixed depending on the extent of the guilt.

#### Article 85

##### Temporary suspension of the exercise of public functions

1. The court that sentences someone who holds a public office to an effective prison sentence must order the suspension of the exercise of that role for the period of serving the sentence, if the convicted person is not dismissed disciplinary.
2. The effects that, according to the respective legislation, accompany the disciplinary sanction of suspension from the exercise of duties, are applicable to the convict during the period of suspension.
3. The provisions of the previous paragraphs are correspondingly applicable to professions or activities whose exercise depends on a public title, authorization or approval from the public authority.

#### Article 86

##### Prohibition of exercising functions

1. The holder of a public position, public servant or agent of the Administration, who, in the exercise of the activity for which he was elected or appointed, is sentenced to a prison sentence of more than 3 years may be prohibited from carrying out those functions for a period 2 to 5 years when any of the following circumstances occur:
  - a) The act is committed with a flagrant and serious abuse of the function or with a clear and serious violation of the duties inherent to the function;
  - b) The agent reveals unworthiness or manifest incapacity to perform the position;
  - c) The nature of the fact implies the loss of trust necessary to perform the function.
2. The provisions of the previous number are correspondingly applicable to professions or activities whose exercise depends on public title or authorization or approval from public authority.
3. The time during which the convicted person is deprived of liberty as a result of a coercive measure, penalty or security measure does not count towards the period of prohibition.
4. The additional penalty provided for in this article is not applicable when, for the same facts, the security measure provided for in article 100 is applied.
5. The application of the provisions of this article requires the communication of the court's conviction to the public authority on which the official depends.

#### Article 87

##### Expulsion

1. A foreign citizen convicted of committing a crime that carries a prison sentence of more than 3 years may be expelled from the national territory if he or she has resided there for less than 15 years:
  - a) For a period of up to 2 years if resident for more than 10 years;

b) For a period of up to 5 years if resident for more than 5 and less than 10 years;

c) For a period of up to 10 years if resident for less than 5 years.

2. The expulsion referred to in the previous paragraph applies when in the specific case it is required for reasons of internal security, public health or to prevent the continuation of criminal activity.

3. The expulsion penalty is carried out regardless of total or partial compliance with the main sentence.

#### Article 88

##### Driving ban

1. Whoever is punished may be subject to disqualification from driving motor vehicles for a period to be determined between 3 months and 2 years:

a) For crimes provided for in articles 207 to 209;

b) For a crime committed using a motor vehicle and the execution of which was significantly facilitated by it; or

c) For the crime of disobedience committed through refusal to submit to the legally established tests to detect driving a motor vehicle under the influence of alcohol, narcotic drugs, psychotropic substances or products with a similar effect that disturbs physical, mental or psychological fitness.

2. The provisions of paragraph 3 of article 86 are correspondingly applicable.

#### Article 89

##### Revocation of weapon license

1. In the event of conviction for an intentional crime committed using a weapon, the court may order the revocation of the license to use and carry a weapon, taking into account the circumstances and gravity of the conduct, for a period of 2 to 8 years.

2. The provisions of paragraph 3 of article 86 are correspondingly applicable.

### CHAPTER VII

#### DETERMINATION OF THE PENALTY

#### Article 90

##### General principles

1. Whenever the law establishes a penalty, it refers to the crime in its completed form.

2. The framework of the abstract penalty upon which the concrete measure of penalty is determined, we obtain:

a) Making the aggravating circumstances modifying recidivism and criminal habituality, respectively provided for in articles 53 and 54, operate on the abstract penalty corresponding to the completed crime;

b) Once the provisions of the previous paragraph have been complied with or from the abstract penalty corresponding to the completed crime if there are no modifying circumstances, situations of extraordinary mitigation are considered if, in the case, they exist.

#### Article 91

##### Concrete determination of the penalty

1. Having found the abstract framework of the penalty under the terms of the previous article, the court evaluates all the circumstances that, although not part of the type or having been valued under the terms of the provisions of the article

above, aggravate or diminish the responsibility of the convicted person.

2. Based on the assessment of these last circumstances, the court establishes the exact measure of the sentence that it considers necessary for the protection of the legal assets essential to life in society and the social reintegration of the agent, within the limits of the framework established in the type or of the limits resulting from the application of the provisions of the previous article.

3. The measure of the penalty applied to the convicted person may not, under any circumstances, exceed the measure of guilt.

#### Article 92

##### Special case of fine penalty

In the case of a fine, the provisions of this chapter are applicable to determining the duration of the fine, without prejudice to the provisions of paragraph 2 of article 75 for calculating the amount corresponding to each day of the fine.

### CHAPTER VIII

#### SECURITY MEASURES

##### SECTION I

##### ADMISSION MEASURE

#### Article 93

##### assumption

When a fact described in a legal type of crime is committed as unattributable under the terms of the provisions of article 21, the person may be ordered to be admitted to an appropriate establishment, whenever, due to the psychological anomaly, the nature and the seriousness of the act committed, the court has found I fear that he will commit other typical acts that correspond to crimes against people or crimes of common danger.

#### Article 94

##### Duration

1. If the act committed by the unaccountable person is punishable by imprisonment for up to 3 years, internment cannot last more than 1 year.

2. If the act committed by the unaccountable person corresponds to a crime against people or a crime of common danger, punishable by a prison sentence equal to or greater than 5 years, the internment lasts for a minimum of 3 years, unless release is prove compatible with the defense of public order and social peace.

3. If the act committed by the unaccountable person corresponds to a crime punishable by a sentence of more than 8 years and the danger of new acts of the same kind is so serious as to make release inadvisable, the internment may be extended for successive periods of 2 years until it is verified that the state of criminal danger that gave rise to it has ceased.

4. Internment cannot exceed the maximum sentence corresponding to the type of crime committed by the unaccountable person.

#### Article 95

##### Cessation of the measure

1. The measure ceases when the state of criminal danger that gave rise to it ends or, if this remains the case, when the maximum duration limit of the measure is reached, except in the circumstances referred to in paragraphs 3 and 4 of the previous article.

2. The hospitalization measure must be subject to review every 12 months.

3. If the existence of a justifying reason for the termination of hospitalization is invoked, the court considers the matter at all times.

#### Article 96

##### Replacement of the hospitalization measure

1. The internment measure may be replaced by freedom for probation or expulsion from national territory when applied to foreigners.

2. In the case of expulsion from national territory, the provisions of article 87 are correspondingly applicable.

#### Article 97

##### Freedom to test

1. If the review referred to in article 95 results in that there are reasons to hope that the purpose of the measure can be achieved in an open environment, the court releases the interned person for proof.

2. The period of freedom for testing is set between a minimum of 2 years and a maximum of 5 years, and cannot exceed the maximum limit set in no. 4 of article 94.

3. The decision to release evidence may impose on the inmate rules of conduct necessary to prevent dangerous illness, in terms corresponding to those referred to in article 70, as well as the duty to undergo appropriate outpatient treatment and healing regimes and take part in examinations and observations in the places indicated.

4. The agent whose internment is suspended is placed under the supervision of the social reintegration services.

5. If there are no reasons that lead to the revocation of freedom for the test, after the duration of the test, the internment measure is declared extinct.

6. If, at the end of the period of freedom for the test, there is a pending process or incident that could lead to its revocation, the measure is declared extinct when the process or incident ends and there is no place for revocation.

#### Article 98

##### Revocation of freedom for testing

1. Freedom to test is revoked when:

a) The behavior of the unaccountable person reveals that hospitalization is essential; or

b) The non-imputable person is sentenced to a custodial sentence and the conditions for suspension of execution are not met, in accordance with paragraph 1 of article 68.

2. Revocation determines readmission, with the provisions of articles 94 and 95 being correspondingly applicable.

#### Article 99

##### Suspension of internment

1. The court may order the suspension of internment if it is reasonable to expect that the purpose of the security measure will be achieved with the suspension and the suspension proves compatible with the defense of public order and social peace.

2. The provisions of paragraphs 3 and 4 of article 97 are correspondingly applicable to the suspension of hospitalization.

3. Suspension of the execution of internment cannot be ordered if the agent is simultaneously

sentenced to a custodial sentence and the presuppositions for suspending its execution, in accordance with no. 1 of article 68, are not met.

4. The duration and termination of the suspension of hospitalization are determined in accordance with articles 94 and 95, respectively.

5. When revoking the decision to suspend the internment measure, the provisions of article 98 apply.

## SECTION II

### OTHER SAFETY MEASURES

#### Article 100

##### Professional interdiction measure

1. When a person who is not liable for mental anomaly commits an act covered by a legal type of crime related to the professional activity he carries out and there is a well-founded fear that, whilst he maintains that occupation, he will continue to commit identical acts, the court may prohibit him from carrying out the activity. respective activity for a period of 1 to 5 years, taking into account the circumstances of the case and the personality of the unaccountable person.

2. The period of interdiction is suspended during the period in which the agent is deprived of liberty due to a measure of procedural coercion, penalty or security measure.

#### Article 101

##### Driving ban and license revocation

##### use and carrying of weapons

1. The non-imputable person who performs any of the acts provided for in no. 1 of article 88 may be subject to disqualification from driving motor vehicles for a period of 2 to 6 years, whenever his personality generates a well-founded fear of committing it. new facts of the same kind.

2. If the act carried out by the unaccountable person corresponds to a crime related to the use of a weapon, the court may order the revocation of the license to use and carry a weapon for a period of 5 to 10 years, whenever his personality generates well-founded fear of committing new acts of the same kind.

3. The provisions of paragraph 3 of article 86 are correspondingly applicable.

## CHAPTER IX

### OTHER CONSEQUENCES OF THE CRIME

#### Article 102

##### Loss of crime objects

1. Objects that served or were intended to serve in the commission of a crime, or that were produced by them, are declared lost to the State when, due to their nature or the circumstances of the case, they endanger the safety of people or the public order, or pose serious risks of being used to commit new crimes.

2. The rights of the victim and third parties, who have not contributed to its use or production, or taken advantage of the object they own, are safeguarded.

3. The court determines the destination of objects declared lost whenever the law does not do so, and may order their total or partial destruction or place them out of commerce.

4. The provisions of paragraph 1 apply even if no specific person can be punished for the fact.

#### Article 103

##### Loss of advantages

1. All things, rights or advantages acquired, directly or indirectly, as a result of the commission of a crime, are declared lost in favor of the State, without prejudice to the rights of the victim or third parties in good faith.

2. If the things, rights or advantages cannot be appropriated in kind, the loss is replaced by payment to the State of the respective value.

#### Article 104

##### Civil liability arising from crime

1. Compensation for losses and damages resulting from a crime is mandatory and ex officio determined and arbitrated by the court whenever the damages have been determined and quantified, unless the injured party, in accordance with the criminal procedural law, declares that he intends to file the claim separately.

2. The assumptions and calculation of compensation are regulated by civil law rules.

3. The person responsible for the compensation may carry out a transaction, informing the court of this, under penalty of the act being ineffective.

#### Article 105

##### Injured party's credit privilege

The credit arising from the injured party's right to compensation for losses and damages resulting from a crime benefits in preference to any other arising after the commission of the act, including costs and the amount related to the fine.

### TITLE V

#### RIGHT TO COMPLAINT

#### Article 106

##### Nature of the crime

1. Crimes may be public or semi-public in nature, for the purposes of exercising the right to complain.

2. Public crimes are those whose criminal procedure does not depend on a complaint

3. Semi-public crimes are those whose proceedings can only begin after the right to complain has been exercised.

4. The right to complain consists of the expression of the will on the part of the holder of the right to seek criminal proceedings.

#### Article 107

##### Holder of the right to complain

When the criminal procedure depends on a complaint, the right holders indicated in the criminal procedure law have the legitimacy to present it.

#### Article 108

##### Deadline for exercising the right

The deadline for exercising the right to complain is 6 months and counts independently for each holder of the right to complain.

#### Article 109

##### Waiver and withdrawal of the complaint

Renunciation, withdrawal or non-exercise of the right to complain in relation to one of the participants in the crime benefits the others, in cases where they cannot also be persecuted without a complaint.

## TITLE VI

### EXTINCTION OF CRIMINAL LIABILITY

#### CHAPTER I

##### PRESCRIPTION OF CRIMINAL PROCEDURE

###### Article 110

###### Limitation periods

1. Criminal proceedings shall be terminated, by statute of limitations, as soon as the following periods have elapsed since the commission of the crime:

- a) 20 years, in the case of crimes punishable by a prison sentence with a maximum limit of more than 12 years;
- b) 15 years, in the case of crimes punishable by a prison sentence with a maximum limit of more than 7 years, but not exceeding 12 years;
- c) 8 years, in the case of crimes punishable by a prison sentence whose maximum limit is greater than 3 years, but does not exceed 7 years;
- d) 4 years, in other cases.

2. When the law establishes an alternative sentence of imprisonment or a fine for any crime, only the former is considered for the purposes of the provisions of this article.

###### Article 111

###### Deadline counting

1. 1 – The statute of limitations for criminal proceedings runs from the day on which the act is consummated or from the day of the last act of execution in the case of an un consummated crime, continuous crime or habitual crime.

2. 2 – In permanent crimes, the statute of limitations runs from the day the consummation ceases.

3. 3 – In the case of complicity, the fact of the author is taken into account.

###### Article 112

###### Suspension of prescription

1. The prescription of criminal proceedings is suspended, in addition to cases specifically provided for by law, during the time in which:

- a) The procedure cannot legally begin or continue due to lack of legal authorization or sentence to be handed down by a non-criminal court, or due to the return of a question for a preliminary ruling to a non-criminal court;
- b) The offender is serving, abroad, a sentence or security measure depriving his liberty;
- c) Criminal proceedings are pending from the moment the defendant is notified of the accusation.

2. The prescription will run again from the day the reason for the suspension ends.

3. The reason for suspension cannot, depending on the situation, exceed half of the period provided for in article 110.

## CHAPTER II

### PRESCRIPTION OF PENALTIES AND SAFETY MEASURES

#### Article 113

##### Limitation periods for penalties

1. Penalties expire within the following periods:

- a) 25 years if more than 12 years in prison;
- b) 20 years if more than 8 years but not more than 12 years in prison;
- c) 12 years if more than 4 years but not more than 8 years in prison;
- d) 8 years in the remaining cases of prison sentences;
- e) 4 years in the case of fines.

2. The statute of limitations for penalties runs from the date on which the decision applying it becomes final.

#### Article 114

##### Prescription of additional penalties

The prescription of additional penalties is subject to the main penalty regime.

#### Article 115

##### Limitation periods for security measures

Security measures prescribe in the following cases:

- a) 15 years if deprived of liberty;
- b) 5 years if not custodial of liberty;
- c) 2 years in cases of revocation of the weapon license.

#### Article 116

##### Suspension of prescription

1. The prescription of penalties and security measures is suspended, in addition to the cases specifically provided for by law, during the time in which: a) By force of law, the execution cannot begin or continue;

- b) After the convict escapes and until he is re-captured;
- c) The convicted person is serving another prison sentence or security measure;
- d) The delay in payment of the fine continues;
- e) The convicted person is temporarily prevented from providing work for the community;
- f) The execution is taking place.

2. The statute of limitations runs again from the day the reason for the suspension ends.

3. The provisions of paragraph 3 of article 112 are correspondingly applicable.

## CHAPTER III

## IMPRESCRITIBILITY

### Article 117

#### Genocide, crimes against peace and humanity and war crimes

The criminal procedure and penalties imposed for crimes of genocide, crimes against peace and humanity and war are imprescriptible.

## CHAPTER IV

### OTHER CAUSES OF EXTINCTION

### Article 118

#### Other causes

In addition to cases specifically provided for by law, criminal liability is extinguished by the death of the agent, amnesty and pardon.

### Article 119

#### Agent's death

The death of the agent extinguishes the criminal proceedings, as well as the criminal sanction that has been applied to him.

### Article 120

#### Amnesty

Amnesty extinguishes the criminal proceedings and ceases the execution of the sanction that has not yet been fulfilled in whole or in part, as well as its effects and additional penalties to the extent possible.

### Article 121

#### Amnesty and crime contest

Unless otherwise specified, amnesty applies to each of the crimes that constitute the competition.

### Article 122.<sup>o</sup>

#### Pardon

The pardon extinguishes the sentence, in whole or in part, or replaces it with another provided for by law and more favorable to the convicted person.

## BOOK II

### SPECIAL PART

## TITLE I

### CRIMES AGAINST PEACE AND HUMANITY

## CHAPTER I

### GENOCIDE AND CRIMES AGAINST HUMANITY

### Article 123

#### Genocide

1. Whoever, with the intention of destroying, in whole or in part, a national, ethnic, racial or religious group, practices:

- a) Homicide or serious harm to the physical or mental integrity of members of the group;
- b) Acts that by any means prevent the procreation or birth of members in the group;
- c) Rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other

form of sexual violence of comparable severity;

d) Separation by violent means of members of the group to another group;

e) Acts that violently prevent the group from settling or maintaining in a geographical space that, by tradition or historically, is recognized as such;

f) Subjection of the group to conditions of existence or cruel, degrading or inhumane treatment, likely to lead to its total or partial destruction;

g) Confiscation or general seizure of assets owned by members of the group;

h) Prohibition of certain commercial, industrial or professional activities for members of the group;

i) Spread of an epidemic likely to cause death or harm to the physical integrity of members of the group;

j) Prohibition, omission or impediment by any means of providing members of the group with adequate humanitarian assistance to combat epidemic situations or serious food shortages;

is punishable by 15 to 30 years in prison.

2. Anyone who publicly and directly incites the practice of genocide is punished with a sentence of 5 to 15 years in prison.

Article 124

Crimes against humanity

Whoever, in the context of a generalized or systematic attack against any civilian population, carries out acts resulting in:

a) Homicide or serious injury to physical or mental integrity;

b) Extermination, understood as the subjection of all or part of the population to adverse living conditions, such as deprivation of access to food or medicine, capable of causing the death of one or more people;

c) Slavery;

d) Deportation or forced transfer of a population, understood as the illicit movement of one or more people to another State or location through expulsion or another coercive act;

e) Imprisonment or any other serious form of deprivation of a person's physical freedom, in violation of the norms or principles of international law;

f) Torture, understood as the act that consists of inflicting serious physical or psychological pain or suffering on a person deprived of liberty or under the control of the agent;

g) Rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable severity;

h) Persecution, understood as the deprivation of the enjoyment of fundamental rights, in violation of international law, of a group or collective that can be identified for political, racial, national, ethnic, cultural, religious, sex or due to other reasons universally recognized as unacceptable in international law;

i) Forced disappearance of people, understood as the detention, imprisonment or kidnapping promoted by a State or political organization, or with its authorization, support or agreement, followed by refusal to recognize such state of deprivation of liberty or the provide any information about the situation or location of these people, with the purpose of denying them the protection of the law for a long period of time;

j) Apartheid, understood as any inhumane act carried out in the context of an institutionalized regime

of systematic oppression and domination of one racial group over another or others, with the intention of maintaining that regime;

k) Other inhumane acts of a similar nature that intentionally cause great suffering, serious injuries or affect mental or physical health;

is punished with a prison sentence of 15 to 30 years.

## CHAPTER II WAR CRIMES

### Article 125

#### War crimes against people

1. Whoever, in the context of an armed conflict of an international nature or an armed conflict of a non-international nature, against a person protected by international humanitarian law, commits:

a) Homicide;

b) Torture or cruel, degrading or inhumane treatment, including biological experiments;

c) Serious physical harm or acts that cause great suffering;

d) Taking hostages;

e) Constraint to serve in enemy armed forces or to recruit or enlist children under 18 years of age in armed forces, military or paramilitary forces of a State, or in armed groups other than the armed forces, military or paramilitary forces of a State State, or its use to participate in hostilities;

f) Serious, prolonged and unjustified restrictions on people's freedom;

g) Deportation or transfer, or illegal deprivation of liberty;

h) Unjustified theft or destruction of valuable assets;

i) Conviction and execution of sentence, without prior fair and impartial trial;

j) Acts that outrage the dignity of the human person, in particular through humiliating and degrading treatment;

k) Homicide or injuries inflicted on a combatant who has laid down his weapons or who, having no means to defend himself, has unconditionally surrendered or in any way placed out of combat;

l) The acts described in paragraph g) of the previous article;

m) Subjecting people who are under the control of a belligerent party to physical mutilation or any type of medical or scientific experiments that are not motivated by medical, dental or hospital treatment, nor are carried out in the interests of such people, and that cause death or seriously endanger their health;

is punished with a prison sentence of 12 to 25 years.

2. The penalty is increased by one fifth in its limits when the acts referred to in the previous paragraph are carried out on members of a humanitarian institution.

3. Whoever, in the context of an armed conflict of an international nature:

a) Transfer, directly or indirectly, as an occupying power, part of its own civilian population to the occupied territory or transfer all or part of the population of the occupied territory, within or outside that territory;

b) Compelling a prisoner of war or other protected person to serve in the armed forces of an enemy power;

c) After the cessation of hostilities, delay, without justifiable reason, the repatriation of prisoners from war;

is punished with a prison sentence of 15 to 30 years.

#### Article 126

##### War crimes due to the use of prohibited methods of warfare

Whoever, in the context of an armed conflict of an international nature or an armed conflict of a non-international nature:

a) Attack the civilian population in general or civilians who do not directly participate in hostilities;

b) Attack civilian assets, that is, assets that are not military objectives;

c) Attack, by any means, population clusters, homes or buildings that are not defended and that are not military objectives;

d) Launch an indiscriminate attack that targets the civilian population or civilian property, knowing that this attack causes loss of human life, injuries to civilians or damage to civilian property, which is excessive;

e) Take advantage of the presence of civilians or other protected persons to prevent certain points, zones or military forces from being targets of military operations;

f) Deliberately causing starvation of the civilian population as a method of waging war, depriving them of essential goods for their survival;

g) Declare or threaten, as an official, that no shelter will be given;

h) Treacherously kill or injure enemy combatants;

i) Launch an attack, knowing that it causes extensive, long-lasting and serious damage to the environment that is clearly excessive in relation to the concrete and direct global military advantage that is anticipated;

j) Committing treachery, understood as the act of killing, injuring or capturing, which appeals, with intent to deceive, to the good faith of an adversary to make him believe that he has the right to receive, or the obligation to ensure, the protection provided for by the rules of international humanitarian law;

is punished with a prison sentence of 15 to 30 years.

#### Article 127

##### War crimes due to the use of prohibited means of war

1. Whoever, in the context of an armed conflict of an international nature or an armed conflict of a non-international nature, uses weapons, projectiles, materials and methods of combat that, by their very nature, cause superfluous injuries or unnecessary suffering or that causes indiscriminate effects, in violation of international law applicable to armed conflicts, is punished with a prison sentence of 12 to 25 years.

2. The previous number covers, in particular, the use of:

- a) Poison or poisoned weapons;
- b) Asphyxiating, toxic or similar gases or any similar liquid, material or device;
- c) Bullets that expand or flatten easily inside the human body, such as hard-coated bullets that do not completely cover the interior or have incisions;
- d) Anti-personnel mines;
- e) Chemical weapons;
- f) Weapons whose main effect is to injure the human body with shrapnel that cannot be located by X-rays;
- g) Incendiary weapons;
- h) Laser weapons that cause blindness.

3. The weapons, instruments and products referred to in the previous paragraph are those that are considered as such by international law.

#### Article 128

War crimes against property protected by distinctive insignia or emblems

Whoever, in the context of an armed conflict of an international nature or an armed conflict of a non-international nature, attacks:

- a) Personnel, installations, material, units or vehicles participating in a peacekeeping or humanitarian assistance mission, in accordance with the Charter of the United Nations, whenever they are entitled to the protection afforded by international humanitarian law to civilians or property civilians;
- b) Buildings, installations, material, units or vehicles, duly marked with the distinctive emblems of the Geneva Conventions or personnel authorized to use the same emblems.

is punished with a prison sentence of 10 to 20 years.

#### Article 129

War crimes against property

Whoever, in the context of an international armed conflict or in the context of an armed conflict of a non-international nature:

- a) Subtract, destroy or damage property on a large scale or of great value, without military necessity or in an illegal and arbitrary manner;
- b) Attacking, destroying or damaging buildings dedicated to religious worship, education, arts, sciences or charity, cultural or historical monuments, archaeological sites, hospitals and places where sick and injured people gather, whenever these are not objectives military;
- c) Looting a city or town, even when taken by assault;

is punished with a prison sentence of 5 to 15 years.

#### Article 130

War crimes against other rights

Whoever, in the context of an international armed conflict or in the context of an armed conflict of a non-international nature, declares any rights and procedures abolished, suspended or inadmissible in court

of nationals of the enemy party is punished with a prison sentence of 5 to 15 years.

CHAPTER III  
AGAINST PEACE AND FREEDOM

Article 131  
Terrorist organizations

1. A terrorist group, organization or association is considered to be the grouping of two or more people who, in order to achieve political, ideological, philosophical or confessional purposes, act in concert, with the aim of harming national integrity or independence, preventing, altering or subvert the functioning of national or international institutions, intimidate or force public authority, international organizations or certain people, groups of people or the population in general, to carry out an act, to refrain from carrying it out or to tolerate it being carried out, through the commission of serious crimes:

- a) Against the life, physical integrity or freedom of people;
- b) Against the security of transport and communications, including telegraphic, telephone, radio or television;
- c) Intentional production of common danger, through fire, explosion, release of radioactive substances or toxic or asphyxiating gases, flood or avalanche, construction collapse, contamination of food and water intended for human consumption or spread of disease, pest, harmful plant or animal;
- d) That involve the use of nuclear energy, firearms, explosive substances or devices, incendiary means of any nature, parcels or booby-trapped letters.
- e) Acts that destroy or make it impossible to function or divert from its normal purposes, definitively or temporarily, in whole or in part, means or routes of communication, public service installations or international installations or installations intended for supply and satisfaction of the population's vital needs.
- f) Research and development of biological or chemical weapons

2. Anyone who promotes or founds a terrorist group, organization or association, joins, participates in or supports them, is punished with a prison sentence of 12 to 25 years.

3. Anyone who heads or directs a terrorist group, organization or association is punished with a prison sentence of 15 to 30 years.

4. When a terrorist group, organization or association, or the people referred to in numbers 2 or 3, possess any of the means indicated in paragraph d) of number 1, the penalty is increased by one third in its minimum and maximum limits.

5. Acts preparatory to the formation of a terrorist group, organization or association are punished with a penalty reduced to half the minimum maximum limits.

6. The aforementioned penalties may be extraordinarily attenuated or there may be no punishment if the offender voluntarily abandons his activity, prevents or makes serious efforts to prevent the danger caused by him or the continuation of terror groups, organizations or associations. -rists, or inform the authority of its existence so that it can prevent the commission of crimes.

Article 132  
Terrorism

1. Anyone who commits any of the crimes provided for in subparagraphs a) to c) and e) of number 1 of the previous article, or any crime using the means referred to in subparagraphs d) or f) of the same precept, with the intention

referred to therein, is punished with a prison sentence of 12 to 25 years, or with the penalty corresponding to the crime committed, increased by one third in its minimum and maximum limits, if the penalty is equal or greater.

2. The penalty may be extraordinarily attenuated or no punishment may occur if the offender voluntarily abandons his activity, removes or considerably reduces the danger caused by it, prevents the result that the law wants to avoid from occurring, or concretely assists in the re-collection of decisive evidence for the identification or capture of other perpetrators.

#### Article 133

##### Terrorist financing

Whoever by any means, directly or indirectly and intentionally, provides, collects or holds funds or goods of any kind, as well as products or rights capable of being transformed into funds, attempts to do so, with the intention that they be used or knowing that may be used, in whole or in part, in planning, preparing or carrying out the acts provided for in number 1 of article 131, or carrying out these acts with the intention referred to in number 1 of article 132, is punished with a prison sentence from 12 to 25 years old.

#### Article 134

##### Incitement to war

1. Anyone who, by any means, publicly and repeatedly, incites hatred against a race, people or nation, with the intention of provoking a war or preventing peaceful coexistence between different races, peoples or nations, is punished with penalty of 2 to 8 years in prison.

2. Whoever entices or recruits East Timorese or foreign citizens to, in the service of a foreign group or power, wage war against a State or to overthrow the legitimate Government of another State by violent means, is punished with a sentence of 5 to 15 years' imprisonment. prison.

#### Article 135

##### Racial or religious discrimination

1. Anyone who founds, sets up an organization or carries out organized propaganda activities that incite or encourage racial or religious discrimination, hatred or violence, as well as anyone who participates in or provides assistance, including its financing, to the organization or activities mentioned, is punished with a prison sentence of 4 to 12 years.

2. Whoever, in a public meeting, in writing intended for dissemination or through any means of social communication, disseminates ideas with the intention of inciting racial or religious discrimination or encouraging it, or causing acts of violence against a person or group of people Because of your race, color, ethnic origin or religion, you are punished with a prison sentence of 2 to 8 years.

#### CHAPTER IV

##### COMMON PROVISIONS

#### Article 136

##### Responsibility of military leaders and other superiors

1. The military leader or the person acting as such who, having knowledge that the forces under his effective command and control or under his effective responsibility and control are committing any of the crimes provided for in this title, does not adopt all measures necessary and appropriate to prevent or repress its practice or to bring it to the immediate attention of the competent authorities, is punished with the penalty corresponding to the crime or crimes that are actually committed.

2. The provisions of the previous paragraph are applicable, with the necessary adaptations, to the superior regarding the control of subordinates under his effective authority and control.

#### Article 137

## Definitions

For the purposes of this Title, it is considered:

a) "Armed conflict of an international nature" means one that:

i) Occur between States, even without a formal declaration of war, even if the state of war is not recognized by one of them;

ii) Correspond to a situation of total or partial occupation of the territory of a State, even if this occupation does not encounter any military resistance;

iii) Submit to a situation in which people struggle against colonial domination, foreign occupation and segregation regimes, in the exercise of the peoples' right to self-determination, enshrined in the United Nations Charter and in the declaration relating to the principles international law with regard to friendly relations and cooperation between States;

b) "Armed conflict of a non-international nature", one that takes place in the territory of a State, is prolonged in nature and pits government authorities and organized armed groups or these against each other, with the exception of situations of internal disturbance and tension, such as sporadic or isolated acts of violence or others of a similar nature;

c) "Protected persons":

i) In international armed conflicts, people protected for the purposes of the 1949 Geneva Conventions and the I Additional Protocol, namely the wounded, sick, shipwrecked, prisoners of war, medical or religious personnel and the civilian population;

ii) In armed conflicts of a non-international nature, the wounded, the sick, the shipwrecked, as well as people who do not take an active part in the hostilities in the hands of the enemy;

iii) In an armed conflict of an international nature and in an armed conflict of a non-international nature, members of the armed forces and combatants of the enemy party who have laid down their arms or have no other means of defense.

## TITLE II

### CRIMES AGAINST PEOPLE

#### CHAPTER I

#### AGAINST LIFE

##### Article 138

##### Simple homicide

Anyone who kills another person is punished with a prison sentence of 8 to 20 years.

##### Article 139

##### Aggravated homicide

If the death is caused in circumstances that reveal particular reprehensibility or perversity, namely:

a) Using poison, torture, suffocation, fire, explosives or other insidious means or that results in the commission of a crime of common danger, or even another act of cruelty to increase the suffering of the victim;

b) Through concealment or other means or resources that make defense by the victim difficult or impossible;

c) Out of greed, for the pleasure of killing, for excitement or satisfaction of sexual instinct, through payment or reward or promise, or for any other futile or tortious reason;

d) For the purpose of preparing, executing or covering up another crime, facilitating escape or ensuring impunity for the perpetrator of a crime;

e) For racial, religious or political hatred;

f) With premeditation, meaning coldness of mind, reflection on the means used or delaying the intention to kill for more than 24 hours;

g) If the victim is the spouse, descendant, ascendant, collateral, related family member up to the second degree, adopted by the agent or a person who lives with him in similar conditions where there is hierarchical, economic or work dependence;

h) If the victim is a particularly vulnerable person due to age, illness or physical or mental disability;

i) If the victim is a member of a sovereign body and constitutional political bodies, a member of a local administration body, a magistrate, a defender, a lawyer, a court official, an employee or any other person in charge of a public service, as long as he or she is in the exercise or because of the exercise of their functions;

j) If the victim is a witness, declarant, expert, injured or offended and the crime is committed with the purpose of preventing testimony, reporting the facts or filing a complaint or because of their intervention in the process.

the agent is punished with a prison sentence of 12 to 25 years.

Article 140

Negligent homicide

1. Anyone who, through negligence, kills another person is punished with a prison sentence of up to 4 years or a fine.

2. In cases where the agent has acted with gross negligence, he is punished with a prison sentence of up to 5 years.

Article 141

Termination of pregnancy

1. Whoever, by any means and without the consent of the pregnant woman, causes her to have an abortion is punished with a prison sentence of 2 to 8 years.

2. Whoever, by any means and with the consent of the pregnant woman, causes her to have an abortion is punished with a prison sentence of up to 3 years.

3. A pregnant woman who gives consent to an abortion carried out by a third party, or who, through her own or someone else's actions, has an abortion, is punished with a prison sentence of up to 3 years.

4. The provisions of the previous paragraphs do not apply to cases in which termination of pregnancy constitutes the only means to remove the danger of death or serious and irreversible injury to the body or physical or mental health of the pregnant woman or the fetus, as long as it is carried out, with the authorization and supervision of a medical board, by a doctor or health professional in a public health establishment and with the consent of the pregnant woman and/or her spouse.

5. The provisions of paragraph 4 of this article are the subject of autonomous legislation.

Article 142

Infanticide

A mother who kills her child during birth or shortly after birth and while still under its disturbing influence is punished with a prison sentence of 3 to 10 years.

Article 143

Exposure or abandonment

1. Anyone who intentionally puts another person's life in danger:

a) Exposing her in a place that subjects her to a situation from which she alone cannot defend herself; or

b) Abandoning it without defense, due to age, physical disability or illness, whenever the agent had the duty to guard, monitor or assist it;

is punished with a prison sentence of 1 to 6 years

2. If the fact results:

a) A serious offense to physical integrity, the offender is punished with a prison sentence of 2 to 8 years;

b) Death, the agent is punished with a prison sentence of 5 to 15 years.

3. If the victim is the spouse, descendant, ascendant, collateral, relative up to the second degree, adopter or adoptee of the agent or a person who lives with him in conditions similar to those of the spouses, the penalties referred to in the previous paragraphs are increased by one third in their Limits.

Article 144

Incitement or assistance to suicide

1. Whoever incites another person to commit suicide, or provides assistance for that purpose, if the suicide is actually attempted or completed, is punished with a prison sentence of up to 3 years or a fine.

2. If the facts described in the previous paragraph are addressed to any of the people referred to in paragraph 3 of the previous article or a person under 17 years of age or a person whose capacity for assessment or determination is significantly diminished, the penalty is imprisonment for up to 5 years.

3. Whoever, in any form and repeatedly publicizes suicide, is punished with a prison sentence of up to 2 years or a fine.

CHAPTER II

AGAINST PHYSICAL INTEGRITY

Article 145

Simple physical integrity offenses

1. Anyone who offends another person's body or health is punished with a prison sentence of up to 3 years or a fine.

2. Criminal proceedings depend on a complaint.

Article 146

Serious offenses against physical integrity

Anyone who offends another person's body or health for the purpose of:

a) Deprive an important body or member;

b) Serious and permanent disfigurement;

c) Affect the ability to work, intellectual capabilities, or procreation in a serious and lasting way or definitively;

d) Cause permanent illness or incurable mental anomaly; or

e) Create a danger to life;

is punished with a prison sentence of 2 to 8 years.

#### Article 147

##### The record

1. Anyone who, simply wanting to offend another person's body or health:

a) Causing the offenses provided for in article 146 is punishable by imprisonment for up to 5 years;

b) Causing death through negligence is punishable by a prison sentence of 1 to 6 years.

2. Whoever, intending to cause any of the offenses provided for in article 146, causes death through negligence, is punished with a prison sentence of 4 to 12 years.

3. If the crimes referred to in the two previous articles have as victims any of the people mentioned in paragraph i) of article 139, because of or in the exercise of the functions listed, the penalty will be increased by one third in its maximum and minimum limits, if punishment more serious is not applicable to it due to another legal provision.

#### Article 148

##### Negligent physical integrity offenses

1. Whoever, through negligence, harms the body or health of another person, is punished with a prison sentence of up to 1 year or a fine.

2. If the negligence is gross, the agent is punished with a prison sentence of up to 2 years or a fine.

3. If the act results in serious bodily harm, the offender is punished with a prison sentence of up to 3 years or a fine.

4. Criminal proceedings depend on a complaint.

#### Article 149

##### Medical-surgical interventions and treatments

1. Interventions and other treatments that, according to the state of knowledge and experience of the medicine, are indicated and are carried out, in accordance with the *leges artis*, by a doctor or other person legally authorized to undertake them with the intention of preventing, diagnosing, alleviating or alleviating a disease, suffering, bodily injury or fatigue or mental disturbance are not considered bodily harm.

2. If the violation of the *leges artis* results in danger to the patient's body, health or life, the offender will be punished with imprisonment for up to 3 years or a fine.

3. Criminal proceedings depend on a complaint.

#### Article 150

##### Offenses by means of poisonous substances

1. Anyone who offends the body or health of others by administering substances that are poisonous or harmful to physical or mental health is punished with a prison sentence of up to 5 years.

2. If the act results in any of the consequences provided for in article 146 or the death of the victim, the offender is punished, respectively, with a prison sentence of 2 to 6 years and 4 to 12 years.

#### Article 151

##### Reciprocal bodily harm

1. When two people offend each other, in body or health, neither of them acting in self-defense and none of the effects provided for in article 146 or the death of any of the parties occurring, they are punished with a prison sentence of up to 2 years or fine.
2. Criminal proceedings depend on a complaint.

#### Article 152

##### Participation in feud

1. Whoever intervenes or takes part in a fight with two or more people, resulting in death or serious bodily harm, is punished with a prison sentence of up to 3 years or a fine if those effects cannot be intentionally attributed to him.
2. Participation in a fight is not punishable when it is determined for a non-objectionable reason, namely if it aims to react against an attack, defend others or separate the contenders.

#### Article 153

##### Abuse of the disabled

1. Whoever has in their custody or care, or under the responsibility of their education, or even as a subordinate in work activity, an incapacitated person, particularly vulnerable due to illness, advanced age, pregnancy, physical or mental disability, and causes harm to his body or health, or inflicts physical or psychological abuse on him, or cruel treatment, is punished with a prison sentence of 2 to 6 years, if a more serious sentence is not applicable to him due to another legal provision .
2. If the victim is a descendant, collateral, relative or related person up to the second degree, adopted from the offender or a person who lives with him under similar conditions, the penalty referred to in the previous paragraph is increased by one third within its limits.

#### Article 154

##### Spouse abuse

Anyone who inflicts physical or psychological abuse or cruel treatment on their spouse or a person with whom they live in a situation similar to that of their spouses is punished with a prison sentence of 2 to 6 years, if a more serious penalty is not applicable to them by another legal provision.

#### Article 155

##### Child abuse

1. Anyone who, having custody or care for a minor under the age of 17, is responsible for their education or has them as a subordinate in work activities, and:
  - a) Causing harm to the body or health, inflicting physical or psychological abuse, or cruel treatment
  - b) Subjecting them to economic exploitation, dangerous work or work capable of compromising their education or physical, mental, spiritual, moral or social development;
  - c) Subject him to any form of slavery or similar practice;
  - d) Using, recruiting or offering for the purposes of prostitution, production of pornographic material or pornographic shows; or
  - e) Using, recruiting or offering to commit illegal acts or activities, namely for the production and trafficking of drugs as defined by international conventions;

is punished with a prison sentence of 2 to 6 years, if a more serious penalty is not applicable due to another legal provision.

2. Whoever, in the same situation, uses the minor to beg, is punished with a prison sentence of up to 3 years, if a more serious penalty is not applicable due to another legal provision.

3. If the victim is a descendant, collateral, family member or related person up to the second degree, adopted from the offender or a person who lives with him in similar conditions, the penalties referred to in the previous paragraphs are increased by one third within their limits.

#### Article 156

##### Aggravation due to the result

If, as a result of the ill-treatment described in articles 153 to 155, the effects referred to in article 146 occur, the offender is punished with a prison sentence of 3 to 10 years and if death is caused, the penalty is 5 to 15 years in prison . .

### CHAPTER III

#### AGAINST PERSONAL FREEDOM

#### SECTION I

##### PERSONAL AGGRESSIONS

#### Article 157

##### Threats

1. Anyone who, by any means, threatens another person with committing a crime in a way that causes them fear or uneasiness or undermines their freedom of determination, is punished with a prison sentence of up to 1 year or a fine .

2. Criminal proceedings depend on a complaint.

#### Article 158

##### Coercion

1. Whoever, through violence or threat of serious harm, constrains another person into an action or omission, or into supporting an activity, is punished with a prison sentence of up to 2 years or a fine.

2. Criminal proceedings depend on a complaint.

#### Article 159

##### Serious Coercion

If coercion is carried out:

- a) Through the threat of a crime punishable by a prison sentence of more than 3 years,
- b) By an employee seriously abusing his duties,
- c) Against a particularly defenseless person, due to age, disability, illness or pregnancy
- d) Against any of the people referred to in paragraph i) of article 139

the agent is punished with a sentence of up to 3 years in prison or a fine.

#### Article 160

##### Kidnapping

1. Whoever, outside of the cases provided for in the criminal procedural law, detains, arrests, holds or detains another person, or in any other way deprives them of their liberty, is punished with a prison sentence of up to 3 years or a fine.

2. The prison sentence is 2 to 8 years if the deprivation of liberty:

- a) Last more than seventy-two hours;
- b) It is carried out through harm to physical integrity, torture or any other cruel, degrading or inhumane treatment;
- c) Cause, through negligence of the agent, the death of the victim, or result in the victim's suicide;
- d) The victim is someone exercising public, religious or political authority.
- e) Is promoted, authorized or supported by an agent of public authority or member of a political organization.

#### Article 161

Abduction

1. Whoever, through violence, threat or cunning, transfers another person from one place to another with the intention of:

- a) Subjecting the victim to extortion;
- b) Committing the crime of sexual assault, exploitation or abuse;
- c) Obtain ransom or reward; or
- d) Embarrass the public authority or a third party to carry out an action or omission, or to support an activity;

is punished with imprisonment from 4 to 12 years.

2. The applicable penalty is 5 to 15 years in prison if any of the circumstances set out in number 2 of article 160 are present.

#### Article 162

Slavery

1. Whoever, by any means, places another human being in a slave situation and uses him in that condition, is punished with a prison sentence of 8 to 20 years.

2. The victim's consent is irrelevant if any of the means referred to in the following article were used.

3. For the purposes of applying the provisions of this article, slavery is considered to be the state of submission of a person, even de facto, to powers corresponding to those of a property right, or any real right, or linked to the destination of a thing.

#### Article 163

Human trafficking

1. Anyone who recruits, alienates, assigns, acquires, transports, transfers, lodges or welcomes people, using threats, the use of force or other forms of coercion, kidnapping, fraud, deceit, abuse of authority or situation of vulnerability, or through the delivery or acceptance of payments or benefits, to obtain the consent of a person who has authority over another, to achieve the purposes of exploitation, is punished with a prison sentence of 8 to 20 years.

2. Anyone who recruits, transports, transfers, houses or shelters a minor under the age of 17 for exploitation purposes will incur the penalty provided for in the previous paragraph, even if it does not involve any of the means referred to in the previous paragraph.

3. For the purposes of applying the provisions of this article, exploitation must include, at least, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or organ harvesting.

4. The victim's consent is irrelevant if any of the means referred to in number 1 were used.

#### Article 164

##### The record

If the acts described in articles 162 and 163 are carried out:

- a) As a way of facilitating the sexual exploitation or use of the victim, by the agent or by a third party;
- b) If the victim is under 17 years of age;
- c) If the victim is in a foreign country or moves him there;
- d) Using the victim, against their will, to commit crimes; or
- e) When the agent carries out an activity that gives him public or religious authority before a group, region or the entire country;

The agent is punished with 12 to 25 years in prison.

#### Article 165

##### Human organ trafficking

1. Anyone who obtains, alienates, gives, acquires, transports or transfers tissues, organs, substances or parts of the human body of a third party, without consent or by resorting to threats, the use of force or other forms of coercion, kidnapping, fraud, deception, abuse of authority or situation of vulnerability, or through the delivery or acceptance of payments or benefits, or assisting in obtaining, transacting, transporting or storing them, is punishable by a prison sentence of 3 to 10 years.

2. If the commission of the acts referred to in the previous paragraph results in any of the consequences set out in article 146 or the death of the victim, the offender is punished with a prison sentence of 4 to 12 years and 5 to 20 years, respectively.

3. The victim's consent is criminally irrelevant if any of the means referred to in number 1 was used.

#### Article 166

##### Selling people

1. Whoever, outside of the situations provided for in article 163, by any act or other form of transaction, transfers a person or group of people to another person or group of people upon payment of any amount or other consideration, reward or advantage, is punished with a prison sentence of 2 to 8 years;

2. If the acts referred to in the previous paragraph are committed:

- a) In relation to minors under 17 years of age

b) Abusing authority resulting from a family relationship, guardianship or trusteeship, hierarchical, economic or work dependency;

c) Taking advantage of the functions or position that, for any reason, he/she holds in a prison establishment, educational or correctional establishment, hospital, hospice, asylum, clinic or other health establishment or other establishment intended for assistance or treatment ; or

d) About an unconscious or incapable person, particularly vulnerable due to illness, physical or mental disability

the agent is punished with a prison sentence of 4 to 12 years.

3. The consent of the person or a third party who exercises any form of authority over the victim.

#### Article 167

Torture or other cruel treatments,  
degrading or inhumane

1. Whoever, with the function of prevention, investigation, decision, in relation to any type of infraction, the execution of the respective sanctions or the protection, custody, surveillance or monitoring of a detained or imprisoned person and who tortures or treats cruel, degrading or inhumane manner, to:

a) Obtain from her or another person a confession, statement, statement or information

b) To be punished for an act committed or allegedly committed by her or another,

c) To intimidate or to intimidate another person,

is punished with a prison sentence of 2 to 8 years.

2. Anyone who, on their own initiative, by order of a superior or in agreement with the entity competent to carry out the functions referred to in the previous number, actually assumes the performance of these functions by carrying out any of the acts described therein, also incurs the penalty provided for in the previous number.

3. Torture, cruel, degrading or inhuman treatment is considered to be an act that consists of inflicting acute physical or psychological suffering, severe physical or psychological fatigue or the use of chemicals, drugs or other means, natural or artificial, with the intention of disturbing the victim's decision-making capacity or free expression of will.

#### Article 168

The record

1. Who, under the terms and conditions described in the previous article:

a) Causing serious bodily harm, as provided for in article 146;

b) Using particularly serious means or methods of torture, namely beatings, electroshock, simulated execution, hallucinogenic substances, sexual abuse or serious threats to family members;

c) Carry out such acts as a way of preventing or hindering the free exercise of constitutionally enshrined political or associative rights;

d) Habitually carry out the acts referred to therein;

is punished with a prison sentence of 5 to 15 years.

2. If the acts referred to in this article or in the previous article result in suicide or death of the victim, the offender is punished with a prison sentence of 5 to 20 years.

#### Article 169

##### Failure to report

1. Any hierarchical superior who, having knowledge of the practice, by a subordinate, of any of the facts described in articles 167 and 168, does not report it within the three days immediately following that knowledge, is punished with a prison sentence of 1 to 6 years.

2. Anyone who, for professional and official reasons, is made aware of the practice of facts described in articles 167 and 168 and does not immediately report it to their hierarchical superior or make the respective report, is punished with the penalty set out in the previous paragraph, extraordinarily mitigated.

#### Article 170

##### Freedom of assembly or demonstration

1. Anyone who interferes with a legally authorized meeting or demonstration in a public place or open to the public, preventing or attempting to prevent it from taking place is punished with a prison sentence of up to 2 years or a fine.

2. Any police officer who prevents or attempts to prevent, outside of legal constraints, the exercise of the right to assembly or demonstration described in the previous paragraph, is punished with a prison sentence of up to 3 years.

## SECTION II

### SEXUAL AGGRESSIONS

#### Article 171

##### Sexual coercion

Anyone who, by means of violence, serious threat, or after, for that purpose, having rendered them unconscious or made it impossible to resist, compels another person to suffer or to practice, with themselves or with another, a significant sexual act is punished with a prison sentence of 2 to 8 years.

#### Article 172

##### Violation

Anyone who, by the means referred to in the previous article, has vaginal intercourse, anal intercourse or oral intercourse with another person or forces them to endure the introduction of objects into the anus or vagina is punished with a prison sentence of 5 to 15 years.

#### Article 173

##### The record

If the sexual assaults referred to in articles 171 and 172 are committed:

- a) Abusing authority resulting from a family relationship, guardianship or guardianship, hierarchical, economic or work dependency;
- b) Taking advantage of the functions or position that, in any capacity, he/she holds in a prison establishment, educational or correctional establishment, hospital, hospice, asylum, clinic or other health establishment or other establishment intended for assistance or treatment;
- c) About an unconscious or incapable person, particularly vulnerable due to illness, physical or mental disability;
- d) Having victims under 17 years of age;

the agent is punished with a prison sentence of 4 to 12 years, in the case of article 171, and with a prison sentence of 5 to 20

years, in the case of article 172.

### SECTION III SEXUAL EXPLORATION

#### Article 174

##### Third party sexual exploitation

1. Whoever, with the intention of making a profit or making it a way of life, encourages, facilitates or in any way contributes to another person engaging in prostitution or practicing other sexual acts is punished with a prison sentence of 3 to 10 years.

2. The agent is punished with a prison sentence of 4 to 12 years if any of the following circumstances occur:

- a) Exploitation of the victim's situation of abandonment or economic need;
- b) Exercising violence, serious threat or coercion against the victim;
- c) Movement of the victim to a country other than the one in which he was born or resided;
- d) Retention of any identification document of the victim.

#### Article 175

##### Child prostitution

1. Whoever, even with the consent of the victim, carries out acts of sexual exploitation referred to in the previous article in relation to a minor under 17 years of age, is punished with a prison sentence of 4 to 12 years in the case of number 1 and with a imprisonment of 5 to 15 years in cases where any of the circumstances listed in number 2 of the previous article occur.

2. Anyone who offers, obtains, seeks or delivers anyone under the age of 17 for the purpose of child prostitution is punished with a prison sentence of 4 to 12 years, if a more serious penalty is not applicable due to another legal provision.

#### Article 176

##### Child pornography

1. Whoever uses, for predominantly sexual purposes, exposes or represents a minor under 17 years of age in the performance of any sexual activity, real or simulated, or by any other means displays that sexual activity or the sexual organs of the minor, is punished with a penalty imprisonment of 3 to 10 years.

2. The same penalty is applicable to anyone who produces, distributes, disseminates, imports, exports, offers, sells or holds any means of communication, instrument, document or record for the purposes referred to in the previous paragraph or for the purpose of publicizing such acts.

### SECTION IV SEXUAL ABUSE

#### Article 177

##### Sexual abuse of a minor

1. Anyone who has vaginal intercourse, anal intercourse or oral intercourse with a minor under the age of 14 is punished with a prison sentence of 5 to 20 years.

2. Anyone who performs any major sexual act with a minor under the age of 14 is punished with a prison sentence of 5 to 15 years.

#### Article 178

##### Sexual acts with teenagers

Anyone who, being of legal age and outside the situations provided for in this section, performs any major sexual act with a minor between 14 and 16 years old, abusing their inexperience, is punished with a prison sentence of up to 5 years.

Article 179

Sexual abuse of a person incapable of resistance

Anyone who performs a significant sexual act with an unconscious or incapable person, particularly vulnerable due to illness, physical or mental disability, taking advantage of their state of incapacity is punishable by a prison sentence of 4 to 12 years.

Article 180

Sex fraud

1. Anyone who, fraudulently taking advantage of an error regarding their personal identity, has vaginal intercourse, anal intercourse or oral intercourse or a significant sexual act with another person is punished with a prison sentence of up to 3 years.

2. Criminal proceedings depend on a complaint.

Article 181

Sexual exhibitionism

1. Anyone who publicly harasses another person with the practice of sexual acts is punished with a prison sentence of up to 3 years or a fine.

2. Those who, in front of another person, engage in vaginal intercourse, anal intercourse or oral intercourse, against their will and even in private, incur the same penalty.

3. The attempt is punishable.

4. Criminal proceedings depend on a complaint.

SECTION V

COMMON PROVISIONS

Article 182

The record

1. The penalties imposed in sections II to section IV of this chapter are increased by one third in their minimum and maximum limits, if:

a) The victim was under 12 years of age at the time of the acts;

b) The agent has transmitted venereal, syphilitic disease or acquired immunodeficiency syndrome to the victim;

c) As a result of the facts, the victim attempts or completes suicide or results in death;

d) The victim is a descendant, collateral, family member or related person up to the second degree, adopted from the agent or a person who lives with him in similar conditions or there is a hierarchical, economic or work dependency.

2. If several of the circumstances listed in the previous paragraph occur, only one is relevant as modifying the abstract framework of the legal type, with the rest being valued in determining the specific penalty.

CHAPTER V  
AGAINST PRIVATE LIFE

Article 183  
Wanton

1. Anyone who, by any lawful means, becomes aware of facts relating to the intimacy of another person's private or sexual life and, without consent, discloses them publicly without just cause, is punished with a prison sentence of up to 1 year or fine.
2. Criminal proceedings depend on a complaint.

Article 184  
Breach of secrecy

1. Anyone who, without consent, reveals someone else's secret that they have become aware of due to their status, trade, employment, profession or art, is punished with a prison sentence of up to 1 year or a fine.
2. If the secret relates to commercial, industrial, professional or artistic activity, of which the agent became aware in the circumstances described above, and causes harm to another person or the State, the penalty is 2 years in prison or a fine.
3. Criminal proceedings depend on a complaint.

Article 185  
Domestic violation

1. Anyone who, without consent, enters another person's home or, having been authorized to enter, remains there after being asked to leave, is punished with a prison sentence of up to 2 years or a fine.
2. If the perpetrator, in order to more easily commit the crime, takes advantage of the night, the fact that the house is located in a deserted place, that there are 3 or more people committing the crime, uses a weapon, uses violence or threats of violence or acting by means of escalation, breaking in or using a false key, is punished with a prison sentence of up to 3 years or a fine.
3. If there are people inside the house when the offender commits the crime, the penalty provided for in the previous number is applicable, increased by one third within its limits.
4. The attempt is punishable.
5. Criminal proceedings depend on a complaint.

Article 186  
Introduction in other places closed to the public

1. Whoever commits the acts described in numbers 1 and 2 of the previous article in relation to any other closed or fenced place and not freely accessible to the public, is punished, respectively, with the penalties referred to in those numbers reduced by half in the maximum limits.
2. Criminal proceedings depend on a complaint.

Article 187  
Violation of correspondence or telecommunications

1. Anyone who, without consent or outside of procedurally admissible cases, opens a package, letter or any other writing intended for another person, or becomes aware of its contents, or prevents it from being received by its recipient, is punished with a prison sentence of up to 2 years or a fine.
2. Anyone who, under the same circumstances, interferes with or becomes aware of the

content of telephone, telegraphic or any other means of telecommunications.

3. Anyone who discloses the content of letters, orders, closed writings, telephone calls or other communications referred to in the previous paragraphs is punished with a prison sentence of up to 1 year or a fine, even if he or she was lawfully aware of the content.

4. If the acts referred to in the previous paragraphs are committed by an employee of postal, telegraph, telephone or telecommunications services, the penalties are increased by one third of their limits.

5. Criminal proceedings depend on a complaint.

### TITLE III

#### CRIMES AGAINST LIFE IN A DEMOCRACY

##### CHAPTER I

##### AGAINST PUBLIC TRANQUILITY

###### Article 188

###### Criminal association

1. Anyone who promotes or founds a group, organization or association whose purpose or activity is directed towards the commission of crimes is punished with a prison sentence of 2 to 8 years.

2. A criminal group, organization or association is considered to be any group of two or more people who, over a period of time and acting in concert, aim to commit or incite the commission of crimes, with the intention of disturbing public order or obtaining direct or indirectly a benefit or advantage.

3. Anyone who joins, supports or participates in any of the activities of criminal groups, organizations or associations is punished with a prison sentence of 2 to 6 years.

4. Anyone who heads or directs the groups, organizations or associations referred to in the previous paragraphs is punished with imprisonment from 4 to 12 years.

5. The aforementioned penalties may be extraordinarily mitigated if the offender prevents or makes serious efforts to prevent the continuation of groups, organizations or associations, or communicates their existence to the authority so that the latter can prevent the practice of crimes.

###### Article 189

###### Instigation to commit a crime

1. Whoever, publicly and by any means, incites the commission of a crime is punished with a prison sentence of up to 3 years or a fine.

2. Anyone who, privately or publicly, praises or rewards anyone who has committed a crime in such a way as to, with such conduct, encourage the commission of identical crimes is punished with imprisonment for up to 2 years or a fine.

3. If, in the case of the previous paragraphs, the crime whose commission the agent had instigated is committed, the prison sentence is 2 to 5 years, if a more serious one is not applicable due to another legal provision.

###### Article 190

###### Participation in riot

1. Whoever takes part in a public riot, during which violence is collectively committed against people or property, is punished with a prison sentence of 1 year or a fine, if another more serious penalty is not applicable to him for his participation in the crime committed.

2. If the agent provoked or directed the riot, he is punished with a prison sentence of up to 3 years.

3. If the mutiny is armed, the penalties referred to in the previous paragraphs are doubled in their limits.

#### Article 191

##### Impediment of the exercise of political rights

Anyone who prevents others, through violence or threats, from exercising their political rights, is punished with a prison sentence of up to 1 year or a fine.

#### Article 192

##### Influence trafficking

1. Whoever, by himself or through an intermediary, with his consent or ratification, requests or accepts, for himself or for a third party, a material or non-material advantage, or his promise, to abuse his influence, real or supposed, with any public entity, is punished:

a) With a prison sentence of 2 to 6 years, if a more serious penalty is not applicable due to another legal provision, if the purpose is to obtain any favorable illicit decision;

b) With a prison sentence of up to 1 year or with a fine, if a more severe penalty is not applicable due to another legal provision, if the purpose is to obtain any favorable lawful decision.

2. Whoever, by himself or through an intermediary, with his consent or ratification, gives or promises a material or non-material advantage to the people referred to in the previous number for the purposes set out in paragraph a) of the previous number is punished with a penalty of imprisonment of up to 4 years or a fine.

#### Article 193

##### Disobeying the dispersal order

1. Whoever does not obey the legitimate order to withdraw from a gathering or public meeting, given by a competent authority, with a warning that disobedience constitutes a crime, is punished with a prison sentence of up to 2 years or a fine.

2. If the disobedient party promotes the meeting or gathering, he or she will be punished with a prison sentence of up to 3 years or a fine.

#### Article 194

##### Abuse of public signs or uniform

1. Anyone who abusively uses an alarm or distress signal or call, or simulates the belief that assistance from others is necessary due to a disaster, danger or situation of collective need, is punished with a prison sentence of up to 1 year or a fine.

2. Anyone who improperly or abusively uses uniforms, uniforms, costumes or insignia identifying activities, authorities or public or international institutions as a means of more easily committing any illicit offense is subject to the same penalty.

#### Article 195

##### Usurpation of functions

1. Whoever, without being authorized to do so, performs functions or performs acts typical of an official, military command or public security force, claiming, expressly or tacitly, this capacity, will be punished with imprisonment for up to 3 years or a fine.

2. Anyone who exercises a profession for which the law requires a title or fulfillment of certain conditions is subject to the same penalty, claiming, expressly or tacitly, to have it or fulfill them, when, in fact, they do not have it or do not fulfill them.

3. Anyone who continues to perform public functions will be subject to the same penalty after having been officially notified of the dismissal or suspension of these functions.

CHAPTER II  
AGAINST STATE SECURITY

Article 196

Betrayal of the Fatherland

Whoever, through violence, threat of violence, usurpation or abuse of sovereign functions, impedes or attempts to impede the exercise of national sovereignty in the territory or part of the territory of Timor-Leste or endangers the integrity of the national territory, such as form of submission or surrender to foreign sovereignty, is punished with a prison sentence of 15 to 30 years.

Article 197

Service or collaboration with enemy armed forces

1. Timorese citizens who collaborate with a foreign country or groups or their representatives, or who serve under the flag of a foreign country during war or armed action against Timor-Leste, are punished with a prison sentence of 12 to 25 years. .

2. Preparatory acts relating to the facts described in the previous paragraph are punishable by a prison sentence of 5 to 15 years

3. Whoever, being Timorese or resident in the national territory, carries out acts appropriate to aid or facilitate any armed action or war against Timor-Leste by a foreign country or group, is punished with a prison sentence of 10 to 20 years.

Article 198

Sabotage against national defense

Whoever, with the intention of harming or endangering national defense, destroys, damages or renders unusable, in whole or in part:

- a) Works or materials owned by or assigned to the armed forces;
- b) Routes or means of communication or transport;
- c) Any other facilities related to communications or transport; or
- d) Factories or warehouses;

is punished with a prison sentence of 5 to 15 years.

Article 199

Campaign against effort for peace

Anyone who, being Timorese or residing in national territory, in times of preparation or war, disseminates by any means, in order to make public, rumors or statements, their own or others, that they know to be, in whole or in part, cially false, to harm the effort for peace in Timor-Leste or to assist the foreign enemy, is punished with a prison sentence of 5 to 15 years.

Article 200

Violation of state secrets

1. Whoever, endangering the interest of the Timorese State regarding its external security or the conduct of its foreign policy, transmits, makes accessible to an unauthorized person or makes public a fact, document, plan, object, knowledge or any other information that should, because of that interest, remain secret in relation to a foreign country, is punished with a prison sentence of 3 to 10 years

2. Anyone who collaborates with a foreign government or group with the intention of carrying out the acts referred to in the previous number or recruiting or assisting another person responsible for carrying out them, is punished with the penalty provided for in the previous number.

3. If the agent who commits the acts described in the previous paragraphs performs any political, public or military function that, by its nature, should inhibit him from carrying out such acts more strongly than the common citizen, he is punished with a prison sentence of 5 to 15 years.

#### Article 201

##### Diplomatic infidelity

Anyone who, officially representing the Timorese State, with the intention of harming national rights or interests:

a) Conduct State business with a foreign government or international organization; or

b) Make commitments on behalf of Timor-Leste without being duly authorized to do so;

is punished with a prison sentence of 5 to 15 years.

#### Article 202

##### Changing the rule of law

1. Whoever, through violence, threat of violence or incitement to civil war, attempts to destroy, alter or subjugate the constitutionally established rule of law, is punished with a sentence of 5 to 15 years in prison.

2. If the act described above is committed through armed violence, the penalty is 5 to 20 years in prison.

3. Public incitement or distribution of weapons to carry out the acts described above is, respectively, punished with the penalty corresponding to the attempt.

#### Article 203

##### Attack on the highest representative of a sovereign body

1. Anyone who attacks the life, physical integrity or freedom of the highest representative of a sovereign body or whoever constitutionally replaces him or whoever was elected or appointed to the position, even before taking office, is punished with a prison sentence from 8 to 20 years old.

2. In the event of a crime against life, physical integrity or freedom, the offender is punished with a prison sentence of 12 to 25 years.

3. The penalties provided for in the previous paragraphs are correspondingly applicable whenever the acts described therein are committed against a foreign person who is in the situation referred to in paragraph 1, ambassadors and heads of governing bodies of international organizations, when they are in Timor-Leste.

#### Article 204

##### Coercion against constitutional bodies

1. Whoever, through violence or threat of violence, prevents or constrains the free exercise of the functions of a sovereign body is punished with a prison sentence of 3 to 10 years.

2. If the acts described in the previous paragraph are committed against district or local authorities, the penalty is 2 to 6 years in prison.

3. If the acts referred to in number 1 are committed against members of those bodies, the penalties referred to in numbers 1 and 2 are reduced to half their limits.

Article 205

Disturbance in the functioning of a constitutional body

Anyone who, through riots, disorder or loud noise, illegitimately disrupts the functioning of the bodies referred to in the previous article or the exercise of functions by any of the people who make up them, is punished with imprisonment for up to 1 year or a fine.

Article 206

Outrage of national symbols

Anyone who, publicly, by words, gestures or publication of writings, or by any other means of communication with the public, insults the flag or the national anthem, the weapons or emblems of Timorese sovereignty or lacks the respect due to it, is punished with imprisonment of up to 3 years or a fine.

CHAPTER III

AGAINST LIFE IN SOCIETY

SECTION I

COMMON DANGEROUS CRIMES

Article 207

Driving without a license

Anyone who uses a motor vehicle without having the legally required license to do so is punished with a prison sentence of up to 2 years or a fine.

Article 208

Driving under the influence of alcohol or psychotropic substances

1. Whoever, at least through negligence, drives a motor vehicle with more than 1.2mg of alcohol per liter of blood, is punished with a prison sentence of up to 2 years or a fine.

2. Anyone who, at least through negligence, drives a motor vehicle without being in a position to do so safely, due to being under the influence of a narcotic drug, psychotropic substance or product with a similar effect that disrupts physical, mental or psychological fitness, is subject to the same penalty. .

Article 209

Dangerous driving

1. Whoever drives any motor vehicle on a public road and, because he is not in a position to do so safely or because he grossly violates the rules of road circulation, creates a danger to the life or physical integrity of others, is punished with a penalty imprisonment from 1 to 4 years.

2. Negligence regarding conduct or danger is punishable by imprisonment for up to 2 years or a fine.

Article 210

Attack on transport security

1. Anyone who commits any act capable of causing a lack or reduction of safety in a means of transport and, in this way, creates a danger to the life or physical integrity of another person, is punished with a prison sentence of 2 to 8 years.

2. The provisions of number 2 of the previous article are correspondingly applicable.

Article 211

Prohibited weapons

1. Anyone who, outside legal requirements, manufactures, imports, transports, sells or gives to others firearms

fire, chemical weapons, biological weapons, nuclear weapons, ammunition for those, substances for their manufacture or operation or any other type of explosive, is punished with a prison sentence of 2 to 6 years.

2. If the facts described in the previous paragraph are intended to be used for military purposes, the penalty is 2 to 8 years in prison.

3. The simple detention, use or carrying of a firearm without the agent being legally authorized is punishable by a prison sentence of up to 2 years or a fine.

#### Article 212

##### Drunkenness and intoxication

1. Anyone who, at least through negligence, places themselves in a state of non-imputability resulting from the ingestion or consumption of alcoholic beverages or toxic substances and in that state commits a typical illicit act is punished with a prison sentence of up to 5 years or a fine.

2. The penalty cannot be higher than that provided for the typical illicit act committed.

3. Criminal proceedings depend on a complaint.

#### Article 213

##### Qualification to carry out certain activities

1. Whoever, without being legally qualified, sells, administers, prescribes or transfers in any way, habitually, to other people, pharmaceutical products or others whose trade and prescription, administration or transfer are reserved to health professionals or other duly licensed entities, is punishable by up to 3 years in prison or a fine.

2. If, as a result of the previous acts, there is a danger to the life of another person, the penalty is 1 to 4 years in prison.

#### Article 214

##### Adulterated or deteriorated products

1. Whoever offers for sale, administers or transfers in any way to another person food, pharmaceutical or other products that, due to being deteriorated, adulterated or contaminated, are likely to endanger life, is punished with a prison sentence of 2 to 8 years.

2. If the practice of the acts described in the previous paragraph results in the death of the victim due to the consumption of such products, the penalty is 3 to 12 years.

## SECTION II

### CRIMES AGAINST THE ENVIRONMENT

#### Article 215

##### Against the environment

1. Whoever, without observing legal or regulatory provisions protecting the environment, directly or indirectly causes or carries out emissions, flows, radiation, extractions or excavations, grounding, noise, vibrations, injections or deposits, in the atmosphere, on the ground, in the subsoil or in terrestrial, marine or underground waters, including in transboundary areas, or abstraction of waters that could seriously harm the balance of natural systems, is punishable by up to 3 years in prison or a fine.

2. If the agent intentionally releases, emits or introduces ionizing radiation or other substances into the air, land or sea, continental, surface or underground waters, in a quantity that causes serious bodily harm to one or more people that requires medical treatment or surgery or produces irreversible consequences, is punished with a prison sentence of 2 to 8 years and if death is caused, the sentence is 5 to 15 years in prison.

Article 216

The record

1. If the acts or activities provided for in the previous article are carried out by an industrial or commercial establishment and any of the following circumstances occur:

a) The industry or commercial activity operates clandestinely without the appropriate license or administrative authorization

b) When express orders from the competent administrative authority for the correction or suspension of the activities referred to in the previous article have been disobeyed

c) When the safety rules or procedures provided for in legal or regulatory provisions have not been complied with.

d) When, by any means, the inspection process of the competent administrative authority has been intentionally impeded or information about the environmental consequences of the industry or commercial activity has been omitted or falsified.

e) When a state of irreversible or catastrophic environmental deterioration has occurred

The penalties provided for in the previous paragraph are increased by one third in their minimum and maximum limits.

2. The individual holder, legal representatives, or those who act on behalf of the legal person who owns the offending industrial or commercial establishments, as well as the partners or members who authorize them to act, are criminally liable, under the terms of the previous paragraph. , when it is irregularly constituted.

Article 217

Against flora or fauna

1. Anyone who causes serious damage to the environment cuts, burns, uproots, collects or carries out illegal trafficking in any species of flora or its seeds, classified as threatened or at risk of extinction, destroying or seriously altering its natural habitat, will be punished with a prison sentence of up to 3 years or a fine.

2. Anyone who introduces or facilitates the entry of non-indigenous species of flora or fauna in such a way as to harm the biological balance, violating laws or provisions of a general nature protecting species of flora or fauna.

Article 218

Against threatened or endangered species

1. Anyone who hunts or fishes for endangered species or carries out any activity that impedes their development or hinders their reproduction or migration, violating laws or general provisions protecting wild fauna species, as well as commercializing or trafficking them, in in whole or in part, is punishable by up to 3 years in prison or a fine.

2. If the acts referred to in the previous paragraph are carried out:

a) In land or sea areas declared protected natural zones;

b) Against species or subspecies classified as in danger of extinction;

the agent is punished with a prison sentence of up to 5 years or a fine.

Article 219

#### Illegal fishing

1. Anyone who fishes in national maritime waters without the appropriate fishing license obtained from the competent administrative entity is punished with a prison sentence of up to 3 years or a fine.
2. If the agent is a legal person, the legal representatives, or those who act on behalf of the legal person, as well as the partners or members who authorize them to act, when the agent is a legal person, are criminally liable, under the terms of the previous paragraph. is irregularly constituted.
3. Fishing carried out for domestic subsistence is not punishable under the terms of number one.

#### Article 220

##### Illegal fishing means

Anyone who uses firearms, explosives, toxic substances or other similar instruments or arts that are destructive to marine fauna, to capture fish resources, in national waters or seas, is punished with a prison sentence of up to 5 years or a fine.

#### Article 221

##### Prohibited burning

1. Whoever carries out fires outside the appropriate season or without administrative authorization, when necessary, resulting in the destruction of forests, plantations or crops is punished with imprisonment for up to 2 years or a fine.
2. If the burning is carried out legally but, through negligence, the agent causes the damage referred to in the previous paragraph, the penalty is imprisonment for up to 1 year or a fine.

#### SECTION III

##### OTHER CRIMES

#### Article 222

##### Impediment or disruption of procession, ceremony or worship

1. Whoever prevents or disrupts the holding of a procession or funeral ceremony or the exercise of religious worship through violence or threat of violence or any other form of coercion, is punished with a prison sentence of up to 2 years or a fine.
2. Criminal proceedings depend on a complaint.

#### Article 223

##### Desecration of an object or place of worship or veneration

1. Whoever, in order to cause alarm or disturb social peace, desecrates a place or object of worship or religious veneration, is punished with a prison sentence of up to 2 years or a fine.
2. The same penalty applies to anyone who offends or insults another person because of their religious belief or function, in a manner suitable for causing alarm or social disturbance.
3. Criminal proceedings depend on a complaint.

#### Article 224

##### Destruction, subtraction, concealment or desecration of a corpse

1. Whoever, against or without the will of the rightful person and outside of cases in which the law allows, steals, destroys or hides corpses or parts thereof, or ashes of a deceased person, will be punished with imprisonment for up to 2 years or a fine.
2. Anyone who desecrates corpses, parts of corpses or ashes of deceased people, carrying out acts that offend the respect due to the dead, incurs the same penalty.

3. The attempt is punishable.

4. Criminal proceedings depend on a complaint.

#### Article 225

##### Non-compliance with maintenance obligations

1. Whoever is obliged to provide food, is able to do so and fails to fulfill the obligation in a way that puts the satisfaction of the fundamental needs of the person being supported at risk is punished with a prison sentence of up to 3 years or a fine, even that the assistance provided by others removes the danger.

2. Criminal proceedings depend on a complaint.

#### Article 226

##### Minor subtraction

1. Anyone who takes away or refuses to hand over a minor to the person entrusted with their custody or orders the minor to run away is punished with imprisonment for up to 3 years or a fine.

2. If the acts are committed with violence or threat of violence, the penalty is imprisonment for 1 to 4 years.

3. Criminal proceedings depend on a complaint.

#### Article 227

##### Omission of aid

1. Whoever, in case of serious need, namely caused by a disaster, accident, public calamity or situation of common danger, which endangers the life, physical integrity or freedom of another person, fails to provide the necessary assistance for removal of danger, whether by personal action or by providing assistance, is punished with a prison sentence of up to 1 year or a fine.

2. If the situation referred to in the previous paragraph was created by the person who omits the assistance due, the omissioner is punished with a prison sentence of up to 2 years or a fine.

3. Omission of assistance is not punishable when there is a serious risk to the life or physical integrity of the person omitted or when, for another relevant reason, the assistance is not required.

4. Criminal proceedings depend on a complaint.

#### Article 228

##### Refusal of medical aid

Any doctor or healthcare professional who refuses the assistance of his profession in the event of danger to the life or serious danger to the physical integrity of another person, which cannot be removed in any other way, is punished with a prison sentence of up to 3 years or fine.

#### CHAPTER IV

##### A-ELECTORAL CRIMES

#### Article 229

##### Census fraud

1. Whoever prevents another person, who he knows has the right, to register, makes records appear that he knows are not true, omits facts that he should register or by any other means falsifies the voter registration, is punished with a prison sentence of up to 3 years or traffic ticket.

2. If the person is prevented from registering or convinced to register through violence or deception

cunningly provoked, the applicable penalty is imprisonment of 2 to 6 years.

3. The attempt is punishable.

#### Article 230

##### Obstruction of candidacy

Anyone who, in any way, prevents another person, party or political force that they know has the right to compete in an electoral event, is punished with a prison sentence of 2 to 8 years.

#### Article 231

##### Ineligible candidate

1. Anyone who, knowing that they do not have the electoral capacity to be elected, presents their candidacy, is punished with a prison sentence of up to 1 year or a fine.

2. The attempt is punishable.

#### Article 232

##### Lack of electoral rolls

Whoever, being in charge of preparing or correcting the electoral rolls, does not carry out their execution or prevents the legal substitute from doing so in order to prevent the election from taking place, is punished with a prison sentence of up to 3 years or a fine.

#### Article 233

##### Illicit electoral propaganda

1. Anyone who uses a legally prohibited means of advertising or continues to carry out advertising beyond the established period or in a prohibited location is punished with imprisonment for up to 1 year or a fine.

2. Anyone who prevents the exercise of the right to electoral propaganda or carries out its unlawful destruction is punished with a prison sentence of up to 2 years or a fine.

#### Article 234

##### Obstruction of freedom of choice

1. Whoever, through violence, threat of violence or fraudulent artifice, constrains another person not to vote or to vote in a certain way or buys or sells votes, is punished with a prison sentence of up to 3 years or a fine.

2. The same penalty applies to anyone who, when asked to assist a blind person in voting or who is legally entitled to do so, disrespects the voting direction communicated to them.

3. The attempt is punishable.

#### Article 235

##### Disruption of the electoral act

1. Anyone who, by any means, disrupts the functioning of the polling station will be punished with imprisonment for up to 1 year or a fine.

2. The agent will be punished with a prison sentence of 2 to 6 years if the disturbance results from:

a) Violence or threat of violence;

b) Riots or population gatherings near the polling station;

c) Intentional cutting of electricity;

d) Lack of someone essential to the act if, therefore, the performance of the act must be considered seriously affected in order to begin or continue.

3. The provisions of the previous paragraphs are correspondingly applicable if the facts are practiced when the results are determined after the vote has taken place.

#### Article 236

##### Obstruction of monitoring the electoral act

1. Whoever, in any way, prevents the representative of any political party or force, legally constituted and competing in the electoral act, from exercising their supervisory powers, will be punished with imprisonment of up to 3 years or a fine.

2. The attempt is punishable.

#### Article 237

##### Voting fraud

1. Anyone who votes without having the right to vote or does so more than once in relation to the same electoral event is punished with a prison sentence of up to 3 years or a fine.

2. Anyone who intentionally allows the practice of the act described in the previous paragraph will incur the same penalty.

3. The attempt is punishable.

#### Article 238

##### Vote fraud

1. Anyone who, in any way, taints the counting of votes during the counting or publication of electoral results, is punished with a prison sentence of 2 to 6 years.

2. Anyone who, with fraudulent intent, replaces, destroys, suppresses, violates, taints or falsifies voting or tabulation ballots, or documents relating to the election is subject to the same penalty.

#### Article 239

##### Refusal of electoral office

Whoever is appointed to be part of the polling stations and, unjustifiably, refuses to assume or abandons these functions, is punished with a prison sentence of up to 1 year or a fine.

#### Article 240

##### Violation of ballot secrecy

Whoever, in an electoral event carried out by secret ballot, violates said secrecy, knowing or giving knowledge of another person's voting intention, is punished with a prison sentence of up to 1 year or a fine.

#### Article 241

##### Duty of neutrality and impartiality

Electoral administration employees or those who collaborate with them who violate the duties of neutrality and impartiality are punished with a prison sentence of up to 2 years or a fine.

#### Article 242

##### The record

If anyone who commits any of the crimes provided for in this chapter performs public functions, particularly in Government, in the National Parliament, in the Armed Forces, as a judicial magistrate or Public Prosecutor, in

various police forces or other administrative bodies, the sanctions provided for in the type are increased to twice their limits.

## CHAPTER V AGAINST PUBLIC AUTHORITY

### Article 243 Obstruction of public authority

1. Whoever, by means of violence or serious threats against an employee or agent of military, militarized or police forces, opposes the performance of an act relating to the exercise of their functions or constrains the practice of an act contrary to their duties is punished with a prison sentence of 2 to 6 years.
2. If the act referred to in the previous paragraph is actually carried out or prevented from being carried out, the penalty is 2 to 8 years.

### Article 244 Disobedience

1. Whoever fails or persists in failing to comply with a legitimate order or warrant, regularly communicated and coming from a competent authority or official, is punished with a prison sentence of up to 3 years or a fine, if:
  - a) A legal provision determines it; or
  - b) If warned that their conduct is likely to generate criminal liability and the authority or official makes the corresponding penalty.
2. In cases where the legal provision qualifies the act as qualified disobedience, the penalty is 1 to 4 years in prison.
3. Disobedience to specific prohibitions or interdictions determined in a criminal sentence, as well as disobedience to additional penalties or non-custodial security measures, is punishable by the penalty referred to in number 1.

### Article 245 Removal of prisoners

1. Whoever, by illegal means, releases or, by any means, assists the escape of a person legally deprived of liberty, is punished with imprisonment from 2 to 6 years.
2. If the acts are committed with the use of violence, using weapons or with the collaboration of more than two people, the penalty is imprisonment for 2 to 8 years.

### Article 246 Evasion

1. Whoever, being legally deprived of liberty, escapes, is punished with a prison sentence of 1 to 4 years.
2. If evasion is achieved by any of the means described in number 2 of the previous article, the penalty is 2 to 6 years.

### Article 247 Employee assistance with evasion

1. Any official who assists in the commission of any of the acts provided for in the previous articles is punished with the penalties set out therein increased by one third within their limits.

2. If the official should have exercised custody or supervision over the evader and, even so, has assisted in those acts, the imposed penalties are increased by half their limits.

3. If the evasion is due solely to the gross negligence of the employee responsible for monitoring the evader, the penalty is imprisonment for up to 3 years or a fine.

#### Article 248

##### Prisoner riot

1. Those who, being legally deprived of their freedom, in concert and in common efforts with another person in the same circumstances, attack or threaten with violence, whoever is in charge of their surveillance or custody, in order to achieve their escape or of a third party, or committing an act or refraining from carrying it out, is punished with imprisonment from 2 to 8 years.

2. If, through the practice of the facts described in the previous paragraph, attempts to evade oneself or another person are achieved, the penalty is 3 to 10 years.

#### Article 249

##### Misplacement or destruction of objects under public authority

Anyone who destroys, damages or renders useless, in whole or in part, or in any way, takes away from the public authorities, to which it is attached or subject, a document or other movable object, as well as anything that has been arrested, seized or subject to precautionary measures, is punished with a prison sentence of 2 to 6 years, if a more serious penalty is not applicable due to another rule.

#### Article 250

##### Breaking of brands, seals and notices

1. Whoever opens, breaks or destroys, totally or partially, marks or seals, legitimately affixed by a competent official, to identify or keep anything inviolable, or to certify that it has been subject to arrest, seizure or precautionary measure is punished with a prison sentence of up to 3 years or a fine.

2. Anyone who, in any way, intentionally prevents the recipient from becoming aware of a notice posted by a competent official is punished with a prison sentence of up to 2 years or a fine.

### TITLE IV

#### CRIMES AGAINST PROPERTY

##### CHAPTER I

##### AGAINST PROPERTY

#### Article 251

##### Simple theft

1. Whoever, with the illegitimate intention of appropriating for himself or for others, steals someone else's movable property, is punished with a prison sentence of up to 3 years or a fine.

2. The attempt is punishable.

3. Criminal proceedings depend on a complaint.

#### Article 252

##### Aggravated robbery

1. The agent who carries out the acts referred to in the previous article is punished with a prison sentence of 2 to 8 years in prison, if:

a) The movable property of another has high scientific, artistic or historical value, or is important for the development

economic or technological development;

b) The other person's movable property is a vehicle, transported in a vehicle or by a public transport passenger, or is located at the pier or embarkation and disembarkation station;

c) The movable property of another person is used for religious worship or the veneration of the memory of the dead and is located in a place designated for worship or in a cemetery;

d) The agent takes advantage of the night to more easily commit theft;

e) The victim suffers considerable losses as a result of the appropriation;

f) The agent enters a home, public service facilities, commercial or industrial establishment with the intention of stealing;

g) The agent uses false keys, climbs or breaks in to carry out his purpose;

h) The agent takes advantage of the special vulnerable situation of the victim of a disaster, accident or public calamity;

i) The agent takes advantage of the existence of a special relationship of trust with the victim or with the owner of the place where the stolen thing is located;

j) The agent makes stealing a way of life;

k) The crime is committed by 3 or more people, including the agent;

l) The value of the thing taken is greater than 1,000 US dollars but less than or equal to 5,000 US dollars.

2. If the value of the thing taken exceeds 5,000 US dollars, the prison sentence will be 3 to 10 years in prison.

3. If more than one of the circumstances referred to in number one occur in the same conduct, it is only considered for the purpose of determining the abstract framework of the applicable legal type that has the strongest aggravating effect, with the remaining circumstances being valued as circumstances of a general nature in the determination of the measure of the penalty.

4. If the value of the stolen item is less than 50 US dollars, the circumstances referred to in paragraph 1 only act as general aggravating circumstances.

#### Article 253

##### Theft

1. Whoever, with the illegitimate intention of appropriating it for himself or for another person, steals or forces someone else's movable property to be handed over to him by means of violence against a person, threat of imminent danger to life or physical integrity or putting -if it is impossible to resist, it is punished with a prison sentence of 3 to 10 years.

2. If, simultaneously with the agent's conduct, any of the circumstances described in number 1 of the previous article occur, the prison sentence will be from 4 to 12 years.

3. If the agent's conduct results in danger to the victim's life or causes serious harm to the victim's physical integrity, the agent is punished with a prison sentence of 5 to 15 years.

4. If the agent's conduct results in death, the agent is punished with a prison sentence of 5 to 20 years.

#### Article 254

Violence after subtraction

Whoever, caught in the act of theft, acts in the ways described in the previous article with the purpose of preserving or preventing the restitution of appropriated things, is punished with the penalties for the crime of theft respectively.

Article 255

Theft of vehicle use

1. Anyone who uses a car or other motorized vehicle, aircraft, boat or bicycle without authorization from the person entitled to it, is punished with a prison sentence of up to 2 years or a fine.
2. The attempt is punishable.
3. Criminal proceedings depend on a complaint.

Article 256

Simple abuse of trust

1. Whoever illegitimately appropriates movable property that has been handed over to him by means of a non-translatable title of ownership is punished with a prison sentence of up to 3 years or a fine.
2. The attempt is punishable.
3. Criminal proceedings depend on a complaint.

Article 257

Aggravated abuse of trust

1. If the movable item has a value of more than 1,000 US dollars, the agent is punished with a prison sentence of 2 to 8 years.
2. The penalties provided for in the previous number and in article 256 are increased by one third in their minimum and maximum limits if the agent has received the thing in a deposit imposed by law, due to trade, employment or profession, or in the capacity of guardian, trustee or depository.

Article 258

Simple damage

1. Anyone who, in whole or in part, destroys, damages, defaces or renders another person's property unusable is punished with a prison sentence of up to 3 years or a fine.
2. The attempt is punishable.
3. Criminal proceedings depend on a complaint.

Article 259

Aggravated damage

Whoever, in whole or in part, destroys, damages, defaces or renders unusable a thing:

- a) Intended for public use or utility;
- b) With an important scientific, artistic or historical value or having great importance for technological or scientific development;
- c) Corresponding to a means of communication or transport of great social importance;

d) Causing a loss of more than 1,000 US dollars;

e) Extraneous, dedicated to religious worship or veneration of the memory of the dead and located in a place designated for worship or in a cemetery;

is punished with a prison sentence of 2 to 8 years or a fine.

#### Article 260

##### Damage with violence

If the facts described in articles 258 and 259 are committed with violence against a person, or threaten imminent danger to life or physical integrity, or make it impossible for them to resist, their conduct is punished with a penalty imprisonment of 4 to 12 years.

#### Article 261

##### Usurpation of property

1. Whoever, through violence or serious threat to another person, invades or occupies another person's property, with the intention of exercising rights of ownership, possession, use or easement not protected by law, sentence, contract or administrative act, is punished with a prison sentence of 1 to 4 years.

2. If the means used constitute a crime punishable by a penalty greater than that imposed in the previous paragraph, this will be the applicable penalty.

#### Article 262

##### Changing milestones

1. Whoever, with the intention of appropriating, in whole or in part, another's immovable property, for himself or for another person, removes or alters a landmark or any other sign intended to establish property limits of immovable property is punished with a prison sentence of up to 1 year or fine.

2. Criminal proceedings depend on a complaint.

#### Article 263

##### Fire

1. Anyone who wants to cause a fire in a house, building, establishment, means of transport, forest, plantation or any other asset and, in this way, create a danger to life, physical integrity or property worth more than 5,000 US dollars, is punishable by a prison sentence of 2 to 8 years.

2. If the facts described in the previous paragraph concern public property or where public services operate, the penalty is 2 to 10 years in prison.

3. The agent is punished with a prison sentence of up to 3 years or a fine if the acts are carried out negligently, if a more serious penalty is not applicable due to another legal provision.

4. If only the danger referred to in paragraph 1 is created by negligence, the penalty is 2 to 6 years in prison.

5. In the cases provided for in paragraph 4, criminal proceedings depend on a complaint.

#### Article 264

##### Active repentance

If, after committing the crimes provided for in articles 251, 252, 256 to 261 and 263, no. 4, but before the start of the trial hearing, the agent carries out acts aimed at full or partial restitution or reparation for the losses caused, the penalty can be extraordinarily mitigated.

#### Article 265

## Definitions

For the purposes of the provisions of this Code, the following are considered:

- a) "Break-in" means breaking, fracturing or destroying, in whole or in part, a device intended to close or prevent entry, externally or internally, to a house or enclosed space dependent on it;
- b) "Escalation", the entry into a house or closed place dependent on him, through a place not normally intended for entry or through any device intended to close or prevent entry or passage;
- c) "Fake keys",
  - i) Those imitated, counterfeited or altered;
  - ii) The true ones when, fortuitously or surreptitiously, they are beyond the power of whoever has the right to use them; It is
  - iii) Lockpicks or any instruments that can be used to open locks or other security devices.

## CHAPTER II AGAINST HERITAGE IN GENERAL

### Article 266 Simple scam

1. Whoever, with the intention of obtaining illegitimate enrichment for himself or for a third party, through error or mistake regarding facts that he cunningly provoked, determines another to carry out acts that cause him, or cause another person, financial loss, is punished with a prison sentence of up to 3 years or a fine.
2. The attempt is punishable.
3. The provisions of article 264 are correspondingly applicable.
4. Criminal proceedings depend on a complaint.

### Article 267 Aggravated fraud

1. Who, as a result of the conduct described in the previous article:
  - a) Cause losses exceeding 2,000 US dollars;
  - b) Make a living out of fraud;
  - c) Place the injured person in a difficult economic situation; is punished with a prison sentence of 3 to 10 years.
2. The provisions of article 264 are correspondingly applicable.

### Article 268 Computer fraud

1. Whoever, with the intention of obtaining illegitimate enrichment for himself or a third party, causes another person financial loss, interfering with the result of processing computer data or through incorrect structuring of a computer program, incorrect or incomplete use of data, use of data without authorization or intervention in any other unauthorized way in the processing, is punishable by a prison sentence of up to 3 years or a fine.
2. The attempt is punishable.

3. Criminal proceedings depend on a complaint.

#### Article 269

##### Aggravated computer fraud

When, as a result of the conduct described in the previous article, any of the circumstances described in paragraph 1 of article 267 occurs, the agent is punished with a prison sentence of 3 to 10 years.

#### Article 270

##### Extortion

1. Whoever, with the intention of obtaining illegitimate enrichment for himself or a third party, forces another person, through violence or threat of serious harm, to make a patrimonial disposition that causes harm to him or her or to another person, is punished with a penalty prison sentence of 2 to 6 years.

2. If the circumstances provided for in article 252 occur, the agent's conduct is punished with the penalties set out therein.

3. Criminal proceedings depend on a complaint.

#### Article 271

##### Simple reception

1. Whoever, without previously ensuring its legitimate origin, acquires or receives, in any capacity, something that, due to its nature or the quality of whoever holds it or offers it, or due to the amount of the price or conditions of sale or offer, makes a moderately diligent person suspect that he is committing criminal conduct against another person's property, is punished with a prison sentence of up to 2 years or a fine.

2. The procedure depends on the complaint.

#### Article 272

##### Aggravated reception

1. Whoever, with the intention of obtaining, for himself or another person, a financial advantage, conceals something obtained by another through a crime against property, to receive, to pledge, to acquire for any reason, to hold, to preserve, to transmit or contributing to transmitting it, or in any other way ensuring, for yourself or a third party, its possession or the value or product directly resulting therefrom, is punished with a prison sentence of 2 to 8 years.

2. The agent is punished for carrying out the acts described in the previous paragraph with a prison sentence of 3 to 10 years, if:

a) Make reception a way of life or habitual practice;

b) The goods, values or products have a value greater than 2,000 US dollars;

c) If, at the time of reception, the recipient is aware that the crime was committed if any of the circumstances referred to in article 253, paragraph 1, occurred.

#### Article 273

##### Help the criminal

1. Whoever, after committing a crime against property, helps the perpetrator to take advantage of the thing thus obtained or benefit directly resulting from the appropriated thing, is punished with a prison sentence of up to 1 year or a fine.

2. Criminal proceedings depend on a complaint.

Article 274

Harmful administration

1. Whoever is in charge of disposing of or administering the interests, services or assets of others, even being a member of the company or legal person to which those assets, interests or services belong, and for having intentionally violated the rules of control and of management or for having acted in serious violation of the duties inherent to the function, causing economically significant property damage, is punished with a prison sentence of 1 to 4 years.
2. If the goods, interests or services referred to in the previous number belong to the State, a public utility corporation, a cooperative or popular association, a prison sentence of 2 to 6 years.
3. The same penalties apply to anyone who illegitimately appropriates or allows to be appropriated things that they could only dispose of within the scope and for their own purposes of those who manage other people's assets.

Article 275

Negligent administration

1. Whoever, under the conditions described in paragraph 1 of the previous article, causes serious property damage by not acting with the diligence to which he was obliged under the circumstances and of which he was capable, is punished with a prison sentence of up to 1 year or traffic ticket.
2. A prison sentence of up to 2 years or a fine is imposed if the assets or interests comply with any of the situations described in number 2 of the previous article.
3. Criminal proceedings depend on a complaint.

Article 276

Bankruptcy or intentional insolvency

1. Anyone who, by any means, leads a company into bankruptcy or places itself in an insolvent situation, with the intention of harming creditors, if bankruptcy or insolvency is declared, is punished with a prison sentence of 2 to 8 years.
2. If the facts described in the previous paragraph concern public companies or cooperatives, the penalty is increased by one third in its minimum and maximum limits.

Article 277

Bankruptcy or negligent insolvency

1. Anyone who causes bankruptcy or insolvency through serious carelessness or imprudence, prodigality or clearly exaggerated expenses, or through gross negligence in the exercise of their activity, is punished with a prison sentence of up to 2 years or a fine, if the bankruptcy or insolvency is declared.
2. Criminal proceedings depend on a complaint.

TITLE V

CRIMES AGAINST THE ACHIEVEMENT OF JUSTICE

Article 278

False testimony or statement

1. Whoever gives a separate statement, making false statements regarding facts about which he must testify, after having taken an oath and having been warned of the criminal consequences to which he exposes himself by giving a false statement, is punished with a penalty imprisonment for up to 3 years or a fine.
2. The suspect or defendant is subject to the same penalty in relation to statements about identity and criminal history.

3. If, as a result of the conduct described in the previous paragraphs, someone is deprived of their freedom, the offender is punished with a prison sentence of 2 to 8 years.

#### Article 279

##### False testimony, expertise, interpretation or translation

1. Whoever, as a witness, expert, technician, translator or interpreter, before a court or competent official to receive as evidence, testimony, report, information or translation, give testimony, present a report, give information or make false translations, is punished with a prison sentence of up to 4 years or a fine.

2. Anyone who, without just cause, refuses to testify or present a report, information or translation.

3. If the act referred to in paragraph 1 is committed after the agent has taken an oath and has been warned of the criminal consequences to which he or she is exposed, the penalty is imprisonment for up to 5 years.

4. If, as a result of the conduct described in the previous paragraphs, someone is deprived of their liberty, the offender is punished with a prison sentence of 2 to 8 years.

#### Article 280

##### Comparison to withdrawal

The repentance and retraction of the agent who has committed any of the acts described in the previous article before the effects of the falsehood were taken into account in the decision or caused harm to another person, is equivalent to withdrawal.

#### Article 281

##### Bribery

1. Whoever convinces or attempts to convince another person, through a gift or promise of a material or non-material advantage, to commit any of the acts referred to in articles 278 or 279, is punished with a prison sentence of up to 4 years, when such practice occurs.

2. If the acts referred to in articles 278 and 279 do not occur, the agent is punished with a prison sentence of up to 3 years or a fine

#### Article 282

##### Denial of justice

1. An official who, in the context of procedural investigation, judicial proceedings, for administrative offenses or disciplinary proceedings, consciously decides or does not decide, promotes or does not promote, investigates or does not investigate or carries out an act in the exercise of his/her duties, contrary to law, is punishable by up to 3 years in prison or a fine.

2. If the act described in the previous paragraph is committed with the intention of harming or benefiting someone, the employee is punished with a prison sentence of up to 5 years.

3. If the conduct described in the previous paragraphs results in the deprivation of a person's liberty, the offender is punished with a prison sentence of 2 to 8 years.

4. If the previous conducts are carried out with gross negligence, the penalties are reduced by half in their minimum and maximum limits.

#### Article 283

##### Coercion on magistrate

1. Anyone who, through violence, threats of serious harm or any other means, acts

in order to prevent a judge or public prosecutor from freely exercising their functions, is punished with a prison sentence of 1 to 4 years.

2. If the agent carries out the acts taking advantage of being held in a political, public, military or police position, the penalty is 2 to 8 years in prison.

3. If, as a result of the conduct described in the previous paragraphs, the judge omits or performs an act in violation of an express law that results in harm to third parties, the penalty is 3 to 10 years in prison.

#### Article 284

##### Obstruction of judicial activity

1. Anyone who, by any means, opposes, hinders or prevents the fulfillment or execution of a final judicial decision is punished with a prison sentence of 2 to 5 years.

2. If the agent who commits the acts described in the previous paragraphs performs any political, public or military function that, by its nature, should inhibit him from carrying out such acts, he will be punished with a prison sentence of 2 to 8 years.

#### Article 285

##### Slandering denunciation

1. Whoever, by any means, before authority or publicly, with awareness of the falseness of the accusation, denounces or places suspicion on a certain person of the commission of a crime, with the intention of having it committed against that person criminal proceeding, is punishable by up to 3 years in prison or a fine.

2. If the false accusation refers to an administrative offense or disciplinary offense, the penalty will be extraordinarily mitigated.

3. If the facts described in the previous paragraphs are intentionally promoted by an official responsible for initiating the respective procedure, the applicable penalties are increased by one third in their minimum and maximum limits.

#### Article 286

##### Non-participation

Whoever, having knowledge of the commission of a public crime and, being obliged to participate in it, fails to do so, is punished with the penalty corresponding to the crime he covered up, reduced by two thirds in its minimum and maximum limits.

#### Article 287

##### Malfeasance by magistrate or official

1. The judge, public prosecutor or official who, at any stage of a judicial process, with the intention of benefiting or harming another person, performs any act within the scope of the functional powers held by him or omits an act that he should perform, knowingly and against the law, is punished with a prison sentence of 2 to 6 years.

2. If the facts described in the previous paragraph result in the deprivation of liberty of any person or if they cause a situation of illegal arrest or detention, the penalty is 3 to 10 years in prison.

#### Article 288

##### Malfeasance by lawyer or public defender

1. Any lawyer or public defender who intentionally harms a case under his or her sponsorship is punished with a prison sentence of 1 to 4 years.

2. The lawyer or public defender who, in the same case, advocates or practices defense in relation to

Persons whose interests are in conflict, with the intention of acting for the benefit or harm of any of them, are punished with a prison sentence of 2 to 6 years.

#### Article 289

##### Crime simulation

1. Whoever, without attributing it to a specific person, reports a crime or causes suspicion of its commission to the competent authority, knowing that it has not been verified, is punished with a prison sentence of up to 2 years or a fine.
2. If the act involves a misdemeanor, administrative offense or disciplinary offense, the agent is punished with a prison sentence of up to 1 year or a fine.
3. If the acts described in the previous paragraphs are committed by officials in charge of initiating the respective procedure, the applicable penalties are increased by one third within their limits.

#### Article 290

##### Personal favor

1. Whoever, totally or partially, prevents, frustrates or deceives the evidentiary or preventive activity of a competent authority, with the intention or with awareness of preventing another person who committed a crime from being subjected to a penalty or security measure, is punished with a prison sentence of up to 3 years or fine.
2. The attempt is punishable.
3. If favoritism is carried out by an official who intervenes or has the authority to intervene in the process or who is responsible for executing a sentence or security measure or ordering its execution, the penalty is 2 to 5 years in prison.
4. The practice of acts described in number 1 is not punishable when:
  - a) The perpetrator of the act seeks at the same time to prevent the application or execution of a sentence or security measure against him;
  - b) The agent is the spouse, descendant, ascendant, adopter or adoptee, family member or similar up to the second degree of the person for whom the action was taken or who lives with the person in a situation similar to that of the spouses.

#### Article 291

##### Violation of judicial secrecy

1. Anyone who, in violation of legal provisions and without just cause, makes public the content of a criminal procedural act covered by judicial secrecy or for which it has been decided to exclude publicity, is punished with a prison sentence of 1 to 4 years.
2. If the violation is carried out through a media outlet, the penalty is 2 to 6 years in prison.

### TITLE VI

#### CRIMES PERMITTED IN THE EXERCISE OF PUBLIC FUNCTIONS

#### Article 292

##### Passive corruption for illicit act

1. The employee who, by himself, or through a personal intermediary, with his consent or ratification, requests or accepts, for himself or for a third party, without being owed to him, a material or non-material advantage, or his promise, for any act or omission contrary to the duties of the position, even if prior to that request or acceptance, is punished with a prison sentence of 3 to 15 years.
2. If the agent, before committing the act, voluntarily repudiates the offer or promise he had accepted, or returns the advantage, or, in the case of a fungible thing, its value, he is exempt from punishment.

3. The penalty is especially mitigated if the agent specifically assists in the collection of decisive evidence for the identification or capture of other perpetrators.

#### Article 293

##### Passive corruption for a lawful act

1. The employee who, by himself, or through an intermediary, with his consent or ratification, requests or accepts, for himself or for a third party, without being owed to him, a material or non-material advantage, or his promise, to any act or omission not contrary to the duties of the position, even if prior to that request or acceptance, is punished with a prison sentence of up to 3 years or a fine.

2. The same penalty applies to an employee who, by himself, or through an intermediary, with his consent or ratification, requests or accepts, for himself or for a third party, without being owed to him, a financial or non-material advantage from a person who before him has had, has or will have any claim dependent on the exercise of their public functions.

#### Article 294

##### Active corruption

1. Whoever, by himself, or through an intermediary with his consent or ratification, gives or promises to an employee, or to a third party with his knowledge, a material or non-material advantage that is not owed to the employee, for the purpose indicated in the article 292nd, is punished with a prison sentence of 3 to 10 years.

2. If the purpose of the conduct described in the previous paragraph is as indicated in article 293, the agent is punished with a prison sentence of up to 2 years or a fine.

#### Article 295

##### Embezzlement

1. An official who illegitimately appropriates for his own benefit or that of another person, money or movable property, public or private, that is delivered to him, is in his possession or is accessible to him due to his duties, is punished with the penalty of imprisonment of 3 to 10 years, if a more severe penalty is not applicable due to another legal provision.

2. If the employee lends, pledges or, in any way, encumbers the values or objects referred to in the previous paragraph, he or she will be punished with a prison sentence of up to 3 years or a fine, if a more severe penalty is not applicable under another legal provision. .

3. If the values or objects referred to in the previous paragraphs exceed 5,000 US dollars, the penalties are, respectively, imprisonment of 4 to 12 years or 2 to 5 years.

4. If the values or objects referred to in number 1 are worth less than 50 US dollars, the offender is punished with a prison sentence of up to 3 years or a fine.

#### Article 296

##### Embezzlement of use

An employee who uses, or allows another person to use for purposes other than those for which they were intended, vehicles or other movable things of significant value, which are delivered to him, are in his possession or are accessible to him due to his duties, for obtaining, for yourself or for a third party, an illegitimate benefit or causing harm to someone, is punished with imprisonment for up to 2 years, if those things are in your possession or are accessible to you due to your functions.

#### Article 297

##### Power abuse

An employee who abuses powers or violates duties inherent to his/her duties, with the intention of obtaining

self or for a third party, illegitimate benefit or causing harm to another person, is punished with a prison sentence of 1 to 4 years, if a more serious penalty is not applicable due to another legal provision.

#### Article 298

##### Abusive use of public forces

Any official who, being competent to use, request or order the use of public force, does so to prevent the execution of the law, a regular court order or a legitimate order from a public authority, is punished with a prison sentence of up to 3 years, if a more serious penalty is not applicable under another legal provision.

#### Article 299

##### Economic participation in business

1. An official who, due to the exercise of a public position, must intervene in a contract or other operation or activity, and takes advantage of this condition, to obtain for himself or for a third party, directly or through an intermediary, a financial advantage, or, by any other form, illicit economic participation and thus harming the public interests that it is responsible for administering, monitoring, defending or carrying out, is punished with a prison sentence of 2 to 8 years.

2. If the previous conduct results in losses to the State exceeding 10,000 US dollars, the prison sentence is 3 to 15 years.

#### Article 300

##### Refusal to cooperate

An official who, having been legitimately requested by the competent authority to provide due cooperation for the administration of justice or any other public service, and refuses to provide it or without a justified reason for not providing it, is punished with a prison sentence of up to 3 years or with a fine.

#### Article 301

##### The record

1. When the crimes referred to in this Title are committed by political office holders or magistrates, the penalties imposed are increased by one third of their maximum limit.

2. The non-criminal and procedural effects in relation to the situations referred to in the preceding paragraph are established in special legislation.

#### Article 302

##### Employee concept

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

a) The civil servant;

b) The administrative agent;

c) Members of the armed forces and police;

d) Whoever, even provisionally or temporarily, for remuneration or free of charge, voluntarily or obligatorily, has been called upon to perform or participate in the performance of an activity included in the public administrative or judicial function, or, in some circumstances, perform functions in public benefit bodies or participate in them.

e) A foreign public official who holds a legislative, executive, administrative or judicial position in a foreign country, already appointed or sworn in, or a person who performs a public function for a foreign country, including in a public body or a public company.

f) The employee of a public international organization whom such organization has authorized to act in its name

2. For criminal purposes, the provisions of this title apply to anyone who performs political, governmental or legislative functions.

## TITLE VII

### FORGERY CRIMES

#### CHAPTER I

#### DOCUMENT FORGERY

##### Article 303

##### Forgery of document or technical notation

1. Whoever, with the intention of causing harm to another person or the State, or obtaining an illegitimate benefit for himself or another person:

a) Manufacture a false document or technical notation, forge or alter a document or abuse another person's signature to prepare a false document;

b) Falsely making a legally relevant fact appear in a document or technical notation;

c) Falsely attest, based on professional, technical or scientific knowledge, about the physical or mental state or quality of a person, animals or things;

d) Use any of the documents or technical notations referred to in the previous paragraphs, manufactured or falsified or issued by another person;

is punishable by up to 3 years in prison or a fine.

2. Forgery of technical notation is equivalent to disruptive action on technical or automatic devices through which the results of the notation are influenced.

3. The attempt is punishable.

##### Article 304

##### Aggravated forgery

1. If the facts referred to in number 1 of the previous article relate to an authentic document or document with equal force, a sealed will, a postal order, a bill of exchange, a check, other commercial documents transferable by endorsement or technical notation relating to the identification, in part or in whole, of motor vehicles, aircraft or boats, the agent is punished with imprisonment from 2 to 6 years.

2. If the acts described in the previous number or in number 1 of article 309 are committed by an official in the exercise of his duties, the penalty is 2 to 8 years in prison.

##### Article 305

##### Public document falsification

An official who, in the exercise of his duties, with the intention of causing harm to another person or the State, or obtaining an illegitimate benefit for himself or another person:

a) Omit the fact that the document to which the law attributes public faith is intended to certify or authenticate; or

b) Interspersing an act or document in an official protocol, register or book without complying with legal formalities;

is punished with a prison sentence of 2 to 6 years.

Article 306

Use of someone else's identification document

Anyone who, with the intention of causing harm to another person or the State, uses an identification document held by another person, is punished with a prison sentence of up to 1 year or a fine.

CHAPTER II

COIN COUNTERFEIT

Article 307

Currency counterfeiting

1. Whoever commits counterfeiting of currency or depreciates legitimate metallic currency, with the intention of putting it into circulation as real, is punished with imprisonment from 3 to 10 years.
2. If the agent, in addition to carrying out the acts described in the previous paragraph, actually puts the currency into circulation, the penalty is increased by a third of the maximum limit.
3. Whoever, in agreement with the forger, exhibits for sale, puts into circulation or by any other means disseminates the coin is punished with a prison sentence of 3 to 10 years.

Article 308

Passing of counterfeit currency

Whoever, outside of the cases referred to in the previous article, acquires to put into circulation or actually puts into circulation, sells or by any means disseminates counterfeit or depreciated currency, as if it were real, is punished with imprisonment from 2 to 6 years.

Article 309

Counterfeiting of sealed or stamped securities

1. Whoever, in order to sell, use or in any other way put them into circulation as legitimate, commits counterfeiting or forgery of sealed or stamped values whose manufacture and supply belongs exclusively to the Timorese State, is punished with imprisonment from 2 to 8 years.
2. Anyone who commits the acts described in relation to postal stamps or any other means of postage in use by Correios de Timor-Leste is punished with a prison sentence of up to 3 years or a fine.
3. The use of counterfeit products referred to in the previous paragraphs, knowing that they are counterfeit, is punishable by a prison sentence of up to 2 years or a fine.
4. The attempt is punishable.

Article 310

Counterfeiting of stamps, stamps, marks or seals

1. Anyone who, with the intention of using them as authentic or intact, acquires, counterfeits or falsifies seals, stamps, marks or seals of any public authority or department is punished with a prison sentence of 2 to 6 years.
2. Whoever uses the objects referred to in the previous paragraph knowing they are counterfeit or without authorization from the person responsible, to cause harm to another person or the State, is punished with imprisonment for up to 3 years or a fine.
3. If the person using the aforementioned objects is the forger himself, the penalty in number 1 is increased by one third in the maximum limit.
4. Attempting to commit the acts described in number 2 is punishable.

#### Article 311

##### Weights and Measures

1. Whoever, with the intention of harming another person or the State, falsifies or by any other means alters or uses after carrying out such acts, weights, measures, scales or other measuring instruments, is punished with imprisonment for up to 3 years or a fine.
2. The attempt is punishable.

#### Article 312

##### Seizure and loss

Counterfeit, falsified or differentiated coins and similar objects are seized and put out of use or destroyed, as well as weights, measures or any and all instruments used to commit the crimes set out in this Title.

### TITLE VIII

#### CRIMES AGAINST THE ECONOMY

#### Article 313

##### Money laundering

1. Whoever, knowing that the goods or products come from the commission of crimes, in any form of participation, terrorism, trafficking in weapons or nuclear products, trafficking or sale of people, pornography involving minors, corruption, fraud or extortion, tax fraud, trafficking in protected species and trafficking in human organs or tissues or other serious crimes, the minimum sentence for which is higher than 4 years in prison:

a) Convert, transfer, assist or facilitate any conversion or transfer operation of these goods or products, in whole or in part, directly or indirectly, with the aim of hiding or disguising their illicit origin or helping a person involved in the commission of any of these offenses to avoid the legal consequences of their acts; or

b) Hide or disguise the true nature, origin, location, disposition, movement or properties of these goods or products or rights relating to them;

c) Acquire or receive such advantages in any capacity or use or hold or maintain them,

is punished with a prison sentence of 4 to 12 years in prison.

2. The punishment for the acts provided for in subparagraphs a) to c) of the previous number takes place even if the facts that make up the underlying crime were committed outside the national territory or even if the place where the act was committed or the identity is unknown. of the authors.

3. The knowledge, intention or purpose required as constitutive elements of the crime can be recognized from actual and concrete factual circumstances.

4. To demonstrate and prove the illicit origin of the income, it is not necessary for the agent to be previously convicted of committing the underlying crime.

5. The predicate offense includes crimes committed outside the national territory, when the acts are constituted as a crime in the state where they were committed and within the territory of Timor-Leste.

6. The crime of money laundering does not apply to people who commit the underlying crime.

7. Attempted money laundering is punishable and may be subject to a reduced sentence in general terms.

8. The punishment provided for the practice of typical illegal acts described in subparagraphs a) to c) of number 1 must not exceed the maximum limit foreseen for the corresponding underlying offenses.

Article 314

Tax fraud

1. Whoever, in order not to pay or allow a third party not to pay, in whole or in part, any tax, fee or other fiscal pecuniary obligation owed to the State, by:

- a) Not declaring the facts subject to taxation or those necessary for its settlement;
- b) Incorrectly declare the facts on which the taxation is based; or
- c) Prevent by any means or withhold the elements necessary for a correct supervision of the activity or facts subject to taxation.

is punished with a prison sentence of 2 to 6 years.

2. If the amount owed and not paid exceeds 5,000 US dollars, the agent is punished with a prison sentence of 2 to 8 years.

Article 315

Illegal import and export of goods or merchandise

1. Anyone who exports or imports, without a license, goods or merchandise whose export or import, by legal determination, is dependent on a license from any entity, or without passing through customs, is punished with imprisonment for up to 3 years or a fine.

2. If the acts are carried out negligently, the penalty is imprisonment for up to 1 year or a fine.

Article 316

Smuggling

1. Whoever imports or exports goods or merchandise without taking them through customs or other mandatory passage controls for the entry or exit of goods or merchandise from the territory of Timor-Leste, is punished with a prison sentence of 2 to 6 years or a fine.

2. If the value of the goods or merchandise exceeds 10,000 US dollars or if the agent commits the acts described in the previous number on a habitual basis, the penalty is imprisonment of 2 to 8 years or a fine.

3. If the conduct referred to in the previous paragraphs concerns goods or merchandise subject to a license or whose import or export is prohibited, the penalties referred to in the previous paragraphs are increased by one third within their limits.

Article 317

Misdirection

1. Anyone who imports or exports goods or merchandise, completely or partially exempting themselves from paying customs duties or fees due for their entry or exit, is punished with a prison sentence of 1 to 4 years or a fine.

2. If the value of the goods or merchandise exceeds 10,000 US dollars or if the agent commits the acts described in the previous number on a habitual basis, the penalty is imprisonment of 2 to 6 years or a fine.

Article 318

Exemption from penalty

The person committing the acts described in the previous articles may be exempt from penalty whenever they voluntarily pay the customs duties or fees that may be paid and the conduct is occasional.

Article 319

Irregular administration of public funds

1. Anyone who uses public funds differently than what is legally established will be punished with imprisonment for up to 2 years or a fine.
2. If the purpose of the irregular application is not carried out for a public purpose, which is the legally established purpose, the penalty is imprisonment for 2 to 6 years.

Article 320

Disobedience to requisition of goods

1. Anyone who fails to comply with the requisition, ordered by the Government, of goods considered essential to the supply of economic activities or public consumption, is punished with a prison sentence of 1 to 4 years or a fine.
2. Negligent conduct is punishable by up to 1 year in prison or a fine.

Article 321

Destruction of goods relevant to the economy

1. Anyone who, by any means, destroys, damages or renders their own assets of relevant interest to the national economy unusable or in any other way removes them from the fulfillment of legal duties imposed on account of the national economy is punished with a prison sentence of up to 3 years or fine.
2. Negligent conduct is punishable by imprisonment for up to 1 year or a fine.

Article 322

Illegal gaming exploitation

1. Anyone who, in any way, operates a game of fortune or chance outside legally authorized locations and without due legal authorization, or ensures luck through error, mistake or use of any equipment, is punished with a prison sentence up to 3 years or with a fine.
2. Games of chance are those whose outcome is uncertain as they are based exclusively or fundamentally on luck.

Article 323

Disruption of public act

Whoever, with the intention of preventing or harming the results of a judicial auction or against a public auction or tender, manages, through a gift, promise, violence or threat, that someone does not bid or does not compete or that, despite bidding and bidding, the does so under conditions of lack of freedom in carrying out those acts, is punishable by imprisonment for up to 3 years or a fine.